

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 8, 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. The meeting was called to order at 9:01 a.m., by the County Executive, Mr. Foley. Mr. Foley stated that this is the Board of Supervisors' organizational meeting for calendar year 2014.

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

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Agenda Item No. 4. Election of Chairman.

Mr. Foley stated that the first order of business at the meeting was election of the Chairman. He then opened the floor for nominations for Chairman of the Board for Calendar Year 2014.

Ms. Mallek **nominated** Ms. Jane Dittmar to serve as Chair of the Board of Supervisors for Calendar Year 2014. There were no other nominations.

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

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

Mr. Foley turned the gavel over to Ms. Dittmar.

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Agenda Item No. 5. Election of Vice-Chairman.

Ms. Dittmar opened the floor for nominations for Vice-Chairman of the Board for Calendar Year 2014.

Mr. Sheffield **nominated** Ms. Diantha McKeel to serve as Vice-Chair of the Board of Supervisors for Calendar Year 2014. There were no other nominations.

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

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

Ms. Dittmar welcomed the newly elected Supervisors – Diantha McKeel, Liz Palmer and Brad Sheffield – and said they would be joining her along with Immediate Past Chair, Ann Mallek and Ken Boyd. She stated that the Board members look forward to serving the community.

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Agenda Item No. 6. Appointment of Clerk and Senior Deputy Clerk.

Ms. Mallek **moved** to appoint Ms. Ella Jordan as Clerk and Mr. Travis Morris as Senior Deputy Clerk. Ms. McKeel **seconded** the motion.

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

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

Ms. Dittmar thanked Ms. Jordan for her 28 years of continuous service to the Board, and Mr. Morris for his two years of service.

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Agenda Item No. 7. Board 2014 Calendar:

Item No. 7a. Set Meeting Times, Dates and Places for Calendar Year 2014.

Ms. Mallek **moved** to adopt the meeting schedule as set out in the agenda packet which is: the first Wednesday of the month at 9:00 a.m., the second Wednesday of the month at 6:00 p.m., with meetings to be held in the County Office Building on McIntire Road; meeting dates for **January, 2015** will be January 7, 2015 at 9:00 a.m. and January 14, 2015 at 6:00 p.m. Mr. Boyd **seconded** the motion.

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

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

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Item No. 7b. Set Dates for Hearing Zoning Text Amendments Requested by Citizens.

Ms. Mallek **moved** to consider zoning text amendment requests from citizens on the dates listed in the Board packets - September 10 and December 10, 2014, and March 11 and June 10, 2015. Ms. McKeel **seconded** the motion.

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

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

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Agenda Item No. 8. Adoption of Rules of Procedures/Policies:

Item No. 8a. Rules of Procedure.

Ms. Mallek **moved** to propose the addition of the words "plus one" after "majority" in Item 8H, under Suspension of Rules, in the Board's Rules of Procedure.

Mr. Boyd asked what the rationale was behind that particular motion.

Ms. Mallek said that she is proposing it so the Board has more deliberation about suspension of the rules, and it does not happen with the standard majority. It should take a higher standard to suspend the rules than just a majority.

Mr. Boyd asked if she was considering it to be a "super-majority," because that is what they already have to pass a motion.

Mr. Davis said that currently the rules can be suspended by a majority vote of the Board, which means that if all Board members were present, it would take four votes and if there was a Board member absent, it would take three votes. This rule requires a majority plus one – so it would require five votes to suspend the rules with full attendance and four votes to suspend the rules with five members present; if there were four members in attendance it would require a unanimous vote.

Ms. Mallek stated that she felt it would help restore confidence in the citizenry that the Board has processes they can count on.

Mr. Boyd said that he disagrees with it; has been a long-standing rule that has only been suspended once in his tenure on the Board. Ms. Mallek added that the suspension of the rules was with great consequences. Mr. Boyd commented that it was not.

Ms. Palmer stated that she agrees with Ms. Mallek that it is important for restoring confidence with the community, and she **seconded** the motion.

Ms. Dittmar asked Ms. Mallek to re-state her motion.

Ms. Mallek said that the new wording would be: "These rules of procedure may be suspended by the majority vote plus one of the Board members present and voting."

Mr. Davis stated that it would read better if it said, "a majority vote plus one of the Board." Ms. Mallek agreed to that change.

Ms. Palmer reconfirmed that she still seconded the motion.

Mr. Boyd said that he was going to vote against this not because he disagrees with the concept, but because he disagrees with the premise that there is a loss of confidence in the Board because of a one-time vote.

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.

Ms. Dittmar asked if there were other areas of procedure to discuss.

Ms. McKeel mentioned that there were several places in the rules of procedure that reference the Chairperson for situations where staff would need to go to the Board, and she suggested that the rules clarify that the Vice-Chair would be the point of contact were the Chair not available.

Ms. Mallek said that was a standing assumption.

Ms. McKeel stated that she thinks the Board needs to clarify it in the rules. An example would be having the Clerk establish the agenda for the meetings in consultation with the Chair and the Vice-Chair.

Ms. Mallek said that is the choice of the Chair as to whether to include the Vice-Chair in that process, and she would prefer to leave it that way.

Ms. Dittmar asked Ms. McKeel if she wished to leave it at the Chair's discretion, knowing that would be the case.

Ms. McKeel agreed, stating that as long as that is the intent, it is acceptable to her.

Mr. Boyd stated that in the past it has been an accepted procedure that if a Board member is appointing someone from his or her magisterial district, then it would be done without consultation with other Board members even though there must be a final approval by the entire Board.

Mr. Davis said that this was brought to his attention and this was just a clarification to specify that all appointments are Board appointments – with the district representative nominating that person. He reiterated that it is not a substantive change.

Ms. Palmer stated that the four new members attended a Supervisors' training by the Virginia Association of Counties recently, and there was a lot of discussion about what constitutes a public record and what information they needed to keep as a Board of Supervisors, as well as what the Board members need to have in terms of telephones, etc. in order to do their job. She suggested having a benchmark survey of other localities to see how it is done in other like communities with respect to compensation, privileges and benefits.

Ms. Mallek said that it seems to her to be more of a financial thing than an operations topic.

Ms. Dittmar suggested looking at all of the items mentioned by Ms. Palmer, and if they are financial or operational, they won't have to bring them back. There is a procedure for making changes to the Board's Rules.

Ms. Dittmar asked if they were finished with their discussion on procedures.

There was no further Board comment.

Ms. Mallek then **moved** to adopt the Rules and Procedure, as modified. Mr. Sheffield **seconded** the motion.

Roll was 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:** The Rules of Procedure as adopted are set out in full below.)

## **RULES OF PROCEDURE ALBEMARLE BOARD OF COUNTY SUPERVISORS**

These rules of procedure are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors. Their purpose is to help the Board conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order's Procedure in Small Boards* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before the Board. Further, the Board reserves the right to suspend or amend the rules of procedure whenever a majority of the Board decides to do so. The failure of the Board to strictly comply with the rules of procedure shall not invalidate any action of the Board.

### **A. Officers**

1. *Chairman.* The Board at its annual meeting shall elect a Chairman who, if present, shall preside at such meeting and at all other meetings during the year for which elected. In addition to being presiding officer, the Chairman shall be the head official for all the Board's official functions and for ceremonial purposes. He shall have a vote but no veto. (Virginia Code §§ 15.2-1422 and 15.2-1423)
2. *Vice-Chairman.* The Board at its annual meeting shall also elect a Vice-Chairman, who, if present, shall preside at meetings in the absence of the Chairman and shall discharge the duties of the Chairman during his absence or disability. (Virginia Code § 15.2-1422)
3. *Term of Office.* The Chairman and Vice-Chairman shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms. (Virginia Code § 15.2-1422)
4. *Absence of Chairman and Vice-Chairman.* If the Chairman and Vice Chairman are absent from any meeting, a present member shall be chosen to act as Chairman.

B. *Clerk and Deputy Clerks*

The Board at its annual meeting shall designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board. The duties of the Clerk shall be those set forth in Virginia Code § 15.2-1539 and such additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)

C. *Meetings*

1. *Annual Meeting.* The first meeting in January held after the newly elected members of the Board shall have qualified, and the first meeting held in January of each succeeding year, shall be known as the annual meeting. At such annual meeting, the Board shall establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code § 15.2-1416)

2. *Regular Meetings.* The Board shall meet in regular session on such day or days as has been established at the annual meeting. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect in accord with Virginia Code § 15.2-1416. If any day established as a regular meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)

If the Chairman (or Vice Chairman, if the Chairman is unable to act) finds and declares that weather or other conditions are such that it is hazardous for Board members to attend a regular meeting, such meeting shall be continued to the next regular meeting date. Such finding shall be communicated to the members of the Board and to the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code § 15.2-1416)

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416)

3. *Special Meetings.* The Board may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the Board finds necessary and convenient. (Virginia Code § 15.2-1417)

A special meeting shall be held when called by the Chairman or requested by two or more members of the Board. The call or request shall be made to the Clerk of the Board and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk, after consultation with the Chairman, shall immediately notify each member of the Board, the County Executive, and the County Attorney. The notice shall be in writing and delivered to the person or to his place of residence or business, or if requested by a member of the Board, by electronic mail or facsimile. The notice shall state the time and place of the meeting and shall specify the matters to be considered. No matter not specified in the notice shall be considered at such meeting unless all members are present. The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code § 15.2-1418) The Clerk shall notify the general news media of the time and place of such special meeting and the matters to be considered.

D. *Order of Business*

1. *Agenda.* The Clerk of the Board shall establish the agenda for all meetings in consultation with the Chairman. The first two items on the agenda for each regular meeting of the Board shall be the Pledge of Allegiance and a moment for silent meditation.

a. At regular meetings of the Board, the order of business shall generally be as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of Final Agenda.
5. Brief Announcements by Board Members.
6. Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.
8. Consent Agenda.
9. General Business (To include Public Hearings, Presentations, Work Sessions, Appointments, and other Action Items).
10. From the Board: Committee Reports and Matters Not Listed on the Agenda.
11. Adjourn.

A Closed Meeting shall be held whenever necessary. Generally, a Closed Meeting will be scheduled at the midpoint of the agenda at day Board meetings and at the end of the agenda prior to adjournment at evening Board meetings.

- b. The above order of business may be modified by the Clerk of the Board to facilitate the business of the Board.
2. *Adoption of Final Agenda.* The first order of business for a regular meeting of the Board shall be to adopt a final agenda for that meeting. The Board may modify the order of business as part of the adoption of the final agenda. In addition, any Board member may propose to add additional items to the agenda presented by the Clerk for action if notice of that item has been given in writing or by email to all Board members, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting. Any such item shall be added to the end of the agenda for discussion or action unless a majority of the members of the Board agree to consider the item earlier on the agenda. The final agenda shall be adopted by a majority vote of the members of the Board. No matter for action not included on the final agenda shall be considered at that meeting.
3. *Consent Agenda.* The "Consent Agenda" shall be used for matters that do not require discussion or comment and are anticipated to have the unanimous approval of the Board. There shall be no discussion or comment on Consent Agenda matters. Any Board member may remove an item from the Consent Agenda. Any item removed from the Consent shall be moved to a specific time or to the end of the meeting agenda for further discussion or action. A matter requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.
4. *From the Board: Committee Reports and Matters Not Listed on the Agenda.* "From the Board: Committee Reports and Matters Not Listed on the Agenda" shall be the last order of business for a regular meeting of the Board unless a majority of the members of the Board agree to consider the item earlier on the agenda. It shall be limited to matters that are not substantial enough to be considered as additional agenda items to be added to the final agenda. Such matters are not matters to be acted upon by the Board at that meeting. Routine committee reports and information updates by Board members shall be presented under this agenda item.
5. *Public Comment.* The procedures for receiving comment from the public for matters not on the agenda shall be at the discretion of the Board. Unless otherwise decided, individuals will be allowed a three-minute time limit in which to speak during the time set aside on the agenda for "From the Public: Matters Not Listed for Public Hearing on the Agenda".
6. *Zoning Public Hearings.* Zoning applications advertised for public hearing shall be on the agenda for public hearing on the advertised date unless the applicant submits a signed written deferral request to the Clerk of the Board no later than noon on Wednesday of the week prior to the scheduled public hearing. The first request for a deferral will be granted administratively by the Clerk. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. Any request received later than the Wednesday deadline and any subsequent request for a deferral for the same application previously deferred will be granted only at the discretion of the Board by a majority vote. The deferral shall not be granted unless the Board determines that the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff will make every effort to alert the public when a deferral is granted.

It is the Board's preference that a public hearing for a zoning matter should not be advertised until all of the final materials for a zoning application have been received by the County and are available for public review. To achieve this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than two business days prior to the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks advance notice of the deadline.

If the applicant does not submit the required materials by this date, the public hearing shall not be advertised unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If not advertised, a new public hearing date will be scheduled. If the public hearing is held without final materials being available for review throughout the advertisement period due to a late submittal of documents, or because substantial revisions or amendments are made to the submitted materials after the public hearing has been advertised, it will be the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application, unless the Board finds that the deferral would not be in the public interest or not forward the purposes of this policy.

Final signed proffers shall be submitted to the County no later than nine calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Board members at the public hearing.

E. *Quorum*

A majority of the members of the Board shall constitute a quorum for any meeting of the Board. If during a meeting less than a majority of the Board remains present, no action can be taken except to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415)

A majority of the members of the Board present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning such meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

F. *Voting Procedures*

1. *Approval by Motion.* Unless otherwise provided, decisions of the Board shall be made by approval of a majority of the members present and voting on a motion properly made by a member and seconded by another member. Any motion that is not seconded shall not be further considered. The vote on the motion shall be by a voice vote. The Clerk shall record the name of each member voting and how he voted on the motion. If any member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chairman and recorded by the Clerk. A tie vote shall defeat the motion voted upon. A tie vote on a motion to approve shall be deemed a denial of the matter being proposed for approval. (Article VII, § 7, Virginia Constitution)
2. *Special Voting Requirements.* A recorded affirmative vote of a majority of all elected members of the Board shall be required to approve an ordinance or resolution (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Virginia Code § 15.2-1428)
3. *Public Hearings.* The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of such matter. The procedures for receiving comment from the applicant and the public for public hearings shall be at the discretion of the Board. Unless otherwise decided, the applicant shall be permitted no more than ten minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted no more than three minutes to present public comment. Speakers are limited to one appearance at any public hearing. Following the public comments, the applicant shall be permitted no more than five minutes for a rebuttal presentation.
4. *Motion to Amend.* A motion to amend a motion before the Board, properly seconded, shall be discussed and voted by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
5. *Previous Question.* Discussion of any motion may be terminated by any member moving the "previous question". Upon a proper second, the Chairman shall call for a vote on the motion of the previous question. If approved by a majority of those voting, the Chairman shall immediately call for a vote on the original motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.
6. *Motion to Reconsider.* Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the matter was decided. The motion to reconsider may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the matter for discussion in the exact position it occupied before it was voted upon.
7. *Motion to Rescind.* Any decision made by the Board, except for zoning map amendments, special use permit decisions, and ordinances, (these exceptions shall only be subject to reconsideration as provided above) may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Zoning map amendments, special use permit decisions and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on such matters as if it were a new matter before the Board for consideration.

G. *Amendment of Rules of Procedure*

These Rules of Procedure may be amended by a majority vote of the Board at the next regular meeting following a regular meeting at which notice of the motion to amend is given.

H. *Suspension of Rules of Procedure*

These Rules of Procedure may be suspended by a majority plus one vote of the Board members present and voting. The motion to suspend a rule may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the Board. Provided, however, approval of a motion to suspend the rule shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

I. Necessary rules of procedure not covered by these Rules of Procedures shall be governed by *Robert's Rules of Order Procedure in Small Boards*.

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Item No. 8b. Boards and Commissions Policy.

Ms. Dittmar stated that they would next review the Boards and Commissions Policy.

Mr. Davis stated that the only change other than the one referenced by Mr. Boyd was in Paragraph 8, which was a policy decision the last Board made regarding appointments to community advisory councils in an effort to avoid constant reappointments as vacancies occurred.

Ms. Mallek **moved** to adopt the Boards and Commissions Policy, as modified. Ms. McKeel **seconded** the motion.

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

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

NAYS: None.

(**Note:** The Policy for Boards and Commissions is set out in full below.)

**ALBEMARLE COUNTY BOARD OF SUPERVISORS  
POLICY FOR BOARDS AND COMMISSIONS**

**A. CREATION OF NEW BOARDS AND COMMISSIONS**

1. On an annual basis the list of active boards and commissions will be purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior twelve-month period.

2. Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.

3. Any newly created task force or ad hoc committee which is intended to serve for a limited time period may be comprised of magisterial or at-large members at the discretion of the Board of Supervisors. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.

**B. APPOINTMENTS TO BOARDS AND COMMISSIONS**

1. All appointments to boards and commissions based upon magisterial district boundaries will be made by the Board of Supervisors. The Board will consider and/or interview candidates recommended by the supervisor of that district.

2. Prior to each day Board meeting, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next sixty days. The Board will then advise the Clerk which vacancies to advertise.

3. In an effort to reach as many citizens as possible, notice of boards and commissions with appointment positions available may be published through available venues, such as, but not limited to, the County's website, A-mail, public service announcements and local newspapers. Interested citizens will be provided a brief description of the duties and functions of each board, length of term of the appointment, frequency of meetings, and qualifications necessary to fill the position. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.

4. All interested applicants will have a minimum of thirty days from the date of the first notice to complete and return to the Clerk of the Board of Supervisors a detailed application, with the understanding that such application may be released to the public, if requested. No applications will be accepted if they are postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.

5. Once the deadline for accepting applications is reached, the Clerk will distribute all applications received to the members of the Board of Supervisors prior to the day meeting for their review. For magisterial appointments, the Clerk will forward applications as they are received to the supervisor of that district who will then recommend his/her appointment.

6. From the pool of qualified candidates, the Board of Supervisors, at its discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held during the next day meeting.

7. All efforts will be made to interview selected applicants and make appointments within ninety days after the application deadline. For designated agency appointments to boards and commissions, the agency will be asked to recommend a person for appointment by the Board of Supervisors.

8. All vacancies will be filled as they occur, except that vacancies occurring in Community Advisory Councils will be filled on an annual basis at the time regular terms expire unless there are more than three vacancies on any Council at the same time with more than three months remaining from the annual appointment date.

9. All incumbents will be allowed to serve on a board or commission without his/her position being readvertised unless, based on attendance and performance, the chairman of the body or a member of the Board of Supervisors requests the Board of Supervisors to do otherwise.

10. As a condition of assuming office, all citizen members of boards and commissions shall file a real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act and thereafter shall file such form annually on or before January 15.

11. If a member of a board or commission does not participate in at least fifty percent of a board's or commission's meetings, the chairman of the body may request the Board of Supervisors terminate the appointment and refill it during the next scheduled advertising period.

### C. ADOPTION

This policy shall be reviewed and readopted by the Board of Supervisors annually in January.

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Agenda Item No. 9. Adoption of Final Agenda.

Mr. Boyd stated that he had an item for consideration to add to the agenda for discussion – the possible fast-tracking of an application from the American Heart Association through the special use permit process.

Ms. Dittmar asked if it was acceptable to him to bring it up under "Matters from the Board." Mr. Boyd agreed.

Mr. Foley said that the only clarification would be whether it is a discussion item or an action item. Mr. Boyd said that he hopes it would be an action item.

Mr. Davis stated that under the rules of procedure the Board just adopted, an action item would not be in order unless notice was given to Board members in advance by two days. It can be a discussion item for future action, otherwise, the Board would have to suspend the rule.

Ms. McKeel said that Mr. Boyd could at least bring it up under brief announcements to put it on the table.

Mr. Boyd stated that he had brought it up to individual Board members in the past, although he did not formalize it with a request.

Mr. Davis said that the item could be acted on at the next meeting. Mr. Boyd said that would not happen until February.

Mr. Foley said that the only alternative to that would be to suspend their rules for consideration of the item.

Ms. Dittmar clarified that their options were to have Mr. Boyd bring it up under "Matters from the Board" and then discuss it again in February, or vote to suspend its rules to have the discussion for vote.

Mr. Boyd suggested that the Board have the discussion and then decide what it wants to do.

Board members agreed.

Ms. McKeel **moved** to adopt the final agenda. Ms. Palmer **seconded** the motion.

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

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

NAYS: None.

Mr. Foley said that when the "adoption of agenda" was originally formalized a few years earlier, the purpose was to identify anything that might get discussed later in the meeting so the public was aware of it – and for clarity, it is helpful to have a vote on the agenda.

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Agenda Item No. 10. Brief Announcements by Board Members.

Mr. Boyd said that the American Heart Association annually has an annual ball, but this year had difficulty finding a location to accommodate the number of people anticipated to attend. The Trump

Winery's remodeled carriage house is large enough to accommodate the event as it can host up to 1,000 people. He stated that the ball is scheduled for April 12<sup>th</sup>. It is within the Board's policy to fast track an item so that it hears the request the day after the Planning Commission review of the item. Mr. Boyd clarified that staff would still have 46 days to review the item.

Ms. Dittmar suggested discussing the request at the end of the meeting, under "Matters from the Board".

Mr. Foley said that the Chair has suggested carrying the discussion to the end of the agenda, under "Matters from the Board," and it might be advantageous to do that in case staff would like to comment on the item.

Ms. Dittmar agreed that it would be valuable to have the discussion then.

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Ms. Palmer mentioned that the four new Board members attended a VACo meeting over the previous weekend on "how to be a supervisor". One item they learned was that anything they do and say becomes a matter of public record – even notes taken on the dais are subject to the Freedom of Information Act. She stated that it's a whole new world for them, and they will do the best they can to abide by the rules.

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Ms. Mallek said that she understood there may be possible changes to the County's fireworks policies, and she would like to learn more about that. She stated that she had also heard there might be new options for recourse for illegal signs, which would be more of a ticket process rather than having to go to court, and she would like to learn more about that.

Mr. Foley stated that staff would bring back information on both of those items.

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Ms. McKeel highlighted from the School Board's report (on the consent agenda), that the Virginia School Board Association had awarded Albemarle County Public Schools its top environmental award in their annual "green school challenge." This avoided approximately \$400,000 in projected energy costs. She also mentioned that the schools have had visitors from Harvard and UNC-Greensboro, the Smithsonian, N.C. State, and the National Science Foundation looking at some of the cutting edge educational opportunities offered to students here.

Ms. McKeel said that she would like to request an item to be placed on the February 5 meeting agenda, as she is formally requesting a discussion regarding establishing a February date for a public hearing on the Route 29 Charlottesville Bypass. She stated that the public hearing should be scheduled for a time and date that would allow citizens to have the input they were denied several years ago, but would follow the Board's policies and procedures. Ms. McKeel said that the public hearing should be a separate meeting, not on one of the Board's regular meeting dates.

Ms. Palmer asked if the Board wants the public hearing on the bypass, or on the congestion on Route 29 in general.

Ms. Dittmar said that was a good question, and perhaps that would be part of the Board's discussion in February when it decides the details for the public hearing meeting.

Mr. Boyd asked if the Board had not already had several public comment periods on the bypass already, as VDOT has held public hearings, the Board has accepted public input during "Matters not on the Agenda." He said there was also a public hearing after the vote as well.

Ms. Mallek clarified that there was one – after the vote.

Ms. Dittmar stated that it might be helpful to have a handout explaining the various public processes that the bypass and Places 29 have gone through.

Mr. Foley said staff could do an executive summary on the history, and asked if this was including only consideration of the Western Bypass.

Mr. Boyd stated that if the Board is going to bring up the congestion on 29, it needs to bring up the impact on the business community, the cost of interchanges, etc.

Ms. Dittmar said those would be the subjects, and said she felt it would also be important to have a summary of all public engagement for the bypass – and perhaps also for Places 29.

Mr. Foley clarified that the Board wants history of the bypass, but also the congestion on Route 29 – which would include a large number of meetings from different times and groups.

Ms. McKeel said that she would agree just to address only the bypass.

Ms. Dittmar agreed that it would be prudent to focus on the bypass.

Board members agreed to move forward to consider the item in February, with that refined focus.

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Agenda Item No. 11. Recognitions:

Item No. 11a. Tom LaBelle, Division Chief for Volunteer Services.

Chief Dan Eggleston addressed the Board and introduced Mr. Tom LaBelle as the new Division Chief of Volunteer Services. Chief Eggleston said that Chief LaBelle comes to the area from New York after an extensive nationwide search, where he had lots experience dealing with volunteer, combination and career volunteer fire departments. Chief LaBelle was also an Assistant Volunteer Chief, which included practical management and operational experience that is so desired. He stated that Chief LaBelle started in October 2013, and has already helped the department increase the level of engagement and involvement with volunteer partners.

Chief Tom LaBelle stated that he appreciates the opportunity to work with the local community. He said that Albemarle County has a great system with wonderful volunteers and career staff working together. He added that like all systems there is room for improvement.

Board members welcomed him.

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Item No. 11b. GFOA Budget Award.

Ms. Dittmar recognized Mr. Charles Ramsey, GFOA, as well as current member of the VGFOA.

Mr. Charles Ramsey, Finance Manager of Henrico County and Past President of the Government Finance Officers Association, addressed the Board to present the GFOA's Distinguished Budget Presentation Award to Albemarle County. He said that the award has been given since 1984 to promote the preparation of high-quality budget documents to encourage and assist governments to prepare excellent budget documents for the benefit of citizens and other parties with a vital interest in the government's finances. During the 29 years the program has operated, he said, it has gained widespread recognition as a premier indicator of excellence in government budget reporting. Mr. Ramsey said that to earn this award, Albemarle County had to substantially conform to the program's demanding criteria – and such a record reflects the professionalism and commitment of numerous individuals, along with many hours of hard work and a high degree of dedication and leadership. He stated that this is the eighth time that Albemarle County has won, and this particular award is for the fiscal period beginning July 1, 2013. The GFOA hopes that this award to Albemarle County will serve as an example and encourage others to strive for the same high standards in their budget documents. On behalf of the GFOA, he then presented the County with the award.

Mr. Foley said that there is a no more dedicated County staff than the Office of Management and Budget.

Ms. Lori Allshouse said that the OMB staff works very hard. She then recognized Laura Vinzant, Andy Bowman and Lindsay Harris for their work. Her staff is all about continuous improvement, transparency and doing a good job with the budget. Ms. Allshouse introduced Ms. Kristi Shifflett, who just joined the County staff as a Grant Specialist; Ms. Holly Biddle, temporary part-time; and three Fellows, who recently received Masters Degrees in Public Administration – Emily Leik, Phillip Freeman, and Matt Reges.

Ms. Dittmar commented that before she decided to run for Supervisor late last summer, she looked at the County's financial situation. She said that she was overwhelmed by the fact that the County's audit came back with no comment, that the County had AAA bond rating and that the County was good at targeting its budget. She added that to have the GFOA to recognize the County as well is very edifying for the individuals charged with spending the County's funds to deliver services to the citizens.

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Ms. Mallek recognized Mr. Scott Leake, present from Congressman Hurt's office. She thanked Mr. Leake for being present and always being available locally.

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Agenda Item No. 12. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. McKeel read the Board's rules for comments from the public, including criteria for public speakers.

Mr. John Martin, a resident of Free Union, stated that it is always a privilege to come to the podium. He welcomed new Board members and said that the reward for their service will be able for them to say "it was worth it" at the end of their terms. Mr. Martin said that the public has spoken responsibly and effectively regarding their desire to be heard on the County's position on the proposed Route 29 Bypass, a privilege denied on June 8, 2011 and denied since. He stated that it is requested that a public hearing be scheduled as soon as possible to receive public comment, and that the Board then adopt a position regarding the proposed bypass that is representative of the public will.

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Mr. Rodney Rich, a resident of the White Hall District, said he was present to voice concerns about the closing of the Ivy Material Utilization Center. The sites that County officials are proposing are for household trash only and does not take into consideration the contractors who pay business taxes,

personal property taxes on vehicles and equipment, and permit fees. He asked where they would now take demo materials such as concrete and masonry debris, dirt and other construction debris, as it will cost him an extra \$800 to \$1,000 per day to do the same one-day demo job he does now in fuel costs and extra travel time along with \$40 extra per load. Mr. Rich said that he has spoken with all of his regular customers, and they are not willing to pay these extra costs. He added that he has spoken to many other contractors who share his concerns, some whom feel that if County government is not concerned about them, maybe they should license their businesses and all their equipment in other counties. He asked what happens to taxpaying citizens who need to dispose of yard debris or materials when they do their own work at their homes or have any other large waste. He stated that Ivy MUC was built to handle all of these materials and provides a great service to the County, and all other counties that have household dumpster sites also have a landfill for materials like his. Mr. Rich stated that once Ivy closes, one business that doesn't even pay taxes in Albemarle will have a monopoly on this disposal.

Mr. Sheffield asked Mr. Rich if he did work in other counties. Mr. Rich said that he works in the Shenandoah Valley sometimes, and most of those counties have landfill sites to dump materials in addition to the household waste dump sites.

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Ms. Colleen O'Connor, a resident of Keswick, said that a way to reduce the amount of carbon dioxide in the air would be to switch to solar power and this can be done by installing a solar panel on top of Monticello High School. She stated that to help manage the cost the County could use a "power purchase agreement," which is a contract between three parties including the County, Dominion Power, and Alt Energy – a third party that would build, install and maintain the solar panels. Ms. O'Connor explained that Alt would sell the power to Dominion, and Monticello would receive a lower cost energy. When the solar panels are paid off, Monticello and the County could start collecting net metering funds whereby it would own the device and selling the power back to Dominion Power.

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Mr. Morgen Leake, a resident of the Scottsville District, said he was before the Board to speak on a proposed special use permit for the golf course adjacent to the Trump Winery. Mr. Leake referenced a handout presented on issues related to the application, especially those related to the rural area plan of the Comprehensive Plan – which he believes the application will support because of the course as a tourist attraction.

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Mr. Joe Draego, a resident of Carrsbrook, said he was present to speak about traffic cameras. He stated that in 2010 there were 38 accidents at the intersection of Rio Road and Route 29, and that was the last year there were no cameras. He said that in 2011 the cameras were installed, and there was an increase to 49 accidents in that year. He said that in 2012 there were 39 accidents, and in 2013 there were 45 accidents. Mr. Draego stated that the statistics come directly from the Albemarle County Police Department and the E-911 call center, and the lights have been shown to increase accidents. He said that despite the claims of Mr. Boyd, Ms. Mallek and Chief Sellers that the cameras are for public safety, they have not proven to do that locally – and 31 state and national studies from other areas show an increase in accidents after the cameras were installed. Mr. Draego stated that if the issue is safety, he does not understand why the County would consider adding even more cameras, and raised the issue that the goal may be revenue enhancement.

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Mr. Scott Leake, a City resident, said that he represents Congressman Robert Hurt. He said that he was present to offer their service to Board members at any time.

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Ms. Nora Seilheimer, a City resident, said she was present to encourage the Board to hold a public hearing on the Western Bypass with constituents. The bypass is a controversial topic because it affects so much of the community in adverse ways. She stated that schools, neighborhoods, and rural areas will all be affected. If the highway is built it will cut through the heart of the community and scar its character forever. Ms. Seilheimer said that the bypass will not solve traffic congestion on Route 29, and there are alternatives and better solutions. She stated that her children attend St. Anne's Bellfield School, and the proposed highway will come 400 feet from the front door of the school. Ms. Seilheimer said that she is concerned for her own children, but also the families affected at other schools and other segments of the population. She stated that the community has much to lose from the outdated plan that was resurrected with no regard for public opinion, and the citizens' opinions about this project should not be taken lightly.

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Ms. Kathy Welch, of the Rio District, and resident of the County for almost 33 years, said she is a rider of Charlottesville Area Transit. She stated that she was before the Board to ask the County to increase its support of CAT, not just financially but as a real institutional commitment to become a more serious player in its future. Ms. Welch said that there are currently eight CAT routes that serve the County, and six months ago there were only five, but the County has been somewhat passive in its efforts toward enhancing the network of routes. She reiterated that the County needs to be more proactive. She has consistently gone to CAT and been an advocate, but Route 10 was cut because no one was advocate for that route.

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Mr. Kirk Bowers, the Conservation Chair for the Piedmont Group of the Sierra Club, said that in 2013, there was a citizens survey of Albemarle County, and the two characteristics receiving the most

favorable ratings were the overall appearance of the County and the quality of the natural environment. Mr. Bowers said that how they treat the environment impacts the air and water quality, and this affects how habitable and inviting the community appears. He stated that natural resources are essential in maintaining quality of life, and as they envision the future it should be a high budget priority. Mr. Bowers said that the Piedmont Group of the Sierra Club requests that the FY 2014-15 County Budget include the following: two staff positions – a rural area support planner and a natural resources planner; increase ACE funding by \$400,000; increase funding for public transit, sidewalks, and bike lanes; provide adequate funding for drinking water quality; and add recycling centers in strategic locations in the County.

He stated that the Sierra Club also requests that a public hearing be scheduled soon regarding the Route 29 Bypass. There is strong opposition to the bypass as evidenced by recent elections. He urged the Board to reject the bypass and approve the Places 29 plan.

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Dr. Charles Battig, a resident of the White Hall District, welcomed the new members. Dr. Battig said that there is a Comp Plan Amendment update scheduled on the agenda, but there is not adequate time for the public to address anything with just two minutes allotted to speak. He stated that staff recommends a fast track for Comp Plan amendments because there was already a two-year period of public opinion, but he challenges that assertion and said that at several of those meetings he was the only person who spoke. He also refuted statements made by a previous speaker on CO2 emissions.

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Ms. Lena Seville, a City resident and President of the Transit Riders of Charlottesville, said she was present to express concerns about some of the transit routes. Ms. Seville said that the riders are very concerned about Route 10, which once had service until 11:00 p.m. but now only has it until 5:30 p.m. The County needs to take a more active role in transit. She stated that there are a lot of government buildings in that area, and the busses are running for those people – not those who live and work in the Pantops area. Ms. Seville stated that they are concerned that CAT administration is not paying enough attention to rider impact and is not thinking about how their decisions affect riders. She also said that the CAT complaint line is full so people cannot get through to it. Another example of a problem is that all bus stops have a sign listing the bus stop number, routes and ride times, but the bus stop sign at the Omni has been removed with routes and ride times have been removed because they could not find a good place for it.

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Ms. Anna Brown, a resident of the Scottsville District, said she is part of a group of Monticello High School students that have been researching the current issue of paid firefighters not being allowed to volunteer in the same county in which they are employed. Ms. Brown stated that in their research and fact-finding with Board members and fire departments, they have tried to learn as much as possible about career firefighting and volunteer work – and strongly support the allowance of career firefighters volunteering in their same county.

Ms. Shauntel Pate, of the Samuel Miller District, said that they identified a few key factors keeping the Board from allowing paid firefighter staff to volunteer in the County. It has also come to their attention that one of the biggest fears is a lawsuit that could come afterward. She stated that the group has come up with some options that may satisfy both parties.

Ms. Phoebe Nash, of the Keswick District, said that one option would be to set aside a certain amount of money to go towards any possible future lawsuits for unpaid hours, along with a legal document that would have to be signed before any paid firefighter can volunteer in his or her county. This form should omit the county from any further payment to the firefighters while on volunteer hours.

Mr. Sean Roach, from the City of Charlottesville, stated that a member of the community brought up the idea that it could be regulated so a firefighter could volunteer in the County, but not in the specific station they are employed in.

Mr. Tom Stanton, of the Rivanna District, said that if a compromise was made, it would allow for more staffing during off hours, and in times of need and/or emergencies. Mr. Stanton thanked the Board for its time and consideration and asked that the Board further review this issue until a resolution has emerged.

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Mr. Matt Neurock, a resident of the Ivy Ridge Road area, said he was before the Board to strongly oppose the Route 29 Bypass. He said that there have been recent changes proposed to the bypass to avoid the cemetery and gravesites, and these changes will decimate the community he has lived in for 20 years now. Mr. Neurock said that the changes will have significant impacts on the community, especially in terms of air and water quality because of its affect on wells and septic tanks. Environmental concerns have not been revisited in the 20 years since the project was first brought forth. He requested that the item be brought up in a public hearing at a time when citizens can all attend, to allow them to be heard on this issue.

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Mr. Scott VandePol, a resident of Lambs Road, said he is before the Board to oppose the Western Bypass. He stated that the route of the bypass being proposed is not the route they have been talking about for some time. Due to the location of Sammons Farm there has been a major change in the location. Mr. VandePol stated that neither he nor anyone he knows has been contacted by VDOT, and there have been no public hearings for the proposed major route change. He said that it seems ridiculous

to him that a contract has been put out to build the road, yet the position has not been established. Mr. VandePol suggested that the Board should just abandon the road, and the composition of this Board is a reflection of the fact that there has been vociferous, principled opposition to this road for 30 years. He said that this is not special interests pleading, it is because of the democratic process.

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Mr. Richard McGrain, a resident of the Rivanna District, said that although he worked on Mr. Sheffield's campaign, he would defend Mr. Boyd's position regarding the occurrence of bypass meetings. Mr. McGrain stated that they had meetings after the June bypass decision, and had public hearings with Mr. Boyd and VDOT representatives. He said that the only problem he sees is they did not have meetings in front of the Board, and only had a quick vote with activity on the road soon to follow. Mr. McGrain stated that it sounds as though there is a lot of opposition to the bypass, so the Board should have a formal public hearing.

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Mr. Tom Olivier, a resident of the Samuel Miller District, said that for most of the past four years, the County has shown exemplary commitments to careful long-range planning, transparent decision making, protection of the environment, and a strong public school system. He stated that these commitments have made the high quality of life here possible, but in the last few years there have been some retreats by County government. Mr. Olivier said that with the results of the recent elections, many citizens now look forward to a happy new year in which the County again exhibits a strong commitment to good decision making, environmental protection, and all of the other things that are essential elements of the high quality of life here. He then proposed the following: 1) the language in the new Comp Plan explicitly commit the County to the pursuit of sustainability, 2) the new budget would include funds for several rural areas planners, 3) the County's economic development policy focus on expanding opportunities for existing low-income residents, and 4) the Board start a process to identify a "finite and right size" for the community as ongoing growth cannot continue indefinitely.

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Mr. Jack Marshall, a resident of the White Hall District, speaking on behalf of Advocates for a Sustainable Albemarle Population (ASAP), said that they believe this new Board of Supervisors represents a new willingness to work toward a sustainable and environmentally healthy community – not simply toward short-term economic gain for a few. Mr. Marshall said that ASAP represents about 300 citizens with strong and well-informed views. ASAP urges the Board to hold a public hearing on the bypass before any other decisions are made, as those who oppose it still feel that important evidence has been neglected. He also stated that at the Board's afternoon work session on the Comp Plan, ASAP urges the Board to adopt staff's suggestion that a public hearing be scheduled before review of the document.

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Ms. Sandy Payne, a resident of Charlottesville, said that she is a CAT rider of Route 10. She asked that the Board reinstate the night service – as she now has to walk from downtown to the Jack & Jill restaurant in order to get home. There is no night service that will accommodate her on this route because it is County owned area. Ms. Payne said that she is one of the least affected, but many people working at places like Martha Jefferson and Giant are greatly impacted by the route changes.

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Ms. Anne Linden said that she lives near Penn Park and is present representing River Run Gardens. Ms. Linden said that the group has only eight members, but five have had Lyme Disease. In the past few years forested areas nearby have been cut down to make room for new housing. She stated that deer are invading their neighborhoods, eating their shrubs, destroying their gardens, and infecting the residents with a number of serious tick-borne diseases. Ms. Linden said that many of the residents bought homes there so they could garden, and asked the Board to reduce their exposure to deer ticks before approving any more building permits that would necessitate deforestation. She also asked the Board to implement a program to reduce current exposure to the diseases caused by deer ticks.

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Mr. Jeff Werner, of the Piedmont Environmental Council, said that he feels the County currently has a good Comprehensive Plan and it has not been suspended just because it has been revised. Mr. Werner said that there were at least five meetings last year on the Comp Plan, and there were multiple speakers despite the claim by Dr. Battig that there were not opportunities to speak. He stated that he has received a lot of calls from people in the Ivy Ridge Road area, and those residents have not heard from VDOT and do not know what is going on. Mr. Werner said that at a meeting held in October by VDOT regarding the Sammons property, when an official was asked about a more northern route, he said that it would not happen because of wells, access points, etc. Mr. Werner stated that regardless of what is done with a bypass hearing, these residents need to know what is going on.

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Ms. Dittmar closed the public comment period.

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Mr. Foley noted that the Police Department will be providing a report to the Board in March on the first three years of the red light cameras, which just concluded at the calendar year. The report will include statistics and impacts.

He also stated that in the last few days there has been some clarification about taking commercial waste at a convenience center. It appears that the interpretation has changed to be more flexible in allowing more commercial waste. Staff will be talking with the Board about that issue more in the future.

Ms. Mallek asked for a clarification of the definition of what is allowed. Mr. Foley said that the issue is that “haulers” of waste are prohibited from dumping at a convenience center, and that may include a small business that picks up waste from other businesses. Individuals can dump at a convenience center, so even a small contractor working on one house could take waste there.

Ms. Palmer asked if there would be scales at the convenience centers for construction debris. Mr. Foley said it is a fine line and will need more clarification. Clean fill is taken at the current site – with no anticipation of taking large amounts of dirt from a construction site. He stated that whether a large dump truck of dirt from a construction site could use it is another matter, and they would have to get that determined as to whether that is construction debris.

Ms. Palmer said that landscaping debris also needs to be nailed down. Mr. Foley agreed.

Mr. Sheffield suggested that this wait until the evening, as there are a lot of residents that have an interest in this.

Mr. Foley said that his purpose was to tell Board members about the different interpretation of “commercial” waste prohibition. Staff is probably not even ready to have the rest of the discussion this evening. He stated that the real topic of the public hearing is to consider two different sites and determine whether one of them will be used for a convenience site.

Ms. Dittmar said that no matter what the Board decides that evening, it will need to give direction to staff as to further research and reporting.

Mr. Walker said that the Board’s direction to this point has been specific to household waste, and now there is additional information from DEQ about the permit and regulatory obligations that may have an impact on the choices the Board would have.

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Mr. Sheffield asked that what’s provided on the red light cameras also have information on traffic counts, as it is relevant to the increase or decrease in accidents.

Ms. Mallek said that it’s also important to know about the severity of accidents, as there has not been any fatalities since their implementation.

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Agenda Item No. 13. Consent Agenda. Mr. Boyd **moved** to approve Items 13.1 through 13.5, with the exception of Item 13.2 (to be discussed later), and to accept the remaining items as information. Ms. McKeel **seconded** the motion. (Discussion on individual items are included with that agenda item.)

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

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

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Item No. 13.1. “Watch for Children” Sign Program, **was received for information.**

The executive summary stated that in 2012, Virginia Code § 33.1-210.2 was amended to make localities responsible for the installation and maintenance of “Watch for Children” signs, which was previously the responsibility of the Virginia Department of Transportation (VDOT). On September 4, 2013, the Board adopted a resolution to enter into an agreement with VDOT for the County to assume the responsibility for the installation and maintenance of those signs.

At its September 4, 2013 meeting, the Board directed staff to develop procedures by which residents could request the installation of “Watch for Children” signs. In order that the County not incur any additional cost in implementing this program, the Board directed staff to research the costs associated with processing these applications and installing these signs, which costs would be passed along to the individual or group requesting the sign.

The General Services Department has prepared proposed Standard Operating Procedures (SOPs) (Attachment A-on file) outlining the program effective January 1, 2014. In summary, anyone requesting a sign would be directed to General Services for information and an application form (Appendix 2-on file). Once the application and required payment were submitted, staff would conduct a site visit to determine if the proposed location met VDOT siting criteria. If so, staff would prepare the appropriate forms for the County Executive’s review and signature. If the installation were approved by VDOT, the applicant would be required to submit payment for the manufacture and installation of the sign. If the installation were not approved by VDOT, the applicant would be notified and the application closed.

There are two components of cost reimbursement to the County:

1. a non-refundable payment of \$50.00 at the time of application, to cover the cost of staff conducting a site visit to verify its conformance to VDOT criteria and preparing requisite forms for submittal to VDOT.

2. the installation cost of \$200.00 per sign to be paid if the application received VDOT approval for the selected site. The purpose of this payment would be to cover the full cost of making and installing each sign. General Services has obtained recent quotes from local vendors for this work.

There is no budget impact. The proposed payments by sign applicants are intended to offset any cost to the County.

This report is for the Board's information. Unless the Board has specific concerns, no action is required at this time.

Item No. 13.2. FY 2014 Budget Amendment and Appropriations.

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

The total increase to the FY 14 budget due to the appropriation itemized below is \$89,695.20. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of six (6) appropriations as follows:

- 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.

Staff recommends approval of appropriations #2014064, #2014065, #2014066, #2014067, #2014068, and #2014070 for various school division and general government projects and programs as described in Attachment A.

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**Appropriation #2014064** **\$0.00**

This appropriation will not increase the County Budget.

Source: Training Pool \$ 15,825.00

This request is to appropriate \$15,825.00 from the Training Pool to various departments for approved training opportunities and professional development. The Board approved a Training Pool of \$50,000.00 in the FY 14 budget to support the County's strategic objective to expand opportunities for training and professional development. After this appropriation, \$16,296.00 will remain available in the Training Pool.

**Appropriation #2014065** **\$16,765.00**

Source: Federal Revenue \$ 16,765.00

This request is to appropriate a \$16,765.00 reimbursement from the State Criminal Alien Assistance Program (SCAAP). SCAAP reimburses localities for compensation expenses incurred by correctional officers supervising aliens in local and regional jail facilities. Program revenues received from the state are appropriated from the locality's General Fund to the correctional facility (Albemarle Charlottesville Regional Jail) for qualifying expenses incurred.

**Appropriation #2014066** **\$8,300.00**

This appropriation will not increase the County Budget.

Source: Reserve for Contingencies \$ 8,300.00

This request is to appropriate \$8,300.00 from the Reserve for Contingencies for an upgrade of the Office of Housing' Housing Choice Voucher management software. This software provides an effective management tool in providing rental assistance to clients and reporting required data to the United States Department of Housing and Urban Development (HUD). The software vendor has notified the County that

a software upgrade will need to occur in the coming years and that upgrading now can be done at a lower cost than in the future.

**Appropriation #2014067** **\$0.00**

This appropriation will not increase the County Budget.

Source: Reserve for Contingencies \$ 3,279.00

This request is to appropriate \$3,279.00 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 an appropriation on September 4, 2013 to provide a three-month extension (September through November) and on December 4, 2013 to provide funding for the month of December 2013. This funding will provide sufficient funding for the month of January 2014. Once final approvals are received from HUD and HCV vouchers are issued, local funding will be discontinued.

**Appropriation #2014068** **\$34,600.00**

Source: Federal Revenue \$ 34,600.00

This request is to appropriate \$34,600.00 in federal grant revenues for a part-time auxiliary deputy officer to work under the direction of the Albemarle County Sheriff's Office to assist with the administration and monitoring of Offender Aid and Restoration's (OAR) Drug Court cases. Data from other Virginia communities with such an arrangement indicates that the ongoing presence of an officer for program participants yields positive outcomes. These expenses include part-time wages and vehicle fuel, maintenance and repair costs, and will be funded through federal grant revenues received from OAR. The Board first approved an appropriation for this program in FY 11 at its January 12, 2011 meeting, and the program has been ongoing. The grant is awarded based on the calendar year, so the new funds will be available on January 1, 2014. This appropriation will allow this program to continue in the current fiscal year.

**Appropriation #2014070** **\$38,330.20**

Source: ECC Fund Balance \$ 22,479.20  
Federal Revenue \$ 15,851.00

The Emergency Communications Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate funding from the ECC's fund balance for the following requests, which have been approved by the ECC Management Board:

- Requests \$6,229.20 for mobile data licensing, which will fund the agreed upon licensing agreement reached with the ECC's mobile data vendor.
- Requests \$6,250.00 for peer support group training to 25 public safety personnel from the joint public safety agencies within the City, County and University of Virginia, including ECC staff. The goal of this joint training is to provide personnel the opportunity to receive specialized training in peer support that assists co-workers in emotional and tangible peer support during times of personal or professional crisis and to anticipate and address potential difficulties.
- Requests \$10,000.00 to complete bi-directional antenna (BDA) equipment replacement. The ECC is responsible for 26 BDA units that are within government buildings throughout the City, County and University. These units provide in-building radio coverage for the public safety providers when they are within these buildings. We had recently replaced 8 of the units and this funding will replace 2 additional units found to be not working properly.
- Requests \$15,851.00 for a Homeland Security Grant for a Regional Volunteer Network. The objective of this grant funded project is to establish a regional volunteer network serving the City of Charlottesville and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson. The network will support information-sharing, collaboration, and multi-jurisdictional training and exercising, and will ultimately utilize volunteers to make the region's communities safer and better prepared for emergencies. Outcomes the ECC hopes to realize through this effort include:
  - Establishment of a regional volunteer network that maximizes the strength and capacity of Citizen Corps and other volunteer programs to support communities during emergencies;
  - Creation of an online environment to exchange ideas and collaborate;
  - Conduct of shared trainings and exercises to build a skilled volunteer cadre; and
  - Formalization of a regional strategy for mutual support across volunteer groups.

**(Discussion:** Referring to the Virginia Supportive Housing appropriation, Mr. Boyd stated that his understanding was the Board was only going to use a few months more of subsidy for that, but it seems to be extending into another year. He asked if this is going to be a monthly request.

Mr. Ron White, Chief of Housing, said that they had hoped by now to have all approvals from HUD. On December 30, 2013 they received approval from HUD on a subsidy layering review. He said that HUD did not give any timeframe in its letter but did indicate that the final request for regulatory waivers would move forward since the subsidy review was approved. Mr. White said that HUD has moved a bit more quickly since the County met with them and got Congressman Hurt's office involved. When he asked for re-appropriation of leftover funds, those monies carried them through December. He added that he would not continuously come back and ask for additional funds if they did not have some certainty from

HUD. He believes those certainties are closer, but he does not have a timeframe. He stated that it is possible he could be back in February to ask for additional appropriations, but that remains uncertain.

Mr. Boyd said that the County had some money left over because two people were no longer being subsidized which was being used. He then asked if these were new appropriations. Mr. White said the County used all of those funds up through December. This is for a request through January of \$3,200 to pay assistance for six individuals living in The Crossings.

Mr. Foley said that this is a recommendation from staff. Staff recognizes the money had run out and wanted the request before the Board for consideration.

Mr. Boyd stated that he does want to have the item discussed, because they have been waiting for years now for resolution on this and continue to give month to month appropriations.

Mr. White clarified that it has been 22 months.

Mr. Boyd said this could result in a significant allocation of funds and he does not want to continue doing this on a month-to-month basis.

Mr. Foley said that it is an action item, and the Board could move it to the end of the agenda for a vote. He stated that if the money is not approved, the service for those people will be discontinued.)

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Item No. 13.3. Resolution to accept Roads in Ragged Mountain Farm Subdivision into the State Secondary System of Highways.

**At the request of the County Engineer and VDOT, and by the above-recorded vote, the Board adopted the following resolution"**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 8<sup>th</sup> day of January 2014, adopted the following resolution:

#### RESOLUTION

WHEREAS, the street(s) in **Ragged Mountain Farm Subdivision**, as described on the attached Additions Form AM-4.3 dated **January 8, 2014**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Ragged Mountain**, as described on the attached Additions Form AM-4.3 dated **January 8, 2014**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

\* \* \* \* \*

The road(s) described on Additions Form AM-4.3 is:

- 1) **Ragged Mountain Drive (State Route 1860)** from Route 637 (Dick Woods Road) south to Route 1861 (Ragged View Court), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.12 miles.
- 2) **Ragged Mountain Drive (State Route 1860)** from Route 1862 (Wise Court) south to Route 1863 (Ragged Mountain Lane), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.15 miles.
- 3) **Ragged View Court (State Route 1861)** from Route 1860 (Ragged Mountain Drive) east to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.09 miles.
- 4) **Ragged Mountain Lane (State Route 1863)** from Route 1864 (Farriers Court) south to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.07 miles.

- 5) **Ragged Mountain Drive (State Route 1860)** from Route 1861 (Ragged View Court) south to Route 1862 (Wise Court), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.29 miles.
- 6) **Ragged View Court (State Route 1861)** from Route 1860 (Ragged Mountain Drive) west to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.10 miles.
- 7) **Ragged Mountain Drive (State Route 1860)** from Route 1863 (Ragged Mountain Lane) west to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.07 miles.
- 8) **Wise Court (State Route 1862)** from Route 1860 (Ragged Mountain Drive) east to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.09 miles.
- 9) **Farriers Court (State Route 1864)** from Route 1863 (Ragged Mountain Lane) east to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.06 miles.
- 10) **Ragged Mountain Lane (State Route 1863)** from Route 1860 (Ragged Mountain Drive) south to Route 1864 (Farriers Court), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3278, pages 249-282, with a 40-foot right-of-way width, for a length of 0.27 miles.

Total Mileage – 1.31

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Item No. 13.4. Cancel January 15, 2014 Board meeting.

**By the above-recorded vote, the Board cancelled the January 15, 2014 regular Board meeting.**

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Item No. 13.5. Fiscal Year 2014 County of Albemarle & State Health Department Local Government Agreement.

The executive summary states that Virginia Code § 32.1-31 allows local governing bodies to enter into contracts with the State Board of Health for the operation of local health departments. It also requires that these contracts specify the services to be provided in addition to those required by law and contain such other provisions as the State Board and the governing body may agree on. The County's contract specifies both the scope and costs for the services to be provided locally.

The Thomas Jefferson Health District (TJHD), in cooperation with the Virginia Department of Health, is the primary provider of public health services and programs for Albemarle County and surrounding localities. TJHD offers specific health programs targeted at preventing and controlling infectious diseases as well as initiatives aimed at improving the health of low income women, children and infants. In addition, the Health District provides an inspection and monitoring program to ensure the safety of food and private well/septic systems. These services are funded cooperatively by the State, County and other neighboring jurisdictions. Non-local funding for these TJHD programs is provided by the Commonwealth of Virginia, grants and income from local fees charged to individual clients. The localities served by TJHD provide matching local funds for the allocations made by the state and allocate resources for Local-Only Programs such as food safety. The Virginia Department of Health requires that local governments enter into agreements stipulating the scope of health services to be provided by the TJHD to citizens in their respective jurisdictions. The FY14 agreement (Attachment A) has been reviewed and approved as to form by the County Attorney's Office. Attachment B is an attachment to the Agreement, and sets forth services to be provided by the TJHD.

The County's FY14 appropriation for the Thomas Jefferson Health District totals \$561,771 of which \$560,933 represents the County's required match for Cooperative State and Local Matched Programs. The balance of funds from the County (\$838) is allocated to the Local-Only (Unmatched) food inspection program.

Based on the vital nature of the services provided by the TJHD, staff recommends that the Board approve the FY 14 County of Albemarle & State Health Department Local Government Agreement (Attachment A) and that it authorize the County Executive to execute that Agreement.

**By the above-recorded vote, the Board approved the FY 14 County of Albemarle & State Health Department Local Government Agreement and authorized the County Executive to execute that Agreement.**

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HEALTH**

**STATEMENT OF AGREEMENT WITH the Board of Supervisors of Albemarle County**

Under this agreement, which is created in satisfaction of the requirements of § 32.1-31 of the **Code of Virginia** (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed \$685,585, from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the **Board of Supervisors of Albemarle County** will provide by appropriation and in equal quarterly payments a sum of \$560,933 local matching funds and \$838 one-hundred percent local funds for a total of \$561,771 local funds. These joint funds will be distributed in timely installments, as services are rendered in the operation of the **Albemarle County Health Department**, which shall perform public health services to the Commonwealth as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins July 1, 2013. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.

The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.
  - A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under § 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code or under a policy procured by the locality.
  - B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.
  - C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly excepted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city or county attorney, and the **Board of Supervisor of Albemarle County** hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
  - D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.
2. Title to equipment purchased with funds appropriated by the local government and transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.
3. Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

Item No. 13.6. Process for developing a report on the health and welfare of the volunteer fire rescue system, **was received for information.**

The executive summary states that on April 20, 2011, the Board adopted an ordinance to establish a coordinated fire and rescue system, which included the establishment of a Fire and Emergency Medical Services (FEMS) Board. Pursuant to Section 6-107, responsibilities of the FEMS Board include presenting a report at least annually to the Board of Supervisors regarding the health and welfare of the volunteer system. Fire Rescue staff is working with a FEMS Board-appointed group to develop the report for presentation to the Board on March 5, 2014.

During its December 5, 2013 meeting, the FEMS Board appointed a work group consisting of FEMS Chair/Chief Alibertis (Western Albemarle VRS), Chief Tim Cersley (Scottsville VFD), Dayton Haugh (Charlottesville-Albemarle VRS), and Chief Dan Tawney (Seminole VFD) to work with Albemarle County Fire Rescue Division Chief Tom LaBelle to develop a report on the health and welfare of the volunteer fire rescue system. The group plans to present the report to the Board on March 5, 2014. In addition, the FEMS Board endorsed the following process and schedule to ensure the report is completed on time with proper input:

<b>Health and Welfare of Volunteer System</b>	<b>Dec 2013</b>	<b>Jan 2014</b>	<b>Feb 2014</b>	<b>Mar 2014</b>
FEMS Board-appointed group to work with Chief LaBelle	12/5			
FEMS Board Executive Committee to provide feedback on draft outline		1/6		
FEMS Board approval of final outline		1/22		
Develop final product – communicate out to FEMS Board			2/11	
Executive Summary Due to Legal			2/18	
Board Presentation				3/5

The schedule and process is being provided to the Board as information only and no action is required.

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. 13.7. Albemarle County Broadband Task Force Initiation, **was received for information.**

The executive summary states that on September 4, 2013, the Board directed staff to research grant funding and other strategies to advance the availability of High Speed Internet to underserved areas of the County. On October 23, 2013, staff presented its research results to the Board, and the Board directed staff to proceed with a Round Table with Telecommunications Providers to obtain information regarding plans, ideas and known funding sources to help facilitate additional service installation in the underserved areas of the County and to identify barriers to providing services in select rural areas. The Round Table was held on October 23, 2013. The notes from the Round Table are attached (Attachment A). The purpose of this Executive Summary is to inform the Board that one of the outcomes of the Round Table is the formation of a short-term Broadband Task Force. The details of the proposed work for the Broadband Task Force are included in the Discussion section.

On October 23, 2013, the Broadband Round Table took place with 29 attendees. The attendees comprised of Broadband service providers, legal representation of some of the service providers, staff from the Center for Innovative Technology, and County and School Division staff met for two hours. The Virginia Broadband Map was discussed and it was clear to all attendees that Albemarle County has many areas of limited to no access to the internet (underserved.) Attendees then discussed barriers to providing service to those underserved areas and potential funding mechanisms with many of the providers detailing the complexity of achieving funding for "low density" locations and physical challenges of deploying the necessary infrastructure (underground cable or above ground towers). The group then agreed to formulate a task force to focus on three main areas:

**Awareness and Broadband Demand Identification, Funding, and Permitting Process.**

One of the many ideas gathered at the Round Table was the formation of a short term (6 to 8 months in duration) task force to examine the issue of underserved broadband internet areas of Albemarle County. An invitation to serve on the task force (See Attachment B) was sent out to Telecommunications Providers, the Thomas Jefferson Planning District Commission, the University of Virginia, and various School and Local Government staff on November 19, 2013. The membership was finalized on November 30, 2013 and the first meeting was scheduled on December 13, 2013.

The Broadband Task Force is working on the following objectives:

**Awareness and Broadband Demand Identification** – This will be a community effort. The Task Force will promote awareness of the many values of low cost and reliable high speed internet access throughout the County. One of the ways to do this is through the creation of a "Demand Identification

Website" with a three-fold purpose: To provide awareness of the value, to identify areas of demand through a brief survey, and to collect data from existing broadband customers through internet speed tests and other customer satisfaction measures. The Task Force will work to test and then promote the website through all available channels; analyze the data and information collected; and submit a report to the Board of Supervisors.

**Funding Options Recommendation** - While the Task Force researched several grant opportunities to fund Broadband expansion, there were other funding options mentioned during the Round Table. The Task Force will review and analyze those other funding options and will include its findings in its report to the Board.

**Permitting Process Review, Rights of Way, and Recommendations** – A subgroup of the task force will review the permitting process as it pertains to broadband, the process of obtaining rights of way, and other broadband infrastructure deployment challenges. The findings will be included in the Task Force's report to the Board. The group will not independently pursue any changes to the County's wireless policy or ordinances related to broadband deployment. Those ordinance changes will be developed under the Community Development Phase II of the Zoning Ordinance update of personal wireless facilities.

The Task Force has a goal of providing a report to the Board by April 9, 2014. See Attachment C for a timeline of the proposed Task Force work.

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

Staff recommends that the Board direct staff to proceed with the Broadband Task Force as proposed and to provide a report to the Board of Supervisors on April 9, 2013

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Item No. 13.8. Board-to-Board, January, 2014 *Monthly Communications Report from School Board*, School Board Chairman, **was received for information**.

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Agenda Item No. 14. Regional Public Safety Firearms Training Center.

The following executive summary was forwarded to Board members:

"On April 11, 2012, the Board approved the proposed FY 13 capital budget which included funding for a Firearms Training Facility. The facility was to be located at the closed Keene Landfill site and consisted of design and construction of an outdoor facility (approximately 300 feet long by 150 feet wide), classroom and toilet facilities, and associated parking. On November 7, 2012, the Police Department and the Office of Facilities Development (OFD) presented to the Board an extensive history and status update of the project. At the conclusion of the presentation, the Board reaffirmed its support of the project as proposed. There was much public concern and resistance to the project as proposed and this concern was voiced to the Board at several public meetings. As a result, on February 6, 2013 the Board cancelled a scheduled February 13, 2013 public hearing on the Police Firing Range proposal at the Keene Landfill site, directed staff to bring forward information on funding for an enclosed firing range, directed staff to bring forward information on additional sites for a firing range, and directed that the Keene Landfill site only be considered further as a site for an enclosed firing range.

Pursuant to the Board's direction, staff proceeded to obtain estimates for an enclosed range and to review potential sites. On April 10, 2013, staff provided the Board an update on the site analysis process. At the conclusion of that meeting, the Board provided consensus to move forward with discussing a potential site specific to a joint facility with the City and the University of Virginia; to continue to evaluate other existing publicly owned sites; to form and involve a citizen committee to work with staff on the evaluation of options; and to report back to the Board in July/August with a site recommendation. Over the course of several months, staff developed an evaluation matrix which was utilized to evaluate several publicly-owned sites as potential locations for an enclosed ranged. This evaluation process included the active involvement of three County citizens over the course of several months.

On August 14, 2013 the Board received further analysis on three specific publicly-owned sites as well as a consensus recommendation to proceed in partnership with the City and UVA on a joint firearms training facility on one of those sites which is the property owned by UVA on Milton Road. This site was determined to be the most suitable location for such a facility (See Attachment A for the August 14, 2013 Power Point presentation) given that it maximizes the partnership with the County, City and UVA and enables UVA to close an existing open range on the site. At the conclusion of discussion, the Board directed staff to pursue Milton as the preferred site and to move forward with development of necessary joint operating and funding agreements with the County, the City and UVA.

The purpose of this presentation is to provide the Board a brief summary of past project activity, to emphasize the on-going work to formalize the partnership with the City and UVA, to seek authorization from the Board to proceed with additional work to advance the project, and to highlight the public engagement plan developed specifically for this project as a outline for community outreach and communication.

The County, the City and UVA continue to work together closely to finalize a funding model for both the capital investment and on-going operating costs. Generally, the model assumes that each

partner will contribute a proportionate share of costs for capital and operations based on the number of sworn officers. It is also assumed currently that the County will have lead responsibility for the construction and operation of the facility via a long-term lease or other formal agreement with UVA. Further, the three partners expect to develop an agreement that provides for long-term, on-going use of the facility and funding for costs associated with the effective and efficient operation of the facility. Generally, it is reasonably assumed that an agreement would be modeled after the formal arrangement in place for the regional Emergency Communications Center.

On December 18, 2013, the Office of the Attorney General announced a grant award of approximately \$2.9 Million to fund capital costs associated with the regional public safety firearms training center which assumes the participation of the County, City and UVA at the Milton location. The grant award stipulates that all funds will be expended within 24 months of the grant award. The current schedule for design and construction of the facility falls within this time constraint.

Staff is seeking authorization to proceed with selection of and negotiation with an architectural/engineering firm or individual to perform design services for the project. Staff proposes the engagement of an architectural/engineering firm with specific background and expertise in planning, designing, and constructing indoor firearm (shooting range) facilities. Staff estimates the schedule for the project as follows:

- Authorization to Proceed to be provided January 8, 2014
- A/E selection/contract ~ 3 months
- Design ~ 6-8 months
- Site approval ~ 6-8 months (Concurrent to design phase)
- Construction ~ 6-9 months

Total time needed to complete project is ~ 15-20 months from the date the Board directs staff to proceed.

Staff has also drafted a Public Engagement Plan for the Board's review and consideration (Attachment B). This Plan is intended to generally guide the dissemination of information about the project and the engagement of the broader community in dialogue as the project moves forward. Staff anticipates that formal public engagement will commence in April, 2014 once a design team has been established.

Funds are currently budgeted to procure the design services. Staff is proceeding with the project based on the recent grant award in excess of \$2.9 Million from the Office of the Attorney General and a joint funding concept developed in concert with the City and UVA in which capital and operating costs are shared proportionately based on the number of sworn officers employed. The total cost for an indoor, 24-lane firearms training facility on the Milton site is estimated currently to be in the range of \$4 Million to \$5 Million. Again, the total capital costs will be off-set by grant funds already awarded in excess of \$2.9 Million.

Staff recommends that the Board: (1) authorize staff to proceed with the procurement of an architectural firm or individual to perform the design services; and (2) endorse the Public Engagement Plan as presented and/or modified by the Board."

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Mr. Doug Walker, Assistant County Executive, addressed the Board, stating that this would be a team presentation including a brief overview of the project's background, a timeline of decision points and milestones, discussion of the Milton site, the partnership initiated between the County, City and UVA, discussion of a communication plan, the project schedule going forward, and next steps – including a request for Board authorization for staff to proceed with procurement of project design services, and endorsement of the communications plan.

He stated that the firearms training facility meets a core function of law enforcement, as there are mandatory annual qualifying requirements, and officers would also benefit from enhanced opportunities for scenario-based training in concert with other agencies. Mr. Walker said that for many years, the County Police Department has had a contractual arrangement with the Rivanna Rifle & Pistol Club – and that has worked well, but needs now exceed the viability of that facility to accommodate training needs going forward. He stated that the agreement expires in December 2014, and they have indicated a strong desire for the County and City to identify other places to accomplish the goals of agencies with firearms training.

Mr. Walker said that there have been multiple site analyses and evaluations conducted over the course of decades, most recently including conversation of a larger public safety and training facility at the former Keene Landfill. He stated that last year, the Board had directed staff to rescope the project away from an outdoor range to specifically target an indoor range and to look at other sites for consideration by the Board. In April 2013, he said, the Board reached consensus to move forward with discussion of a joint range with the City, County and UVA, as well as to involve members of the public to work with staff in evaluating criteria for other sites. Mr. Walker stated that over the summer, staff, along with three citizen representatives, met on numerous occasions and brought forth a consensus recommendation in August, at which time the Board voted unanimously to direct staff to pursue a site at Milton. He stated that the property is owned by UVA, and the project would proceed as a partnership between them and the City and County. Since that time, he said, the respective police departments have identified a grant opportunity through the office of the Attorney General and were awarded a significant amount through the federal asset seizure program.

Mr. Trevor Henry, Director of the Office of Management and Budget, addressed the Board, presenting an aerial photograph of the site location and noting that the property is in the Milton Village area, comprised of 172 acres and was once used as an airport. UVA currently uses the site as an open range for training for its police officers. Mr. Henry said that the buildable piece of the property is about 35 acres, outside of the floodplain, and the site was felt to be a consensus location because it allows regional partners to work together. He stated that it converts the existing use to an indoor range. The only scope of public safety training is the indoor range itself, which will allow qualification training to occur at least three times per year annually along with joint and scenario-based training. Mr. Henry said that this is a convenient location for regional partners, and there is limited site work required when compared to other candidate sites. He stated that there have been several traffic studies done in the area, and it is a heavily traveled road so the increase in traffic will be negligible – 1-2% in actual traffic count, but a perceived increase because of the visibility of police cruisers. Mr. Henry said that a side benefit may be a reduction in the speeding that has been reported on that road. He said that the team used a sound study of the site to help guide the design concept, which is also a cost driver for the project, and the existing range will be closed and remediated by UVA.

Mr. Henry presented a schematic of the proposed building design, noting that the range design includes 20-24 lanes each about 50 yards long, with one side used for traditional qualification training and the other for tactical scenario-based training. He stated that there would be a small classroom for pre-drill briefing, drill de-briefing, storage lockers, bathrooms, etc. They are modeling for the design to include concrete or CMU with sound-mitigating materials to help contain noise. He said that the cost estimate range is \$4 to \$5 million, and the CIP submission is \$4.8 million, but they hope to tighten that up further once they get into the design.

Ms. Mallek asked him to point out on the area where the site would be. Mr. Henry noted the location of the existing range and pointed out the proposed site of the new range, which would be adjacent to the entrance in a relatively flat area with only a few acres impact.

Ms. Mallek pointed out that it was near the building that the Architectural School uses. Mr. Henry agreed that it was on the opposite side of that building site.

Mr. Boyd asked for clarification that the \$4 to \$5 million was the gross cost. Mr. Henry said that it is the total cost, and the grant would offset that.

Ms. Mallek asked if they were debating the concrete versus metal roof. Mr. Henry said that in order to achieve noise mitigation, they would need concrete or a similar system to maximize noise isolation.

Ms. Mallek stated that the low-40s decibel is the maximum they should be considering, and that's what the Board required for Castle Hill Cidery. Mr. Henry said that one of the specifications that would go out as part of the RFP for design services is that it be designed under the noise ordinance guidelines.

Mr. Boyd said that \$4 to \$5 million is a pretty large range, and asked when it would be nailed down. Mr. Henry said that staff has included \$4.8 million in the CIP, which is based on a due diligence study but will be tightened up once other costs are clarified.

Mr. Walker stated that the number also includes the cost of mitigating and remediating the existing range, which will be a cost assumed by UVA. He said that the grant awarded was in response to an application filed by the three partners in collaboration, and the grant assumes that the partnership will be what is in place in order to utilize the facility. Mr. Walker said that they have been working together to discuss what the arrangement will look like, and have been using the Emergency Communications Center as a model of a public safety partnership that seems to have worked. He stated that while some aspects are different, there will be three users and some shared responsibility to establish day to day management, and to pay in a fair share of ongoing operating costs as well as non-grant portion of the capital costs. Mr. Walker said that the partnerships will be formalized in the form of operating agreements and funding agreements, and the assumption is that they will use sworn officer counts as the basis for participation on both operating and capital sides.

Mr. Boyd said that he would like to see that information prior to expending any money on the project. Mr. Walker said it should be available, and agreed that it is important to understand that as well as the formal and legal property control aspects prior to moving forward.

Mr. Foley asked if the agreements will be approved prior to spending any design money, which means formal City Council approval through two readings.

Mr. Boyd said that he wanted to address getting the cost-sharing agreement in place prior to spending any money, based on the history of prior negotiations for other items.

Mr. Walker said that staff is seeking authorization to proceed with the procurement of design services, which has a timeframe involved. The question is whether the Board is comfortable with moving ahead with some design work required to construct a project that's acceptable to all parties.

Mr. Boyd said that he does not want to hold up the grant process, but would like to see a high priority placed on establishing the cost-sharing agreement as soon as possible.

Mr. Foley said that staff could bring back a more specific schedule and let the Board know if they feel they will have to proceed with some expenditure on that.

Mr. Sheffield asked if the County has started work on any parts of the agreements. Mr. Walker stated that there has been general discussion and agreement on how the relationship will work, but there has not been any formal language created yet.

Mr. Davis said that the attorneys have not been engaged as of yet beyond the conceptual stage, so there are details that need to be resolved.

Mr. Boyd said he just wants the agreement to be a high priority.

Ms. Dittmar asked staff to keep the Board informed of any delays related to negotiation issues.

Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, addressed the Board on the public engagement plan for the training facility. Several years ago the County developed administrative guidelines to formalize its public engagement efforts to ensure there was careful, thoughtful and proactive consideration given to meaningfully engaging citizen involvement in projects and programs. While the needs and circumstances of each of the projects are unique, the guidelines provide a consistent approach to assessing what level of participation is best to ensure successful engagement, and helps staff look at the tools, and the ways to move forward. Coming to a shared understanding with the Board at the beginning of the public engagement process gives the staff a visible road map that guides the efforts moving forward as there will be no surprises, and everyone knows how things are going to proceed. Those common expectations and predictability are important for the Board and staff, and for the public who wants to make sure that they know how they are partnering the project, when their opportunities are going to come forward and how their feedback is going to be used towards the final outcomes. She stated that the public engagement plans are living documents, and as much thought is given to them, things can adapt and change as projects move along – but not without the Board and public being made fully aware of those revisions.

Ms. Catlin said that the Board has the proposed plan for this project before it, including putting a micro-site on the County's web page, mailing adjacent landowners, using A-mail for communication, using social media and press releases, and scheduling of public meetings. She stated that several community meetings are being scheduled – one early on in the process to give people an understanding of the project and what it is expected to look like in the community. She added that another community meeting later in the process will be scheduled to make sure that staff has heard what the public said and to ensure that the things the public thought were important are reflected, to the extent possible, in the design as it moves forwards. This is the same process that staff is using for the Northside Library project. Ms. Catlin mentioned that the Village of Rivanna Community Advisory Council, the one Board-appointed council in the vicinity of the project, will be included in discussions as the project moves forward.

Ms. Dittmar stated that as this project is located in her district and she is very interested in the community being engaged early, and asked if the planned meetings would be offsite. Ms. Catlin said that the meetings would be held offsite, close to the proposed facility. People would be invited through a general advertisement sent through the media, adjacent property owner notification, neighborhood association lists, and the advisory council. She said that this is an area that can always use improvement, and asked for any suggestions of other outlets and channels for communication.

Ms. Palmer asked if only directly adjacent landowners would be notified, as projects like this with a noise component might impact those at a certain distance in addition to adjacent landowners. Ms. Catlin said that the process in the past has been tricky because of the need to define those parameters of who might be affected, so up to now the County has contacted people who are immediately adjacent that actually touch. She stated that beyond that, the staff reaches out through the website, media, A-mail, and other vehicles.

Ms. Palmer asked if a distance metric would also be a viable parameter. Ms. Mallek said there was a 1,000-foot radius for Keene communications. Ms. Catlin clarified that this is an indoor range so the sound piece of it is a little bit different.

Ms. Palmer said that it is a matter of public perception, as people may get angry because they think it is going to be a problem.

Ms. Dittmar noted that it is less noise than what is experienced now because UVA practices on an outdoor range, but it might be a good idea to look at distance from a broader perspective as the Board is considering projects.

Mr. Foley said that staff was looking for that kind of direction from the Board.

Ms. Palmer asked what the Planning Commission's role in this would be. Mr. Davis explained that the Commission is required to do a Comprehensive Plan determination that it is consistent with the Comp Plan.

Mr. Henry said that review has not been scheduled yet, but would occur early in the process.

Mr. Sheffield asked if capital projects move forward differently from private projects. Mr. Henry said that the County goes through the exact same reviews and requirements.

Mr. Foley pointed out that there has been some changes in process recently that state there should be preliminary meetings out in the neighborhoods and so forth, so staff would make sure they have worked that new step into this particular project's timeline. He also stated that staff will be bringing forth

communications plans to the Board on all major projects, which is a more formalized approach than what the County has had in the past.

Mr. Sheffield said that he would also like to ensure that the Board is included in the fiscal tracking of these projects. Mr. Foley said the Board has had some of that discussion, but would bring it forth again in more detail.

Ms. Mallek noted that this project is in the rural area – even though it's fairly developed – so they need to keep the paper and pencil component in advertising, since not everyone will use internet access for this information. Ms. Catlin agreed, stating that in the past staff has worked through the churches and country stores and would also use the 1,000-foot radius, if the Board feels it is important for this project. Staff can provide information on the number of people who live within that 1,000-foot radius.

Ms. Dittmar asked if the County would have the same kind of detailed review as the Northside Library, noting a recent article that referenced the ARB's discussion. Ms. Catlin clarified that she was referring to the public participation piece, not the overall process that Northside had to go through.

Ms. Dittmar said that what Mr. Sheffield seemed to be referring to is what the County's process will be when the County acts as developer, to mimic the process a private developer would go through. She added that perhaps the County could use this project as an example or look at it generally so they have a process.

Mr. Foley said that County staff has to go through all of the processes for a development that the private sector does – including the ARB review if it is in an Entrance Corridor. He added that for some recent zoning issues, the County has added a requirement for preliminary community meetings prior to the pre-application stage.

Mr. Davis said that most of those requirements relate to legislative approvals that are rezonings of a property or special use permits. All public uses that would be built by the County are not subject to those requirements because they are permitted by right in all zoning districts.

Mr. Foley stated that the new requirement is the piece the staff should look at to see how it might apply to County projects, which would be something beyond typical project review.

Ms. Mallek said that she's confident the County is going beyond what is legally required.

Mr. Walker stated that this particular project is not located in an Entrance Corridor and would not require ARB review, whereas the Northside Library was.

Ms. Dittmar said that there is a legal distinction between the requirements for public projects and private projects. She said that she would like to know what processes public projects do not have to go through because she wants to see how things come to the Board before they are fully vetted by the Commission with a recommendation.

Ms. Palmer said that there is a public process and many opportunities for the public to be notified, but she isn't sure the County is going through them in the same open way as a private developer would.

Mr. Foley said that this is a good question, and staff will have to bring information back on it – because there are different levels of engagement for things like site plan review, rezonings, etc.

Mr. Davis emphasized that the County goes through the same processes as a private developer for a by-right use.

Ms. Catlin said that staff wants these communication plans to be visible, transparent, and “a bit of a covenant” that the public sees and understands. It is important to get it right up front and continue to adjust as they move along.

Mr. Foley said that he would like to amend this plan to incorporate the process they are following to mirror what the private sector goes through, so that the Board can see that it parallels the site plan review process and other benchmarks.

Ms. McKeel asked for clarification that staff would notify Board members separately as to what the actual dates of the meetings are. Ms. Catlin said that once the plan gets refined, staff will make sure the Board is aware of the dates, and would enroll Board members in the A-mail notices for these projects.

Ms. Dittmar asked if there was any action required by the Board at this point.

Mr. Henry said that they had talked about the schedule with Mr. Walker, and there is a grant timeframe of 24 months for completion of the project. He stated that another factor is the timeline for the County's current agreement with the gun range, which can hopefully be extended for another year. Mr. Henry said that there is a probably three-month process to get through the selection, design and site approval, followed by procurement and construction of six to nine months – with a project completion goal of fall 2015.

He stated that the next steps would be for the Board to authorize staff to proceed with procurement of the architectural firm or individual to perform design services, and endorse the public engagement plan as presented, with any modifications. Mr. Henry said that the other actions would be to

finalize the operating governance funding agreements, as well as establishing the lease agreement with UVA. He said that staff hopes to report back to the Board in April, and by then they should have a firm on board.

Mr. Walker said that two things he heard from the Board discussion were to look at a 1,000-foot radius from the site to consider direct notification of property owners, and to incorporate into the plan the standard processes used by private developments in the County. He also stated that if staff finds they are moving faster with regard to the draft of the agreements, they will bring them back sooner.

At this time, Ms. McKeel **moved** to authorize staff to proceed with the procurement of an architectural firm or individual to perform the design services and to endorse the public engagement plan as modified by the Board. Mr. Sheffield **seconded** the motion.

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

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

NAYS: None.

Mr. Walker acknowledged Police Chief Steve Sellers and his staff members – John Parent and Rob Heide – who have provided significant leadership on this project.

Ms. Dittmar commented that one of the best aspects of this project is the inclusion of willing partners, and the negotiations should go smoothly because everyone is invested.

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Agenda Item No. 15. Biannual Update on FY13-17 Strategic Plan.

The following executive summary was forwarded to Board members:

“The Board of Supervisors has formally engaged in the County’s strategic planning efforts since 2001. The Board provided direction and guidance for the development of the FY13-17 Strategic Plan during a strategic planning retreat held on June 30, 2011. After additional discussion at subsequent Board meetings, the Board gave final approval of seven goals and associated objectives at its May 2, 2012 meeting. Staff provides the Board formal biannual updates on the FY13-17 Strategic Plan in January and at the annual strategic planning retreat in the summer.

Implementation of the FY13-17 Strategic Plan began on July 1, 2012. Since that time, staff has focused primarily on creating and implementing action plans for years one and two and on designating priority items. Over seventy employees have been involved in this process, working together on seven cross-departmental goal teams. The attachment highlights the progress that has been made towards the seven Strategic Plan goals. Staff is still in the process of finalizing appropriate Key Performance Indicators (KPIs) for each goal and will incorporate KPIs into future updates.

At the most recent Board retreat in August 2013, the Board reviewed the 2013 Citizen Survey results, as well as relevant community profile data as part as a brief environmental scan. The Board then reiterated its support broadly for the articulated goals and objectives, as well as the progress to date. The Board also discussed a general desire to explore further some specific strategic challenges, including:

- Capacity of the capital program
- Connectivity issues, including transit and trails
- Community aesthetics that maintain and promote Albemarle’s “character”

At the Board’s next strategic planning in the summer of 2014, staff will seek additional direction on those items, as well as Strategic Plan actions, strategies, and priority items more generally for years three through five.

The FY13-17 Strategic Plan provides direction for the County’s Five-Year Financial Plan and annual budget processes.

Staff recommends that the Board review the attached biannual update and provide feedback and direction on the progress of the County’s FY 13-17 Strategic Plan.”

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Ms. Louise Wyatt, Organizational Development Manager, stated that that one of her primary responsibilities is the County’s strategic planning process. She stated that the plan is a five-year plan, with about a year and a half done thus far. She said that she will be highlighting some of the County’s accomplishments during that year and a half.

In terms of the first goal - providing excellent educational opportunities to all County residents – the Board held a joint retreat with the School Board in July where they discussed items of common interest. Staff is working on moving forward with an assessment of pre-K programs. She stated that they are also working to identify gaps in workforce training, working with community partners and identifying gaps with target industries.

Ms. Wyatt said that under the second goal of providing community facilities to meet existing and future needs, adoption of the most recent five-year financial plan will allow the County to address a lot of critical infrastructure needs such as Courts and ECC equipment upgrades.

She stated that under the third goal of encouraging a diverse and vibrant local economy, they are all major action items in the Economic Vitality Action Plan, and there will be upcoming discussions to establish an independent Office of Economic Development.

Ms. Wyatt stated that with the fourth goal of protecting the County's parks and natural, scenic and historic resources, the five-year financial plan has acknowledged the need for new additional dedicated revenue to address water quality mandates.

She stated that the fifth goal of ensuring the health and safety of the community is being addressed through efforts to increase emergency response times, such as the County EMS service from Martha Jefferson at Pantops, opening of the Ivy Fire Station, and underway renovations of the Seminole Trail station. Ms. Wyatt said that in terms of prevention and partnership for public safety, the Police Department has been working with the community to create a steering committee to focus on reducing youth involvement in gangs.

Goal six which is individual responsibility and citizen ownership includes the formation of a police auxiliary force to help move this goal forward, and also continue to focus on community engagement especially as it relates to large capital projects.

Ms. Wyatt said that they are working toward goal seven of promoting a valued and responsive County workforce that delivers excellent customer service. She stated that staff is currently looking at survey data focusing on both internal and external customer service improvements. After several years of not being able to adequately address training funding needs of County employees, they are now able to fund all basic core training needs.

She stated that last summer at the Board's retreat, staff sought additional direction on some priorities and strategies for the three to five-year timeframe of the plan. Ms. Wyatt said that at the Board's retreat this year, staff will continue the conversation about priorities and strategies to ensure that they reflect the current Board's priorities. Ms. Wyatt said that staff remains very focused on this plan. When the County Executive's budget comes forward, the Board will see that it closely aligns with the strategic plan.

Ms. Wyatt said that staff would appreciate any feedback from Board members, and she would be happy to answer any questions.

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Agenda Item No. 16. VDOT Report – Joel DeNunzio.

Mr. Joel DeNunzio, Residency Administrator, addressed the Board and welcomed new Supervisors. He stated that he is responsible for anything that has to do with roads in Albemarle and the three surrounding counties of Greene, Louisa and Fluvanna. The counties are located in the southern section of the Culpeper District. Mr. DeNunzio stated that there are about 235 miles of primary roads in Albemarle and a little over 900 miles of secondary roads, of which VDOT is responsible for maintenance. He said that VDOT has eight area headquarters in the Charlottesville Residency, four of them in Albemarle – Keene, Free Union, Yancey Mills, and Boyd Tavern.

Mr. DeNunzio stated that he has provided Board members a copy of the Secondary Road Six-Year Plan that was approved last year, which has all unpaved roads, secondary roads, and other items – including projects that have been completed, which will not drop off of the plan because right of way issues are ongoing for years.

Mr. DeNunzio reported that last year in the County, VDOT completed the Route 53 curve projects and the intersection at Route 20/Route 53 along as well as the site distance for the Monticello entrance. He said that the Scottsville Streetscape Phase II project was completed last year, which was a locally administered project from the Town of Scottsville. Mr. DeNunzio said that the rural rustic road project completed last year was Gilliam's Ridge Road. VDOT paved 180 lane miles in the County including 5.4 lane miles of primary road. He also said that State crews completed the Route 665 structure over Rocky Creek to bring it up to standard.

Mr. DeNunzio said that every month he will distribute a monthly report, which includes preliminary engineering items first followed by construction items, traffic engineering, and maintenance activities. He stated that their next milestone for preliminary engineering is the Black Cat Road/Route 616 bridge replacement project. VDOT will be going out for advertising in March with construction starting sometime in the summer. Mr. DeNunzio said that they also have Broomley Road and Dick Woods Road for advertisement by the end of the year. Also, under preliminary engineering is the Best Buy ramp which is located in the City.

Ms. Mallek asked if Mr. Boyd had done the petitions for the Black Cat Road bridge. Mr. Boyd said that he has had trouble getting the neighborhoods together to do it. Ms. Mallek stated that there is no rush anyway, as the Board wanted to wait for the personalities in Richmond to change before sending the petitions in. Mr. Boyd explained for the new Board members that the community would like that road to have no trucks, but they need a petition from the residents there in order to do that. Ms. Mallek added that the other petition is the use of Earlysville Road for big trucks.

Ms. Dittmar said that when the new Supervisors were in Richmond for their orientation, they met Jennifer DeBruhl of VDOT, who suggested getting together with Mr. DeNunzio to ask questions and go over the manual. She also said that there seems to be different ways that Supervisors from other counties work with VDOT when they have constituent calls about roads, and asked if the Board should channel that through Mr. David Benish or directly with VDOT.

Mr. DeNunzio said they should come directly to him on those requests, or call the "1-800-FOR-Road" number, which comes in as a work order request. He stated that if there is a safety concern or engineering work needed, they should come directly to him.

Ms. McKeel asked what VDOT's outreach would be to citizens with homes that will be threatened under the new Western Bypass alignment. Mr. DeNunzio said he would have to get back to her on that, as he's not certain where they are with the alignment process.

Mr. Foley said that would be a good item to have sent to all Board members, as it would have a broader impact beyond the one district.

Mr. Boyd stated that Mr. DeNunzio is available to ride around with Board members in their districts to see any road issues firsthand.

Ms. Mallek asked if the County will be able to get back to the formula for paving on a consistent basis so the roads with a certain number of vehicle trips per year can get done on a regular rotation, because it seems wasteful from the public's point of view to see things being paved one small section at a time rather than getting something done.

Mr. DeNunzio said that he would love to have some more maintenance paving funding. Last year VDOT received additional funding from the CTB on unpaved roads but not for the regular paving program. He added that a lot of the patches are in preparation for surface treatments.

Ms. Mallek asked for the name of the new Culpeper District person. Mr. DeNunzio said that the person is Mr. John Lynch, and he will email out the contact information along with links to the manual.

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Agenda Item No. 17. Piedmont Council of the Arts Cultural Plan, Sarah Lawson.

Mr. George Beller, President of the Piedmont Council for the Arts, addressed the Board and introduced PCA Executive Director, Sarah Lawson. He thanked past and present Supervisors for their input on the strategic plan for arts and culture for the region, and County staff for their input during the process. Mr. Beller said that there were over 1,000 individuals in the City and County who contributed to the development of the plan, through focus groups, the steering committee, working groups, and survey participation.

Ms. Lawson said that the County, the City, the Charlottesville Albemarle Convention and Visitors Bureau, National Endowment for the Arts, and Charlottesville Area Community Foundation all contributed to the creation of the cultural plan. Ms. Lawson said that PCA serves as the designated arts council for Charlottesville and Albemarle, and has been in existence since 1979. In 2011, PCA completed an arts and economic prosperity study that gauged the impact of the arts on the local financial sector. She stated that the arts sector locally accounts for about 2,000 full time equivalent jobs and approximately \$114 million in economic activity. Ms. Lawson stated that this sector needed more analysis and could grow for the benefit of both the City and the County, so they began the cultural planning process in order to create a strategic plan to grow specific goals and areas within the art sector.

Ms. Lawson reported that their pre-planning timeline started in 2012. They engaged the City, County and local partners as well as local arts organizations in the process. They got endorsements from 45 area organizations and created a steering committee of 28 local stakeholders who led the process from that point on. She stated that PCA was the coordinating entity for the cultural plan, but tried to remove themselves from the process as much as possible in order to prevent any bias in the planning process. Ms. Lawson said that they launched the plan in January 2013. The planning process engaged over 1,000 community members in various roles with a "stunning amount" of public feedback and input. She stated that Mr. Craig Dreeszen, a national expert on cultural planning, led the process – with PCA providing administrative and coordinating support behind the scenes.

Ms. Lawson said that the planning process revealed that not everyone feels they have access to cultural assets, with barriers identified including parking, cost of admission, and not knowing about resources or events. She stated that one goal that emerged immediately from the process was ensuring access for a diverse audience throughout the entire arts community. Ms. Lawson said that other goals identified include arts education, the creative economy, and livability for artists.

She stated that the cultural planning committee identified six specific goals: diversity and inclusion, arts education and lifelong learning, a cultural destination and cultural marketing, creative workers and recruitment and retention of the creative workforce, creative placemaking, and cultural infrastructure. Ms. Lawson said that under each goal there are a variety of strategies, and the finalized plan was approved unanimously by the steering committee in September 2013. She stated that in addition to the six goals they also created a case for support for the cultural plan, and they are hopeful that the Board supports the belief that the arts build community, improve education and learning opportunities, and create a significant economic impact – but also enliven public places, attract people to the area, and offer a substantial return on investment for localities.

Ms. Lawson said that they believe this process justifies a significant amount of support from citizens, the Board, City Council, and local businesses and nonprofits. She stated that they are before the Board to ask for their endorsement of the cultural plan, which they have already received from City Council and over 50 local nonprofits and businesses. Ms. Lawson said they are in the process of making presentations to local organizations to garner further support, and will host a launch event so the public will gain a better awareness of what the cultural plan is.

Mr. Boyd asked what was involved with support for the cultural plan. Ms. Lawson said it is up to the Board. She added that City Council provided a unanimous vote of support that states they support the ideals in the plan and the six major goals of the plan. She stated that she is not certain the Board can take a vote on this since it is not an action item.

Mr. Sheffield said the Board will have to wait to bring it back in order to vote on it.

Mr. Foley said that this was just intended to be a presentation, but it is up to the Board how they want to deal with it.

Mr. Boyd stated that they have voted on things like this before, and there is no monetary commitment here – just an endorsement of their plan.

At this time, Mr. Boyd **moved** to endorse the six long range goals of the *Create Charlottesville/ Albemarle Cultural Plan* as presented. Ms. Mallek **seconded** the motion.

Ms. Palmer asked if it would have more impact if they waited until the next meeting and passed a resolution.

Ms. Dittmar asked what the difference is between a motion and a resolution.

Mr. Davis said that a motion is a less formal action that would be reflected in the minutes of the Board, whereas a resolution is a presentable document.

Mr. Foley stated that staff is a little confused, because usually they do an executive summary when the Board is going to take an action – but he understands this is just a conceptual approval.

Mr. Beller said that there are no financial recommendations along with the plan at this time, and this is more conceptual in nature with endorsement of the goals sought at this point.

Ms. Dittmar suggested that the Board just move forward with a motion at this time.

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

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

NAYS: None.

Ms. Mallek noted the involvement of Ms. Jean Wilhelm, who has worked with PCA for many years.

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Agenda Item No. 18. The Journey Through Hallowed Ground, Cate Magennis Wyatt.

Ms. Kate McGinnis-Wyatt, President of the Journey Through Hallowed Ground Partnership, said that the Partnership was created as a nonprofit in 2005 with the support of the Board through a resolution passed, with a business plan and goal of raising awareness of the unparalleled historic, cultural and natural resources in the region from Albemarle up to Gettysburg. She said that the swath is about 180 miles long and 75 miles wide, with an incredible concentration of assets – but awareness by people who lived within the region and visitation to sites both in decline. Ms. Wyatt stated that they created the nonprofit with the support of every local body possible, along with standing committees of peers, in order to seek designation as a national heritage area as an act of Congress and to have the one road tying it all together designated as a National Scenic Byway. She said that Congress did make the designation in 2008 as a natural heritage area – the 38<sup>th</sup> in the country – and that authorization allows for \$1 million per year, providing there is a match. Ms. Wyatt stated that thus far they have only been able to get \$147,000 in appropriations through the Department of Interior, but continue to work with members of Congress to fulfill their obligation. She said that the Journey's Board of Trustees has raised over \$6 million to bring the programs to fruition. She stated that Ms. Mallek serves on the Council of Elected Officials and Ms. Ann Taylor, from Monticello, serves on their Board of Trustees, and Leslie Green-Bowman joins others on their National Advisory Council. They really rely on their Council of Elected Officials to help steer the business plan to meet the needs of the constituents.

Ms. Wyatt said that from the beginning she pledged that no funds would be requested for five years from any of their elected bodies because it was enough to have everyone spending their time and resources and bringing the plan to fruition. In year six, they did a full year look back to see if they did what they said they would do, and determine whether it was valuable. If it was valuable, what was the dollar figure that would have been paid to achieve that program or the project. The Council of Elected Officials then spent a year looking at what would be a fair, appropriate and painless amount per capita that each jurisdiction could contribute on an annual basis to help sustain these programs. She then referenced a chart provided to the Board on where the funds have been spent to benefit Albemarle citizens – as well as how much has been contributed by local partners.

Ms. Wyatt said that their educational programs include the Extreme Journey summer camp, a two-week program in collaboration with County schools. Their organization underwrites the program at about \$20,000; tuition is paid by those that can. Over the course of two weeks, participants retrace steps of historical figures through exploration while making a film on their adventures on “what leadership means to them.” She stated that they will hold the two-week session in Albemarle this summer from June 16-27, with registration open beginning January 15<sup>th</sup>. Ms. Wyatt said that they also have a nationally awarded service learning project entitled “Of the Student, By the Student, For the Student” where middle school students are asked what they find most interesting about a historical site. She stated that they have a standing committee of all the directors of the departments or bureaus or tourism from each of the 15 counties, and Mr. Kurt Burkhardt has been a tremendous partner in creating a brand for this region.

Ms. Wyatt said that they have created a travel guide book that has sold over 6,000 copies, worked with National Geographic to create the book *Journey Through Hallowed Ground-Birthplace of the American Ideal* – which sold 28,000 copies and is now being reprinted. She stated that they also provide maps for free, working with National Geographic on a map that highlights Civil War sites throughout the region, and 10% of those requesting maps are international. Ms. Wyatt said that the brochure created in the past year is part of the National Park Service’s passport program, and 27 of the historical sites with the Journey are included. She stated that they also have an educational program that trains those who interact with the public called the “Certified Tourism Ambassadors Program,” and they have trained over 1,000 people. Ms. Wyatt said that they held their annual meeting here with Mr. Richard Dreyfus in 2010, and will be back at UVA in 2014 for their meeting, which draws people from 14 states. She stated that the Journey has received coverage from many media sources, including *USA Today* and the *Telegraph* in the U.K. She stated that later in the year, they will begin a program to plant one tree for each of the 620,000 men who died during the Civil War – from Monticello to Gettysburg.

(Note: Mr. Sheffield left the meeting at 12:10 p.m.)

Ms. Mallek asked if the planting will begin soon. Ms. Wyatt responded that it will. On November 9, 2013, they announced a partnership with [www.ancestry.com](http://www.ancestry.com). They are also working with students all over the country who are researching who from their community fought and died in the Civil War, because they are geo-tagging the trees to identify the soldier for whom the tree is planted.

Board members thanked Ms. Wyatt for her presentation.

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Agenda Item No. 19. Closed Meeting.

At 12:11 p.m., Mr. Boyd **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 Fair Labor Standards Act; under subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring the provision of legal advice related to the negotiation of a regional public safety agreement; and under subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice relating to the cost recovery program for emergency service transports and the negotiation of an agreement for further implementing a cooperative cost recovery program for emergency service transports. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

ABSENT: Mr. Sheffield.

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Agenda Item No. 20. Certify Closed Meeting.

At 1:46 p.m., the Board reconvened into open meeting. Mr. Sheffield **moved** that the Board certify by recorded vote that to the best of each Board member’s knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Mr. Boyd **seconded** the motion.

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

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

NAYS: None.

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Agenda Item No. 21. Boards and Commissions:

Item No. 21a. Board Member Committee Appointments.

Item No. 21b. Boards and Commissions Vacancies and Appointments.

(Note: The Board took this item up later in the meeting.)

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Agenda Item No. 22. **1:30 p.m. - To receive public comments:** Water Protection Ordinance – VSMP Amendment.

The following executive summary was forwarded to Board members:

“The Nature of Stormwater

Precipitation that neither evaporates nor soaks into the ground is considered stormwater runoff, which flows overland into natural waterways or into constructed conveyance systems, and eventually to the Chesapeake Bay. Forests, wetlands and other naturally vegetated areas slow stormwater runoff and absorb water and pollutants. However, when stormwater flows across roads, rooftops, yards, farms, golf courses, parking lots and construction sites, it picks up nutrients, sediment, phosphorous, nitrogen, pesticides, dirt, trash, motor oil, bacteria from animal waste, deposits from airborne pollutants, and other pollutants.

Unmanaged stormwater can cause erosion and flooding. It can also carry the pollutants described above into the County’s streams, which can be harmful to aquatic life and contribute more sediment and other pollution to the County’s streams, the Chesapeake Bay, and its tributaries. Properly managed stormwater protects land and streams from erosion, flooding and pollutants.

How Stormwater is Managed

When land is developed, stormwater is managed during the construction process under an erosion and sediment control program and a stormwater management program. The stormwater management program also provides for the post-construction management of stormwater.

- Erosion and Sediment Control: The Virginia Department of Environmental Quality explains that an erosion and sediment control program helps prevent destruction of property and natural resources caused by land disturbing activities that results in soil erosion, water pollution, flooding, stream channel damage, decreased ground water storage, slope failures, and damage to adjacent or downstream properties. These types of problems can be successfully minimized by implementing erosion and sediment control measures on construction sites. State regulations specify the "minimum standards" that must be followed on all regulated activities. These measures include prompt soil stabilization, establishing permanent vegetative covers, and establishing sediment basins and traps. These measures help prevent soil movement or loss, enhance project aesthetics and eliminate appreciable damage to off-site receiving channels, property and natural resources.
- Stormwater Management: The Virginia Department of Environmental Quality describes “nonpoint source pollution” as water pollution caused by stormwater runoff that is not confined to a single source. A single source discharger, including such things as a wastewater treatment plant or industrial discharge pipe, are separately regulated under a Clean Water Act permitting program. Stormwater management programs manage the quantity and quality of stormwater runoff on construction sites as well as on a regional or watershed basis. As pervious surfaces are converted to impervious surfaces, the amount of stormwater runoff increases, which may cause erosion, localized flooding and property damage. The quantity of stormwater runoff can be controlled by measures such as detention basins that control the peak stormwater discharge. Because stormwater runoff from both pervious and impervious surfaces may carry large amounts of these pollutants when it rains, the quality of stormwater runoff must be managed by measures such as permeable pavement, grass channels, bioretention, and constructed wetlands.

Erosion and Sediment Control and Stormwater Management in Albemarle County

The County has regulated land disturbing activity under its erosion and sediment control regulations since 1975 and under various forms of stormwater regulations beginning in 1977. By 1997, the County had four separate water-related ordinances adopted at different times, some of which applied only in limited parts of the County. In 1998, the four ordinances were updated to comply with evolving State law, revised to improve implementation and consistency with the County’s Comprehensive Plan, and consolidated into what is now Chapter 17 of the County Code, entitled the “Water Protection Ordinance.”

The Water Protection Ordinance has been amended periodically since 1998 to keep up with State law. The most significant amendment was the addition of Article V, Illicit Discharges and Connections, in early 2007. That amendment was the result of the County’s changed status under the Federal Clean Water Act as an operator of a small “Municipal Separate Storm Sewer System,” commonly referred to as “MS4.” As an MS4 locality, the County operates under an MS4 permit and has an MS4 program plan which it must successfully implement during each 5-year MS4 permit program cycle to improve water quality.

The Chesapeake Bay Preservation Act (“CBPA”), adopted by the Virginia General Assembly in 1988, is another driving force in stormwater management. Although the CBPA is mandated to apply only to those localities generally east of Interstate 95, other localities are enabled to adopt CBPA requirements at their option. The County is one of a very limited number of localities west of Interstate 95 to implement any elements of the CBPA, and it has done so by establishing its own stormwater management program (instead of a State-operated program), and by establishing resource protection areas by adopting its stream buffer regulations in 1991.

#### Recent Federal and State Actions to Reduce Stormwater-Caused Pollution

The Clean Water Act (CWA) sets an overarching environmental goal that all waters of the United States be “fishable” and “swimmable.” In particular, the CWA requires that states such as Virginia establish appropriate uses for their waters and adopt water quality standards that are protective of those uses. The Chesapeake Bay and its tributaries are among Virginia’s “waters.”

Since 1998, four significant steps have been taken at the Federal and State levels to reduce pollution into the Chesapeake Bay:

- Clean Water Act Phase II regulations: The United States Environmental Protection Agency (“EPA”) promulgated its Clean Water Act Phase II regulations pertaining to stormwater discharges. (1999)
- Chesapeake 2000 Agreement: Virginia, Maryland, Pennsylvania, the District of Columbia, the United States Environmental Protection Agency, and the Chesapeake Bay Commission entered into a comprehensive agreement to reduce pollution into the Chesapeake Bay. (2000)
- Chesapeake Bay Total Maximum Daily Load (“TMDL”): The Chesapeake Bay TMDL was established, based in part on the Phase I Watershed Implementation Plans submitted by Virginia and the other states in the Chesapeake Bay watershed. The EPA describes the TMDL as “a historic and comprehensive ‘pollution diet’ with rigorous accountability measures to initiate sweeping actions to restore clean water in the Chesapeake Bay and the region’s streams, creeks and rivers.” The TMDL “identifies the necessary pollution reductions of nitrogen, phosphorus and sediment across Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia and sets pollution limits necessary to meet applicable water quality standards in the Bay and its tidal rivers and embayments.” The TMDL sets Chesapeake Bay watershed limits of “185.9 million pounds of nitrogen, 12.5 million pounds of phosphorus and 6.45 billion pounds of sediment per year – a 25 percent reduction in nitrogen, 24 percent reduction in phosphorus and 20 percent reduction in sediment. These pollution limits are further divided by jurisdiction and major river basin based on state-of-the-art modeling tools, extensive monitoring data, peer-reviewed science and close interaction with jurisdiction partners.” (2010)
- State Stormwater Management and Erosion and Sediment Control Laws: Beginning in 2004 and continuing to the present, the Virginia General Assembly has amended the Virginia Stormwater Management Act and the Virginia Erosion and Sediment Control Law numerous times, establishing new comprehensive standards and deadlines for localities to meet, and requiring all Virginia localities (with very limited exceptions) to oversee their own stormwater management programs. The State also has delegated other large areas of oversight of stormwater management related to construction from the State to the localities. (2004-2013).

These regulatory steps have culminated in the proposed revised Water Protection Ordinance and the funding and staffing plan the Board is now considering.

#### The Process Between Now and July 1, 2014

The Virginia General Assembly and the Virginia Department of Environmental Quality (“DEQ”) have established deadlines for Virginia localities to come into compliance with the new State stormwater management program requirements. For all intents and purposes here, erosion and sediment control is subsumed into stormwater management.

- January 15, 2014: The County must submit its preliminary stormwater management program application package, including the draft Water Protection Ordinance, to DEQ for review to determine compliance with State law. Because of significant amendments to State regulations effective October 23, 2013 and December 17, 2013, the draft ordinance could not be presented to the Board sooner.
- May 15, 2014: The County must hold a public hearing and adopt the Water Protection Ordinance and must submit its final stormwater management program application package, including its adopted ordinance (July 1, 2014 effective date), to DEQ.
- June 13, 2014: Final date for approval of the County’s stormwater management program application package by the State Water Control Board.
- July 1, 2014: The County’s approved new stormwater management program becomes effective.

As provided by 9VAC25-870-150, the County’s application package will be composed of the ordinance, a funding and staffing plan (addressed in a separate agenda item on January 8), and any policies and procedures including, but not limited to, any agreements with any other public or private entities regarding the implementation of the County’s program.

#### The Proposed Ordinance

The proposed Water Protection Ordinance incorporates new State law requirements pertaining to erosion and sediment control and stormwater management, continues certain pre-existing programs of

the County that exceed the minimum State standards, specifically the County's stream buffer program, and reorganizes the County's current erosion and sediment control and stormwater management regulations to facilitate their administration.

Following is a brief description of the key elements in the ten articles composing the proposed Water Protection Ordinance:

- Article I, General: Identifies the authority for the ordinance, states its purpose, describes its applicability, including its applicability to the Town of Scottsville at the Town's request (and as provided under State law).
- Article II, Administration: Designates the County as the program authority and the County engineer as the program administrator, defines terms, and establishes fees.
- Article III, Applicability of the VESCP and the VSMP to a Land Disturbing Activity or a Site Condition: Describes the types of land disturbing activities subject to and exempt from the County's erosion and sediment control program ("VESCP") and stormwater management programs ("VSMP").
- Article IV, Procedure for Submitting, Reviewing and Acting on Applications; Post-Approval Rights and Obligations: Establishes the form and content for all required plans, including two new types of plans (pollution prevention plans and stormwater pollution prevention plans) previously administered by the State; establishes the procedure for submitting, reviewing and acting on plans; establishes the rights and obligations of an owner after the County has approved an application, including the obligation to maintain permanent stormwater management facilities; and establishes the procedures for amending plans after approval.
- Article V, Technical Criteria: Establishes the technical criteria for controlling erosion and sediment control, managing stormwater quantity, and managing stormwater quality to satisfy State standards. The technical criteria for the new State requirements are addressed in sections 17-500 through 17-502 of the draft ordinance. Additionally, the County's Design Standards Manual, which provides guidance to the development community on technical requirements, will reference the Virginia Stormwater Management BMP Clearinghouse, which the State intends to use as the source for information on acceptable Best Management Practices.
- Article VI, Stream Buffers: Continues and updates the County's stream buffer protection regulations and amending some of the regulations to simplify their administration.
- Article VII, Illicit Discharges, Illicit Connections, and Prohibited Dumping: Continues and updates the County's regulations prohibiting illicit discharges and connections, and prohibiting dumping, as part of the County's MS4 program.
- Article VIII, Compliance: Establishes a wide range of duties on owners holding approved permits to engage in land disturbing activity, including the duty to comply with all applicable requirements, to maintain all structures, systems and facilities, to maintain certain required permits and plans onsite, to provide information pertaining to certain discharges, to report certain discharges, and to provide records; establishes the authority of the administrator to obtain information from owners, to conduct inspections of sites, and to conduct monitoring and sampling; the new State regulations impose an obligation on the County for ensuring compliance.
- Article IX, Enforcement: Continues, clarifies and enhances the County's enforcement authority, ranging from issuing notices to comply and stop work orders to seeking civil penalties and other judicial remedies.
- Article X, Groundwater Assessments: Continues the County's program to collect groundwater information in conjunction with its review of certain developments; this article is not part of the County's erosion and sediment control or stormwater management programs.

The County's costs in overseeing the current stormwater management program is approximately \$240,000 per year. Approximately \$140,000 of that total is, and will continue to be, supported by fees, with the balance paid for out of the General Fund. When the current fees were established, the Board decided, as a matter of policy, that stormwater initiatives above and beyond the State mandates (e.g., stream buffers, groundwater) should be partially supported by the County rather than entirely by the applicant. The draft ordinance proposes fees for development activities that will fund all *new* stormwater-related plan and permit reviews and related inspections. The proposed fees are estimated to increase by \$274,000 per year the revenue generated by fees, from the current \$140,000 per year to \$414,000 per year, for the next five years. The General Fund amount estimated to cover program costs not covered by fees is estimated to increase from \$11,000 in FY 15 to as much as \$218,000 in FY 19.

Beyond the impact of implementing the ordinance revisions as outlined above, staff estimates that the County's new stormwater management program will cost an average of \$1 million per year for the next five years. This amount includes the cost of continuing the County's existing MS4 program. This cost

does not include any additional measures the Board may wish to consider for improving local streams and rivers in the future beyond mandates.

Staff recommends that the Board receive public input at the work session and direct staff to submit the attached draft Water Protection Ordinance, subject to any direction from the Board and further technical revisions deemed necessary by staff, together with the other elements of its stormwater management program application package, to the Virginia Department of Environmental Quality for review and approval.”

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Mr. Greg Kamptner, Deputy County Attorney, addressed the Board, stating that the purpose of today's presentation was to receive public input and also provide additional information to the Board regarding the new water protection ordinance, which is being driven by the federal Clean Water Act – which requires that the quality of the Chesapeake Bay and its tributaries be improved. He said state laws have changed over the past 10 years and, with the latest iteration from the state, a number of stormwater management responsibilities which were formerly handled by the state have been shifted to localities. He stated that Albemarle County has been ahead of the curve because it has been regulating stormwater locally for the last 30+ years in various forms, with the most recent significant change happening in 1998 when a number of ordinances were consolidated into the water protection ordinance. Mr. Kamptner said current state law requires that the new programs be in effect by July 1, 2014, and localities are required to submit their preliminary application packages to the Virginia Department of Environmental Quality (DEQ) by the following week, so the DEQ can begin their review of the local ordinances. Mr. Kamptner said the regulations have been evolving, with the most recent ones adopted by the State Water Control Board on December 17, 2013.

Mr. Kamptner stated that the proposed regulations will apply to all land-disturbing activities associated with land development, and the terms “development” and “land-disturbing activity” are defined in the proposed regulations. Mr. Kamptner explained that there are some differences between the current regulations and those being proposed. He said the new ordinance better integrates the erosion and sediment control process with the stormwater management process, which had been a directive from the state and should be a singular and somewhat seamless process now. He stated that, as far as processing the applications, the ordinance incorporates a lot of the principles to keep applications moving forward. Mr. Kamptner said the County's MS4 permit is further integrated into its stormwater regulations, so there are some additional requirements of the County as a small MS4 locality which are above and beyond the minimum state standards. He stated that there would also be some new technical criteria applicable to the new regulations whereby the state is implementing a best management practices (BMP) clearinghouse website where localities can obtain information on BMPs in dealing with stormwater. Mr. Kamptner said there is a new uniform 10,000 square foot land disturbing activity threshold to be applied to all types of development which are subject to regulations, and the state is also working on a new runoff reduction calculation that will be part of the program as well.

Mr. Kamptner stated that the County has additional mandated responsibilities to review, approve and monitor pollution prevention plans and stormwater pollution prevention plans, and those are both defined and described in the ordinance as well. He added that the County will also have additional responsibilities for monitoring and reporting compliance. He said there are some provisions from the current ordinance that are being carried over including stream buffer regulations, which the County has had in place for 23 years and those are designed to protect water quality. Mr. Kamptner stated that one reason why it's important to retain that program is that it hopefully will assist the County in achieving its MS4 permit requirements and other Chesapeake Bay and future local TMDL obligations. Mr. Kamptner said the other component of the water protection ordinance being carried over is the groundwater assessments program, which allows the County to collect groundwater data for various types of developments. Under state law, he said the County can adopt new initiatives that are above and beyond the minimum standards required by the state, and legislation within the last few years requires that, if a locality desires to establish enhanced standards, they must be based on studies conducted, must be deemed “necessary,” and are subject to state approval by the DEQ.

Mr. Mark Graham, Director of Community Development, addressed the Board and said, in addition to the ordinance, there are two other elements that the County is required to submit to the state – a resource plan and a funding program. He stated that there hasn't been much guidance provided on these, so the County has had to take what the ordinance requirements are and attempt to interpret what will be required. Mr. Graham said, for the first year, staff estimates that it will require an additional 1.5 FTE, with an inspector working out in the field and an engineer to review the plans to make sure those are in compliance. He stated that, in FY16 and FY18, they have budgeted for an additional inspector – with the new plans requiring more time and a strategy to phase in staff. Mr. Graham said, when taking resource requirements and translating them into funding requirements, the expenses over the next five years are estimated at \$1.36 million. He stated that, based on the Board's direction to staff in September to look for all that cost to be funded through fees, staff has tried to set fees based on recent patterns of development so it pays its own way. Mr. Graham said fees would be collected in conjunction with the application process, with half paid in the beginning and the other half paid when an applicant gets a permit. He stated that there is also an annual renewal fee, and re-inspections required because of noted violations. Mr. Graham noted that 28% of the fee, by state regulations, is turned over to the state for administration of the program, but the County's fees do anticipate that and can still cover costs.

Mr. Kamptner presented a timeline of benchmarks to be achieved through July 1, 2014, and said that February 15 is the date for the next action item – with a determination of completeness received from DEQ which lets staff know if any additional information is needed from the County. He said, in March, Community Development will be hosting one or more staff-initiated public roundtables and March 14 is the

last regularly scheduled Board date for it to adopt the ordinance, because the final ordinance and application package will need to be submitted to DEQ by May 15. He said the state would then have another month to review the final application package to ensure its compliance, with the new ordinance becoming effective July 1, 2014. Mr. Kamptner noted that DEQ doesn't know yet when it will provide its comments to the County, so staff will need to schedule a public hearing accordingly depending on when those end up being received.

Mr. Davis stated that it's also possible the General Assembly will reconsider the deadline, and VACo is supporting legislation to extend the deadline a year, which would correspond with TMDL deadlines – but it is unknown as to whether that will be successful, and it doesn't necessarily have to impact the County's timetable; it simply extends the deadline.

Mr. Boyd said, in previous presentations on this issue, he had talked about establishing standards for additional FTEs and the number of inspections staff would be doing as a result of that, because staff doesn't really know how many applications they will get as it varies with the economy – nor how much time it will take to review one. He stated that he was hoping to establish some standards for the positions, as it would provide a benchmark for future hiring decisions.

Mr. Graham said staff is trying to do that, but it is even more complicated than just the volume of applications as there is no control over how long a project will take – and inspections will still need to occur every two weeks. He stated that FY16 and FY18 are placeholders currently, but they don't anticipate that the program will be evaluated by the state until FY16 or FY17, and that will be the first moment where they will have an accurate snapshot.

Ms. Dittmar asked if the roundtables would be the first time interested parties would be involved, or if they helped develop the ordinance. Mr. Graham said that would be the first time and, when staff came to the Board in September, they were planning to hold at least one roundtable before this meeting – but the state kept changing regulations with the final version adopted December 17, 2013. He stated that there are a number of people in the local development community that have been involved with the statewide effort for stormwater management regulations as they were drafted and then adopted.

Ms. Dittmar asked if the Board would have the ability to amend the ordinance in March if things come up at the roundtables, since the draft will have already been submitted. Mr. Kamptner said as long as the County is meeting the minimum state requirements, the Board can make changes in between preliminary and final versions.

Mr. Davis said what the ordinance is intending to do is to continue the current County requirements and to implement the mandates of the state. He said the roundtables might provide input on process, and those things could be changed as long as the substantive elements of the ordinance are not changed after the state's review.

Mr. Boyd asked how the \$1.36 million per year was derived with 1.5 FTEs. Mr. Graham said that amount projects out all of the anticipated costs through the time period.

Mr. Boyd said he hopes developers understand that they will be responsible for all of the fees under the new ordinance, not just half as they do now.

At this time, the Chair opened the meeting for public comments.

Mr. Neil Williamson, on behalf of the Free Enterprise Forum, stated that the water protection ordinance is a 77-page document which was released the previous Tuesday, and most of the calls he has received have been related to the fees on page 17. He stated that the \$276,000/year in fees are being turned over to developers; therefore, they are concerned about being hit twice. He stated that, because the County has to jump through hoops, the process would benefit greatly from stakeholder input, adding that the roundtables could not be held because of the state. Mr. Williamson said he would like to hear whether the Board would entertain shared costs for the inspection fees with the taxpayers.

Mr. Morgan Butler of the Southern Environmental Law Center addressed the Board, stating that they've only had the document for a week but have reviewed it to see what was changed from the current ordinance. He said the Board adopted some special provisions in its Erosion and Sediment control (ENS) ordinance to give the County additional leverage if terrain is left denuded and open to erosion for extended periods of time, and the state minimum standard for addressing stabilization has loopholes for developers to dodge the requirements of permanent stabilization or vegetation and other measures on the site. Mr. Butler said the Board had adopted measures to provide that additional leverage to remedy those situations when they occur, and those provisions haven't been carried over into the new proposed ordinance. He said staff has indicated that there is some administrative discretion to implement those through the design standards manual but, due to the importance of this issue and the Board's unanimous adoption of those provisions into the ordinance, it would be wise for the County to include those provisions in the actual text of the ordinance that will be submitted to the state.

Ms. Valerie Long, of Williams, Mullen, addressed the Board, stating that she would suggest that the Board consider having the work sessions start sooner than March so as to provide adequate time to incorporate any changes. Ms. Long also stated that she agrees with Mr. Williamson's statement that the fees be at least partially shared by the County as a whole, given that the goals of the ordinance benefit everyone in the community – and there are also impacts created by others in the community that don't have fees assessed.

Mr. Boyd said he had originally put forth the idea that the fees be totally incurred by the developer, but what he meant was the additional costs be added by the new requirements and not necessarily all of the costs.

Mr. Graham said that is all this contemplates, and they would continue the same funding arrangement with all the existing programs. He said one of the reasons for splitting the water protection ordinance fees was a recognition that the County had a lot of programs above and beyond the original state requirements, such as enhanced ENS and stream buffer programs. Mr. Graham said the only action requested from the Board at this time is endorsement for staff to submit the ordinance with the resource plan and funding plan in the ordinance to DEQ. He also stated that staff anticipates holding at least one roundtable, but wanted to have DEQ's initial review, and then schedule a second one if needed.

Mr. Sheffield said he would like to get started earlier with the roundtables and not wait for DEQ.

Ms. McKeel agreed.

Mr. Davis suggested the Board wait and see what the General Assembly might do, because it might be beneficial and more efficient to have the DEQ comments before the roundtables are held – but if the General Assembly is not going to advance the date, the timeframe for roundtables could be accelerated.

Mr. Graham said staff could bring a public engagement plan back to the Board in February.

Mr. Boyd then **moved** to direct staff to submit the draft Water Protection Ordinance to DEQ, subject to any direction from the Board and further technical revisions deemed necessary by staff, together with the other elements of its stormwater management program application package, to the Virginia Department of Environmental Quality for review and approval. Ms. Mallek **seconded** the motion.

Ms. McKeel asked for clarification of Mr. Butler's concern. Mr. Graham said he and Mr. Kamptner were working on language to accommodate that.

Mr. Kamptner indicated that there is language in the ordinance calling for more permanent stabilization measures, but it isn't prominent – so staff would make it more noticeable.

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

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

NAYS: None.

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#### Agenda Item No. 23. Water Resources Funding.

The following executive summary was forwarded to Board members:

"Recent state mandates have significantly increased the scope and costs of County water resource programs. The Board will receive a separate executive summary at this January 8<sup>th</sup> meeting regarding a proposed comprehensive revision to the Water Protection Ordinance that addresses compliance with changes to the Virginia Stormwater Management Program (VSMP). Additionally, the Virginia Department of Environmental Quality (DEQ) is imposing new requirements and standards for the County's Municipal Separate Storm Sewer System (MS4) permit that are anticipated to significantly increase funding demands beginning in FY15.

In recent months, the Board has been presented information regarding both the VSMP and MS4 requirements (Attachments A and B). With this information, the Board considered strategic initiatives within the County's Five Year Financial Plan to implement these requirements. In December 2013, the Board determined that the Five Year Financial Plan should include new funding for both programs. The VSMP costs in the Community Development Department are proposed to be offset by development applications fees. The MS4 costs in the General Services Department, which includes both operational and capital costs, requires an additional revenue source for funding. The purpose of today's work session is to evaluate the funding needed and possible sources of revenue.

For the water resources program, the Five Year Financial Plan identifies the total program cost will escalate from \$414 Thousand in FY15 to \$1.23 Million in FY19, which equates to approximately \$1 Million per year for the Five Year Financial Plan. This amount is based on assumptions for estimated costs and levels of service and may change during implementation. In order to create a balanced budget, a new revenue source is needed for this funding. Staff has identified three potential revenue sources to address this funding need.

1. General Fund – The County has the option to continue to fund the expenses from this Fund as historically done. At the current real estate tax assessments, the additional \$1 Million required per year equates to approximately two-thirds of a cent on the real estate tax rate. Most MS4 counties in Virginia are currently funding their water resources programs through general fund revenues.
2. Service District – Virginia enables localities to create special tax districts called service districts for dedicated funding. Taxes are assessed in the same way as property taxes. One county has been identified as using a Service District and another a sanitary district, which is a form of a service district.

3. Stormwater Utility – Virginia enables localities to create stormwater utilities. Rather than rely on the assessed property value, a stormwater utility measures impacts (runoff) and assesses fees based on that impact. This is typically done in terms of "\$X" per 1,000 square feet of impervious cover or some similar measure. Stormwater utilities have been a preferred revenue source for MS4 cities in Virginia.

To assist the Board in understanding the advantages and disadvantages of the three revenue sources, a table is provided as Attachment C comparing the three alternatives. In the table, a green color indicates the stronger of the revenue sources for the specific factor. In one case, an additional light green is provided to indicate that a possibility exists but must still be confirmed. A short description of each factor in the table is provided:

- Implementation Costs and Complexity: This factor indicates the relative complexity of establishing this funding source. Funding water resources programs through the General Fund has no implementation costs and requires the Board to set the tax rate by resolution, using assessed values of property already in place. A Service District would have to be established by ordinance, but staff believes that the process would be fairly simple. The Service District tax rate, also using assessed values of property already in place, could be either set in the ordinance or established by resolution. Funding through a Stormwater Utility, once established by ordinance, would come from fees based on each parcel's measured impacts from stormwater runoff, rather than assessed property values. The fee would be based on a dollar amount per a defined square footage of impervious cover, or some similar measure. Staff believes that a Stormwater Utility would require additional costs and more time to implement.
- Administration Costs and Complexity: This factor indicates the relative complexity of maintaining this funding source. Once again, the General Fund and Service District are the easiest to administer because they continue the established process of levying and collecting real property taxes already in place. The Stormwater Utility requires a separate case-by-case evaluation as property is developed or changed. In addition, under a Stormwater Utility, the County may reduce fees to any public or private entity that implements or participates in strategies, techniques or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining public stormwater management systems. Although this incentive program certainly has merit, staff is concerned that it would be difficult to administer.
- Dedicated Funding Source: This factor indicates whether the funding source would be ongoing. The Environmental Protection Agency (EPA) and DEQ have strongly encouraged localities to establish dedicated funding. Both the Service District and Stormwater Utility accomplish this.
- Correlation between Impacts and Costs for Property: A stormwater utility establishes fees based on the measured impact, making it a more equitable charge. Because the General Fund and Service District tax is based on property values, they have little direct correlation to impacts.
- Incentives for Reducing Impacts: The Stormwater Utility has the advantage of allowing the County to fully or partially waive fees for onsite measures taken to reduce stormwater impacts. These can include things such as rain barrels or rain gardens.
- Complexity of Public Explanation: The concept of property taxes is well understood, which gives an advantage to the General Fund and Service District. The Stormwater Utility will be considerably more difficult to explain, as many explanations include qualifiers that confuse the public or make them suspicious of intentions. For example, it will be difficult to explain that a stormwater utility charge is based on impervious cover except where the impervious cover is disconnected from channelized runoff and the runoff is diverted to stormwater management facilities.
- 60/40 Revenue Split: The County has maintained a policy of a 60/40 split of new real estate tax revenue between the School Division and the County Local Government unless the Board, in a particular case, elects to dedicate an increase in revenue for a specific County or School purpose. The revenues generated by a Service District or Stormwater Utility would fall outside of that policy because they are required by law to be a dedicated funding source for water resources programs.
- Itemized Expense on Income Taxes: Individuals who itemize expenses with their income tax can deduct general property taxes. This is not possible with Stormwater Utility fees, which are treated the same as any other utility bill for tax purposes. There remains some question as to whether taxes imposed by a Service District are entitled to the same tax deduction as general property taxes. Staff notes that Fairfax County uses a Stormwater Service District and advises its property owners the tax deduction is allowed based on how its program is designed.
- Tax Exempt Properties: Tax exempt properties would not pay property taxes or Service District taxes if imposed for stormwater programs. All properties would pay a utility fee unless subject to a separate MS4 permit.

After considering the advantages and disadvantages, staff believes a Service District provides the best balance of these factors. The General Fund was found to lack the dedicated funding source the regulators are encouraging with the MS4 permit and, if the Board elected to adhere to the County's 60/40 funding policy, a substantial tax increase would be required, which may be difficult to garner public support. The Stormwater Utility is considered to be too expensive to implement and administer for the amount of funding needed, plus the fee cannot be an itemized deduction on individual income taxes. Staff also notes that based on other localities, it is anticipated that a Stormwater Utility would take two years to

fully implement, while the revenue source is needed beginning in FY 15. Thus, at least for the next five years, the Service District appears to be the best funding option. If the 2018 reissued MS4 permit continues to increase the County's program costs, staff believes a utility should be reconsidered at that time.

The estimated expense of \$1 Million per year for the next five years represents the cost of continuing the existing MS4 permit program and addressing the costs with the new mandate. It should be noted this cost does not include any additional measures the Board may wish to consider for improving local streams and rivers, and could be subject to change as the program is implemented. Funding for such an expanded program could also be addressed with a Service District. If a Service District is established effective July 1, 2014, revenue would be collected in December of 2014 and June of 2015, providing full funding for stormwater programs in FY15.

Staff recommends that the Board direct staff to schedule a public hearing for the adoption of an ordinance to establish a Service District to be effective July 1, 2014 to ensure that the County's stormwater program can be implemented with tax revenue to be collected for all of FY15. If the Board concurs, staff will include this as part of the FY15 proposed budget

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Mr. Graham stated that he would update the Board on recent discussions and direction related to water resources funding, including staff recommendations. He said staff started last summer reviewing the current status of the ordinance with the Board by looking at existing ordinances and data, and mapping of stream impairments through assessment of StreamWatch data. Mr. Graham stated that they next evaluated the County's goals – where they want to be, and what they've set as policy in the Comp Plan and strategic plan. He said they then looked at what the County is mandated to do, with the first requirement being the Virginia Stormwater Management Program, and the water protection ordinance they just reviewed, which must be in place by July 2014. Mr. Graham said, at that review meeting, the Board gave direction to recover all new costs with fees. He stated that, in October 2013, staff talked with the Board about the municipal separate storm sewer system (MS4) permit, which is another mandate from a program that's existed for eight years but has been greatly expanded recently due to Chesapeake Bay TMDLs. He said some of those costs associated with the expanded program were built into the County's five-year financial plan and, in review of that plan in December 2013, they evaluated next steps. Mr. Graham said they included the VSMP in those steps with the funding anticipated, and built in a request for additional staff and resources – as well as an expanded MS4 program with the funding source to be determined.

Mr. Graham stated that one end of the spectrum is meeting the mandates and the other end of the spectrum is doing everything contemplated in the Comp Plan and strategic plan. He said the mandates include the VSMP and MS4, and staff is doing well at trying to address those. Mr. Graham stated that the County has a number of enhanced programs that go beyond the mandates – an enhanced erosion and sediment control program, a stream buffer program, a groundwater program, regional stormwater management facilities have been done that are outside of the MS4 that they didn't have to do, and have also provided education/information beyond what's required in the MS4 permit. He said that, for future considerations, the Board can look at what the County may have an interest in doing and whether the resources are there to support it.

Regarding funding, Mr. Graham said MS4 permit costs would be increasing from about \$414,000 in FY15 to \$1.23 million in FY19 and, when averaged over five years, it comes to approximately \$1 million per year. He said state and federal regulators have asked localities to provide a dedicated funding source for these activities, and the five-year financial plan anticipates an alternative funding source outside of the General Fund. Mr. Graham stated that staff presented three funding sources in the executive summary, including: (1) the General Fund – which is currently used by most counties for stormwater management and water resource issues, but many of the MS4 counties are now considering alternatives with these new costs; (2) a service district which is used primarily by large MS4 counties but is growing in interest with smaller localities facing new costs; and (3) a stormwater utility which has been preferred by cities that have stabilized, fixed or known development, well-defined infrastructure, and programs for handling utility costs.

Mr. Graham stated that the Board's executive summary includes a staff analysis of each option, and the recommendation is for the Board to direct staff to begin development of a service district beginning in FY15. Upon that recommendation, he said staff would draft a public engagement process for the Board's review/endorsement and the County Executive would then build that assumption into the FY15 budget, which must be submitted in February.

Mr. Foley said, because of the timing of the review and mandates, something needs to be proposed in the budget – and it seems at this stage that a service district makes the most sense based on the criteria from the EPA, however, staff is recommending that the public engagement process include all three options in order to solicit feedback for the Board as it makes a decision on how to proceed with funding. He stated that the complications of setting up a utility are such that staff doesn't feel they can get a utility up and running in the next fiscal year, but they do have to do some implementation, so there will be some costs in the next year. Mr. Foley said the Board's community discussion could contemplate whether utilities ought to be the ultimate solution, but somehow the County will have to pay for some portion of the cost in the next fiscal year. He stated that the service district has the advantage of designating all of the revenue to stormwater and not to the General Fund as a whole.

Mr. Boyd asked if the entire County was being considered for a service district. Mr. Graham said what staff would recommend at this point is exclusion of certain properties and areas, such as UVA – which has its own MS4, Shenandoah National Park, etc.

Mr. Boyd asked if the County had the authority to give individuals in the service district a tax credit if they are doing something to mitigate stormwater management. Mr. Davis said they could not.

Mr. Foley said the straight-forward answer is “no,” but the County may be able to set up incentive programs to provide grants and other measures.

Mr. Boyd said, if farmers take steps to fence livestock out of streams and things like that, they should be given credit or tax relief for doing so.

Mr. Davis said the service fee would be based on the land use value of the property, so there would be a fairly small impact on agricultural property that is in land use. He stated that service district fees are based on assessed value and, for property in land use, it would be based on land use value.

Mr. Boyd asked if the County could selectively exclude regular property from a service district, or if it had to be a nonprofit, university, etc. Mr. Davis stated that it would have to be a class of properties and would have to be reasonable. He said service districts in general, not related to stormwater, have been adopted by localities to exclude certain types of zoned property, depending on what the service district was intended to fund. He emphasized that the County could not select properties randomly without some reasonable basis for exemption from the service district, and that would likely be subject to legal challenge. Mr. Davis said what Mr. Graham was suggesting is that certain public properties which are exempt from stormwater requirements either under federal regulations or local programs would be reasonable to exclude but, without some rational basis, excluding singular properties would not be recommended.

Ms. Palmer asked if the reason the County is considering a service district over General Fund expenditures is because of the 60/40 split between schools and general government.

Ms. Mallek also mentioned revenue sharing as being a factor.

Mr. Foley said General Fund monies would not have to be specifically segregated accounting-wise and for audit purposes, and a service district would need to have accounting done separately for all funds that come in. He stated that they could do it by department in the General Fund, but there's no requirement to do so. He said the Board could forego the 60/40 split policy – but the other point to consider is that there's a completely separate accounting of revenues generated through a service district. Mr. Foley said revenue sharing doesn't really apply.

Mr. Davis said revenue sharing is based on several different factors, but tax rate is not one of them – it's assessed value, and the 10-cent cap is really a percentage of the assessed value which generally equates to that amount. He said the setting of a tax rate for the General Fund or a service district tax would have no impact on the revenue-sharing agreement.

Ms. Palmer asked if there was a cost associated with setting up a service district that's greater than taking it out of the General Fund. Mr. Foley said staff considers it to be very minimal.

Mr. Davis stated that there would have to be an ordinance adopted which would establish the boundaries of the district, the Board would have to set the rate, and the requirement for billing would be based on the same properties being billed for taxes – with the service district set out separately in the tax bill. He said regulators seem to indicate a preference for a designated fund so that the use of the money is not subject to political whim, such as budget crunches whereby the funds can be used for other purposes.

Mr. Sheffield said he would have an issue with the use of the General Fund and service district approaches, because there's no way to provide incentives for those who want to mitigate on their own property – and since the County is encouraging development in a growth area, the building may be “up” and so property value could be higher, but runoff may be minimal. He stated that a service district would be disproportionate to that density encouragement, such as with the Neighborhood Model. Mr. Sheffield said he's OK with moving forward for further discussion, keeping in mind they may look at something different, but increased urbanization does change the game a bit.

Mr. Boyd stated that he had read in the summary that MS4 has a five-year horizon.

Mr. Graham confirmed that was the case and, every five years, the County would come back and get a permit renewal – which they dealt with in 2013. He explained that they are able to change their funding source mid-cycle, as the permit remains the same regardless of how it's paid for. Mr. Graham agreed that they would need to have further discussion, but staff didn't see a way to put a utility in place in less than a year – probably more realistically, two years – yet the County has a funding need now.

Mr. Foley and Mr. Boyd both acknowledged that Mr. Sheffield had made some very good points.

Mr. Foley said this would legitimately give staff and the Board an opportunity to engage with the public, and that input is important going forward with an ultimate solution.

Mr. Sheffield asked if the Board could put an expiration date on the ordinance it is passing so that it forces the Board to reconsider it.

Mr. Boyd said he didn't believe a decision needed to be made at this meeting, and he would like to get some public feedback first.

Ms. Mallek said the point she has continued to bring up is the fairness and relationship between the impact of a property and its costs and, while the argument continues to be made that setting up a utility is too difficult, by the time you go into a service district and start making all sorts of programs and grants and rebates, the amount of effort ends up being the same. She stated that it's completely unfair for large houses to pay the same amount – having no incentive to improve their behavior – as a little house on a lot of acreage.

Mr. Boyd asked what behavior she was referencing.

Ms. Mallek said the goal should be to incentivize improvement in runoff control and reduce County impact, not just collecting more money to continue to regulate them.

Ms. Palmer said she foresees a nightmare occurring in trying to figure out what impervious surface means when someone has a long gravel driveway, and asked if they were talking about the assessed value of buildings or the property as a whole.

Mr. Davis said it's the assessed value of the property and its improvements and, in the rural areas where there may be 20 acres of forestry, most of that property would likely be in land use and thus would have a very small value – so there would be a very small service district fee. He stated that it's primarily going to capture the building footprint and that property surrounding it that has a higher value.

Ms. Dittmar stated that leaving the General Fund option on the table might provide a way for the Board to discuss setting up a utility.

Mr. Foley said this is also helpful information as to what staff might put in the budget because, if the Board is not going to abandon the idea of a utility, it might be easier to move from the General Fund to a utility. He stated that the Board would need to consider a lot more information about the complexities of setting up a utility, and the public would need that information also.

Mr. Davis stated that the complication is that this needs to be effective by July 1, 2014 and, if the Board chooses to go with a General Fund formula, it would need to be adopted as part of the budget and be reflected in the tax rate set in April; whereas a service district could be adopted separately by that date with the first billing set up for December 1, 2014. He said adopting a utility would not be practical for this calendar year, so there would have to be some substitute funding stream for this calendar year.

Mr. Foley said he hopes that, by the first time they do any billing for the stormwater mandate, the Board will have made a decision on the ultimate solution – so it may be made clear that it's a temporary measure. He stated that the direction he is hearing from the Board is that all three options are still on the table, and staff should come back to them with a public engagement plan and the budget should also include something relating to the General Fund or service district.

Ms. Mallek asked if the service district item would have to go through the Planning Commission. Mr. Foley said it would come straight to the Board, and it is a fairly easy path.

It was the consensus of the Board that staff develop a process for informing the public of the water resources funding issue and seek input on preferences for funding through the General Fund, a Special Service District, or a Stormwater Utility and that the process outline be presented to the Board for consideration in February.

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Agenda Item No. 24. CPA-2013-00001. Comprehensive Plan Update/Amendment.

The following executive summary was forwarded to Board members:

“Staff began working with the Planning Commission on this comprehensive update to the County's Comprehensive Plan (the “Plan”) in the summer of 2011. The last adoption of all elements of the Plan as one document occurred in 1989. Subsequently, there have been a series of elements/sections of the Plan adopted since, beginning with the Land Use Section in 1996. Since 1996, the County has adopted updates to the following sections:

- Natural Resources and Cultural Assets (1999)
- Land Use Plan (LUP) – Neighborhood Model (2001)
- Affordable Housing Policy (2004)
- Rural Area Plan (2005)
- Transportation Section (2005)
- Community Facilities (part) (2007)
- Economic Development Policy (2009)
- Land Use Plan – Four Master Plans (Crozet 2004 & 2010, Pantops 2008, Village of Rivanna, 2010, and Places 29, 2011)

While these separate updates have kept the Plan relatively current, more recent initiatives and considerations, including State stormwater regulations, increasing opportunities for agri-business and agri-tourism uses in the Rural Area, the target industry study, affordable housing issues, and the need for a Master Plan for the Southern and Western Neighborhoods, necessitate that the Plan be further updated. These updates, in combination with a desire to eliminate the unwieldiness of the Plan that has resulted from adopting all of these sections independently, led staff and the Planning Commission to develop a more concise Plan for the County. Because State law requires that localities review their Comprehensive Plans every five years and because of the length of time that has passed since some sections of the Plan have been updated, staff believes it prudent that the Board adopt the updated Plan constituting CPA201300001 as soon as is reasonably possible.

On July 26, 2011, the Planning Commission began the Plan review and amendment process with a general review of the County's Vision, Goals, and Objectives. Between July 26, 2011 and August 27, 2013, the Commission held approximately 41 meetings devoted in whole or in part to the Plan, with an opportunity for public input at each meeting. On April 2, 2013, the Commission held a public hearing on the draft Plan. Over the next several months, the Commission asked staff to provide proposed changes to the final draft. On July 30, 2013, the Commission recommended approval of the first part of the updated Plan and on August 27, 2013, the Commission recommended approval of the remaining sections, along with priorities. The fully recommended Plan then went to the Board for consideration and adoption.

The Board began its review of the Commission's recommended draft of the Plan on August 14, 2013. The Board's preferred process at that time was to review the Plan chapter-by-chapter and to hold a public hearing at the end of the process. At its September 11, 2013 meeting, the Board reviewed the first three chapters and made comments. In November 2013, the Board decided to suspend the process until the incoming Board was in place. A draft of the Plan is currently on-line at this location: <http://www.albemarle.org/departments.asp?department=cdd&relpage=14219>.

At the Board work session on January 8, staff will provide an overview of the Planning Commission's recommended draft Plan and a summary of changes that the Commission has recommended. In the interest of "re-starting" the Board's review of the Plan, staff also suggests two possible approaches to reviewing the draft Plan for the Board's consideration and direction on January 8.

1. **Detailed review of chapters, policy issues, or both, raised by Board members, followed by a public hearing.**

This is the approach the Board initiated this fall before suspending its review. It provides the Board the opportunity to delve into the Plan details and identify possible changes prior to holding a public hearing. While such a review is typical of many Comprehensive Plan Amendments, it requires a number of Board work sessions to complete. For example, the Places 29 Master Plan was recommended for approval by the Planning Commission on October 27, 2009, first considered by the Board on January 13, 2010, and adopted by the Board on February 2, 2011, a period of slightly more than fifteen months. Recognizing that the draft Plan includes 13 chapters and covers a wide range of subjects, staff believes this type of detailed review would require six to eight work sessions prior to a public hearing, and the entire process may take a year or more. (See Attachment C for possible schedule.)

2. **Public Hearing followed by a review of particular issues identified.**

The Planning Commission carefully and systematically developed the draft Plan over a two-year period with public input at every meeting. The Board can rely on the Commission's careful review and recommendations for the Plan and focus its review on specific areas of the Plan in which it has an interest and/or that have been identified as important by the public. This type of approach was most recently used with the update of the Crozet Master Plan. Staff estimates that adoption of the Plan may occur within six months if the Board uses this approach. (See Attachment C for possible schedule.)

Recommendations in the draft Plan include recommendations for future capital improvements and operations. While there is no additional funding required for either approach that the Board may take to review the Plan, the Board should be aware that Option 1 is anticipated to require two to three times more staff time than Option 2, resulting in an ongoing potential that staff will not be available for other policy review priorities.

Staff recommends that the Board choose to conduct its review of the draft Plan as set forth in Option 2, proceeding to a public hearing followed by a review of particular issues. While the Board started the review approach as set forth in Option 1, staff believes with the extensive work completed by the Planning Commission and in the interest of focus and efficiency, Option 2 is the preferable approach to take. The Board would first set a public hearing, which could be as soon as February 12, 2014. Staff would provide the complete draft Plan reflecting all Commission recommendations at least three weeks before the public hearing. After the public hearing, the Board can identify specific topics and issues for detailed review. Staff can facilitate that detailed review, beginning with a work session as soon as the following month. The Board may also wish to hold a final public hearing on the proposed Plan at the conclusion of its work sessions.

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Mr. Wayne Cilimberg, Director of Planning, addressed the Board, stating that staff's primary objective is to get the Board's decision on the next step for review of the Comprehensive Plan.

Ms. Elaine Echols, Senior Planner, stated that she has been working with the Planning Commission for the last two years on the update of the Comprehensive Plan, which was completed and recommended to the Board by the Planning Commission the previous summer. Ms. Echols said Albemarle County has a long history of comprehensive planning, with the County adopting its first plan in 1970 and four comprehensive revisions adopted since that time – with the fifth to be adopted in 2014. Ms. Echols stated that the plan has been updated in a piecemeal fashion since 1996 and has become somewhat unwieldy, and staff as well as the Planning Commission began an update to standardize, reduce bulk, make information current, and look at changes in certain focus areas when they began their work.

Ms. Echols said the Commission spent many hours putting together the recommended plan and wanted to ensure that the public had plenty of opportunities for input, with 44 different meetings held on the plan, along with 18 additional meetings that staff and the livability project staff had on specific topics. Ms. Echols noted that information from those meetings was provided to the Commission, and they used it as they developed their recommended plan. She said the end result of those efforts was a plan – a portion of which was recommended in July and the remaining parts recommended in August – for their discussion and ultimate adoption. Ms. Echols stated that a single document containing all of these items will be available later in January so the Board has a complete document for review. She said the Commission began work with a vision, and the vision set by the Board as part of its 2012 strategic plan work and, at the Commission's request, the vision is written at the beginning of each chapter along with a description of the relationship of that particular chapter to the vision.

Ms. Echols reported that the Commission concentrated on substance and format, and she referenced two different pages of the plan that deal with goals, objectives and strategies but not in a consistent way. She said they've made this plan consistent throughout, at least in format, and are trying to do so with substance as well. Ms. Echols said they have individual chapters with the same form for stating goals, objectives and strategies, and the substantive changes were targeted at the beginning of the process which the Planning Commission addressed. She stated that these included ways to improve the local economy in a few different areas, including the rural areas; they reviewed the interstate interchange policy and whether or not there was sufficient land for future growth – with a capacity analysis done that prompted recommendations for some minor boundary changes. Ms. Echols said they developed the southern and western neighborhoods master plan, which had not been done previously; and there are also some recommendations in the plan related to urban agriculture.

Ms. Echols said there were a few other changes related more to making things current and, in the executive summary, there is a review of work done by the prior Board. She stated that, on August 14, the Board met to discuss how to do the review; in September, they talked about the background, vision and values – and then made some decisions on what should be done with the final version of the Comp Plan. Ms. Echols said the Board set some items aside for future consideration, however, they ran out of time in October and November to revisit it, and then decided it would be prudent for the new Board to take it up anyway.

Ms. Echols stated the items set aside for future discussion included the cash proffer policy, and some questions about how to reference the sustainability accords that were adopted in 1998. She said staff had provided the Board two alternatives as to how to review the Comp Plan, which are explained in the executive summary, and the prior Board decided on the approach of delving into the details and making changes before a public hearing. Ms. Echols said the other alternative was to hold a public hearing at the beginning of the process and identify specific details or topics that they would want to review. Because the Planning Commission spent so much time on the details of this draft and provided so many opportunities for public input, staff feels that the Board can rely on the Commission's thorough work. She stated that, if the Board holds a public hearing at the onset of their review, it may make it easier for them to identify the topics that are most important to them – potentially making the process run more smoothly and efficiently. Ms. Echols said, if the Board chooses that approach, staff could set a public hearing for February 12.

Ms. Mallek said the Comp Plan books are current up to a point, and asked if there would be other documents coming to the Board. Ms. Echols stated that the Board would be getting a replacement of the entire book, and the comparisons of old and new material would be included along with the text changes from the Planning Commission.

Mr. Cilimberg explained that, when the Board received their Comp Plan books after the July approval, staff had noted that there would be additional information as a result of the subsequent August meeting items as approved by the Planning Commission. He also noted that staff had listed things the Planning Commission wanted to see changed in the document which staff had not had a chance to change or to update yet. Mr. Cilimberg said staff was giving the Board the changes as they began their review, so the first three chapters were provided in a separate page. He stated that staff has since had the chance to go through and make all of the changes that reflect the Commission's recommendations, so the new document will replace the old one and show what the Planning Commission is recommending in full.

Mr. Davis said it will not show what is in the existing Comp Plan that is being taken out.

Mr. Cilimberg stated that what staff was beginning to give to the Board at their work sessions was an actual red-line comparison of the old goals, objectives and strategies versus the new ones – and that would be provided as one document. He stated that staff had been giving that to them as they were reviewing the Comp Plan chapter by chapter, and now it would be a complete document along with the plan document itself.

Ms. Palmer stated that this is such an important document and, since there are so many new members, it would be helpful to go chapter by chapter. She said her preference would be to have a public hearing first because the public might have items they want to discuss which the Board has no question about, and she'd rather know that during the chapter evaluation rather than at the end.

Mr. Boyd said he liked that idea and, without the comparison, he would also like to go chapter by chapter.

Mr. Sheffield said, with the second option, staff is still looking for the Board to point out areas it would like to discuss.

Mr. Cilimberg said staff would like to know what those focus areas are at the beginning, so staff can provide adequate information to the Board in advance of their review.

Mr. Sheffield said he would prefer to do more one-on-one discussions with staff members as well as reading it on his own and coming back with questions, adding that it does concern him a bit that all of the hours and work already might be dismissed.

Ms. Palmer stated that maybe it's just the depth that they're talking about, and perhaps staff can explain what changes the Planning Commission made, chapter by chapter, to include the rationale for those changes.

Mr. Sheffield said he has done Comp Plan work for other localities, adding that Supervisors could tag the plan with issues they want to talk about – and the public would flag things they want to talk about as well.

Ms. Dittmar suggested the Board hold off on a decision as to how much time to apply until after they get through the public hearing.

Mr. Foley said it would be helpful if planning staff knew what to expect, but if the public hearing is held first and then the Board wants to revisit how to proceed, that would be acceptable.

Mr. Cilimberg stated that he had heard from some Supervisors that they might want to have a work session the same day as the hearing.

Ms. Dittmar said she had heard Board members raise issues they wanted to discuss, and if those don't come out in the public hearing, those issues could still be addressed in the discussion after the hearing.

Mr. Sheffield said, if the Board hears something from the public which they might not be prepared to answer, it may have to readdress it at the next work session.

Mr. Cilimberg stated that the Board may want to have their public hearing and make sure they're scheduling a follow-up work session which focuses solely on what they've heard combined with their own thoughts – and using that as a "direction meeting" to staff.

Ms. Mallek asked how the document is to be used because, in the old one, there were long lists of objectives – but now there are fewer of those and more in the narrative. She asked if the narrative was more impactful in the implementation and in the way it will be used by future boards, versus the list of objectives.

Mr. Cilimberg stated that staff's intention was for the goals, objectives and strategies to be the headers or primary focus areas, and the text is the explanation – which is why that was an important strategy. He said that, in addition, the Planning Commission has identified what they feel should be priority strategies, because ultimately they inform the work program that Community Development will have. Mr. Cilimberg stated that the focus of goals, objectives and strategies is to provide a sense of what the actions will be in following the plan, and the explanation and text is simply to tell why that is important.

Ms. Mallek asked about those things that were only in the narrative and would that mean they will be diminished.

Ms. Echols said they will not be diminished, and explained that some of the narrative talks about ways in which the strategies can be accomplished – so that provides direction in the Comp Plan. She reiterated that "the whole thing" is direction.

Ms. Mallek suggested there be a statement included on the first page that indicates the document will be used in its entirety.

Ms. Palmer said a lot of people have asked her how the Comp Plan relates to the strategic plan, so some clarification there might also be helpful.

Mr. Foley said staff would propose the public hearing for February 12, with staff presenting a general overview of the Comp Plan as an introduction to the hearing, and the question will be what the Board will want to do at the end of that.

Mr. Cilimberg mentioned that the document would need to be ready before that meeting is advertised and what the Board will be getting is a more fine-tuned version of the one previously released – with edits of wording for clarification, however, there will be no substantive changes.

Mr. Sheffield asked if staff needed a vote on this.

Mr. Foley said the Board will need a vote to set a public hearing for the Comp Plan.

Mr. Cilimberg stated that the document the Board is seeing today is available in electronic copy online, and the new version will be uploaded to the website once edits are made.

Ms. Dittmar said she was OK with the work session happening in March, and asked fellow Board members if that was acceptable to them.

Ms. Mallek noted that the window is in February, because budget work sessions happen throughout March.

Mr. Foley said staff would put the Comp Plan discussion on a regular day meeting agenda or on the afternoon of a night meeting and, at that time, they would go over the document with all the public comments, then ask the Board how they would like to proceed. He noted that this would happen in April when the Board is past the budget work sessions.

Mr. Sheffield asked when the public hearing for the Comp Plan would be. Mr. Foley said it would be February 12, the date of their regular night meeting, and it's likely that the Board would have a separate public hearing the following week on the Western Bypass.

Ms. Palmer **moved** to schedule a public hearing on the Albemarle County Comprehensive Plan on February 12, 2014 in the evening. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

Ms. Echols invited Board members to call with any questions on the Comp Plan, or if they want to meet with staff to review any part of the plan.

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Agenda Item No. 25. From the Board: Committee Reports and Matters Not Listed on the Agenda.

**At this time, the Board took up the discussion on fast tracking of special event permit from earlier in the meeting.**

Ms. Dittmar said that this item had been requested by Mr. Boyd earlier in the meeting.

Mr. Boyd stated that, given the time constraints and the agenda for this meeting, he would like to bring this matter up at the next meeting. He said the applicant had gone through the pre-application period, and the application must be in by the 21<sup>st</sup> of January.

Mr. Davis asked what meeting he was considering, because staff would want to make sure there was enough time for advertising.

Mr. Cilimberg said, if application were made on January 21 and the applicant wanted to go straight to the Planning Commission, the first Tuesday in April is the first hearing date that would correspond with that – which is the normal turnaround time; not fast tracking.

Mr. Davis stated that fast tracking requires staff to advertise for the Board public hearing prior to the Planning Commission public hearing.

Mr. Cilimberg said they would also know if an application is made, and the Board will as well.

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### **Item 13.2. FY 2014 Budget Amendment and Appropriations.**

Mr. Boyd said he is not in favor of extending the allocation on a month-to-month basis, explaining that the County has already spent \$60,000 on this – and his concern is that it will just continue to be prolonged. He stated that HUD is holding back the funds that were supposed to be allocated, and it's not the County's fault.

Ms. Mallek said, while Mr. Boyd's point is true, it's not the fault of the five people who are living there either. She stated that she is in favor of continuing the subsidy since they are getting close to some resolution on the HUD funding, with two decisions in the last two months and a lengthy conference call with people in Washington and Richmond that seemed to force some momentum.

Mr. Boyd said the Board has heard this story before – six months ago.

Ms. Dittmar asked staff what insistence the Board can have to finalize this with HUD. Mr. Foley said there's a feeling that some progress has been made, but he also understands Mr. Boyd's perspective because they've heard that before. He stated that, if it still hasn't been resolved by next month, the Board could move forward with any decision, but staff's feeling is that they should give it some additional time. He said, at some point, the federal government has got to come to some conclusion on whether or not they are going to step up and fund these vouchers.

Mr. Boyd stated that he didn't disagree, but wondered if not funding it now would put added pressure on HUD when the people would actually be displaced because of their non-action.

Mr. Foley said staff has specifically put this forward as being only a one-month approval, so HUD is aware that it won't be carried for the next year.

Mr. Walker said staff has been very thoughtful in bringing this forward in December to ask the Board to consider that supplemental amount – and has done the same thing in January while, at the same time, communicating with Congressman Hurt's office and HUD officials. He stated that, since the executive summary was put forward, there has been action to approve the subsidy layering review, which is generally regarded as one of the more complicated parts of the process.

Mr. Boyd stated that they've all been trying to get this resolved, and he's talked personally to Congressman Hurt – but since he was the one who pulled it from the agenda, he would move that they approve one more month of allocation.

Mr. Boyd then **moved** to approve appropriations #2014064, #2014065, #2014066, #2014067, #2014068, and #2014070 for various school division and general government projects and programs, to include one month's allocation for vouchers for the residents at the Crossings. Ms. Mallek **seconded** the motion.

Ms. Dittmar asked that Senator Kaine and Senator Warner also be included in this process, since there has been some success with Congressman Hurt.

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

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

NAYS: None.

COUNTY OF ALBEMARLE			
APPROPRIATION SUMMARY			
APP#	ACCOUNT	AMOUNT	DESCRIPTION
2014064	4-1000-71002-471000-700007-1007	1,600.00	Training Pool Distribution
2014064	4-1000-12146-412140-550100-1001	625.00	Training Pool Distribution
2014064	4-1000-12010-412010-550100-1001	3,800.00	Training Pool Distribution
2014064	4-1000-32012-432010-550100-1003	6,000.00	Training Pool Distribution
2014064	4-1000-32011-432010-550100-1003	3,800.00	Training Pool Distribution
2014064	4-1000-99900-499000-999984-9999	-15,825.00	Training Pool
2014064	4-4200-71002-471010-550100-1007	1,600.00	Training Pool Distribution
2014064	3-4200-16000-316000-160503-9999	1,600.00	Transfer from Gen Fund Training Pool
2014065	3-1000-33000-333000-330085-1003	16,765.00	Federal Revenue - SCAAP
2014065	4-1000-33020-433020-700002-1003	16,765.00	Regional Jail
2014066	4-1000-81010-481030-312701-1002	8,300.00	Data processing consultants
2014066	4-1000-99900-499000-999990-9999	-8,300.00	Reserve for contingencies
2014067	4-1000-81030-481030-568815-1008	3,279.00	VIRGINIA SUPPORTIVE HOUSING
2014067	4-1000-99900-499000-999990-9999	-3,279.00	reserve for contingencies
2014068	3-1000-33000-333000-330240-1002	34,600.00	OAR-DOJ-DRUG COURT PROG
2014068	4-1000-21078-421070-130000-1002	28,642.00	PART-TIME WAGES
2014068	4-1000-21078-421070-210000-1002	2,191.00	FICA
2014068	4-1000-21078-421070-580000-1002	567.00	MISC. EXPENSES
2014068	4-1000-21078-421070-600800-1002	1,200.00	VEHICLE & EQUIP. FUEL
2014068	4-1000-21078-421070-600900-1002	2,000.00	VEHICLE & EQUIP. REPAIRS
2014070	3-4100-51000-351000-510100-9999	22,479.20	App fund balance
2014070	4-4100-31040-435600-332100-1003	6,229.20	mobile data license
2014070	4-4100-31040-435600-550100-1003	6,250.00	training
2014070	4-4100-31040-435600-800700-1003	10,000.00	BDA replacement
2014070	3-4100-33000-333000-330223-9999	15,851.00	
2014070	4-4100-31045-435600-310000-1003	4,500.00	
2014070	4-4100-31045-435600-360000-1003	1,000.00	
2014070	4-4100-31045-435600-520300-1003	500.00	
2014070	4-4100-31045-435600-550100-1003	650.00	
2014070	4-4100-30145-435600-600100-1003	750.00	
2014070	4-4100-31045-435600-600200-1003	500.00	
2014070	4-4100-31045-435600-601100-1003	1,200.00	
2014070	4-4100-31045-435600-800700-1003	5,815.00	
2014070	4-4100-31045-435600-800712-1003	936.00	
<b>TOTAL</b>		<b>182,590.40</b>	

Item No. 25a. Proposed Transit Route Changes. (Ann Mallek/Brad Sheffield)

Ms. Mallek stated that Board members have been hearing in the news about changes to the transit routes, so it would probably be a good idea to have an update.

Mr. Sheffield said his concern is that changes have been made to the routes without much involvement from the Board, and some direction should be provided to staff on the level of public participation or expectation. He stated that the County fully funds Route 5 and Route 10, and should dictate 100% of what the awareness is. Mr. Sheffield said, at this point, the County can only direct future changes but, right now, it's viewed as just the City making changes.

Ms. McKeel clarified the point Mr. Sheffield was making about a better process for County involvement, because the County is funding it but aren't having much input into the details.

Mr. Sheffield said, when changes are made and these opportunities come up, the County needs to understand how it can take advantage of those opportunities and influence that process.

Mr. Boyd stated that the Board had talked about the Fontana route and the Veteran's Administration clinic, but not the other routes.

Mr. David Benish, Chief of Planning, said staff forwards each Board member the changes being made in their district in particular as they were working through the process and also, in that process, CAT and their consultants had work sessions whereby Board members and City Council members were invited – but no Board members attended those meetings. He stated that he was fairly certain staff had noted the deletion of the night service at Pantops, but staff was focusing with each individual Board member on those changes. Mr. Benish emphasized that moving forward, staff would maintain engagement with the Board when there are changes made to service and try to inform all Board members.

Mr. Benish said, regarding future services, staff approaches that in several different ways, with a number of planning documents including the Comp Plan that set the overall picture and desires for service. He stated that, each year, the Board also adopts a transportation priority list that includes roads, enhancement projects and transit projects – so identifying Board priorities helps give staff and the implementing agencies (VDOT and CAT) the direction for what projects to pursue. He added that the MPO's long-range transportation plan also establishes those goals. Mr. Benish said the implementing agencies use those budget processes, including the operational budget – and that's where the Board has the opportunity to look at the requests made by CAT. He said, in the case of Pantops, CAT has already made a request to provide a much more robust night service there which was previously deleted, and that's been reflected in CAT's operational request to the County.

Mr. Boyd asked what kind of engagement they do with the ridership in this process, because this was brought to his attention by someone who needs it to get to and from work. Mr. Benish said the operational details of the routes are left more to CAT, and believes that CAT does engage with public comments and some surveys in order to make those decisions.

Ms. Mallek stated that Mr. Jones' email indicated that the change was 30 minutes or so but, this morning, citizens said it was changed from 11:00 p.m. down to 6:00 p.m. so people on the late shift have no way to get to work.

Mr. John Jones, CAT Manager, addressed the Board and stated that some of those public engagement sessions were prior to him assuming his post in February 2013. He said there were several sessions held by consultants, the interim management of CAT, and some of the staff that is currently in place. He said, after Council approved moving forward with the plan as it was presented by the consultants, CAT went back and engaged the public in five meetings held in June and July – one of them specific to the routes in Pantops. Mr. Jones stated that some of the contacts that were made with the County prior to him coming on board were that Route 24, which served Pantops shopping center and Avemore apartments, should be discontinued due to low ridership.

Mr. Jones said one of the reasons behind that decision was that CAT is now held to performance standards which makes it more difficult to get state and federal grant funding, so they must be careful about having too many under-performing routes. Mr. Jones stated that some of the lower performer routes got knocked out of the system, including Saturday service on Route 1, which has a County piece, and Route 24. He said Route 10 was enhanced slightly, and there was a lot of input from people who wanted to see that route run later. Mr. Jones stated that CAT had asked the Board, through their budget request made to Community Development, to give CAT the ability to run Route 10 later, which would give them the opportunity to run that entire route later at night. He said CAT is hopeful the County can approve it, as it's not a great deal of funding but would be a great benefit to those who ride. Mr. Jones emphasized that transit is a dynamic service, and changes will be made constantly at intervals, and they are going to evaluate service and usage after about a month of the revised route. He said there is a lot of unhappiness currently, but CAT hopes to make meaningful changes in July when budgets are in place, and hopefully they can bring Route 10 back at night.

Mr. Boyd asked if ridership numbers were available on the CAT website. Mr. Jones said those numbers are not posted on the website, but CAT could provide them.

Mr. Sheffield said the City has asked Mr. Jones to come back quarterly with that information, and the County could ask the same. He also stated that CAT would be implementing a new fare box system which will help provide data on stops and time of day.

Ms. Dittmar stated that there is one route near PVCC where people asked her if they could ever have bus service, and she asked how she would go about exploring this. Mr. Jones said, if it's a change to a route, CAT would need to start looking at it now to see if it's something they could fit into budgets; if it's an addition of an entire route, they probably couldn't do much before FY16 – and to add an entire route would require measurement of demand and the propensity of people there to actually ride. He said bigger routes and more routes would also impact capital expenditures in order to add fleet, stating that small buses can cost up to \$100,000 per vehicle with larger hybrid models costing up to \$600,000.

Mr. Boyd stated that he would like to get a methodology in place so that the Board can get a presentation on proposed changes on a regular basis. Mr. Benish said staff could get CAT to provide something similar on a quarterly basis, similar to what VDOT does on a bi-monthly basis.

Mr. Jones said it would be easy to pull the data for the County routes, and also invited Board members to visit the CAT facility and review some of their programs.

Ms. Palmer stated that there was a citizen who spoke earlier in the Board meeting about signage not being available at the bus stops, and asked if there was some standard for that.

Mr. Sheffield explained that it was related to the stop at the OMNI, and they were running into a violation because the signage was so low people were hitting it with their heads.

Ms. Mallek said the woman who spoke was most concerned about the lack of ability for her to check the route times.

Mr. Jones explained that some of the numbers were gone because they had been changed, and the bus finder numbers have to be re-programmed by the company that provided them – and unfortunately, that company is located in New Zealand. He stated that they are working to get a new system, because it is using very old technology which runs on eight D batteries.

Ms. Mallek asked if CAT had reached out to the businesses in the Route 10 area. Mr. Jones said Martha Jefferson was the only employer that responded to them.

Ms. McKeel asked that CAT reach out to the woman who spoke earlier in the meeting. Mr. Jones said he was available to provide information to her.

Mr. Benish noted that staff has begun some preliminary work on a southern route, as it's in the Comp Plan and there have been numerous public requests.

Ms. Mallek also asked about the bus stop improvements, as there are several stops where there isn't really any shelter, such as the one at Barracks Road that's in a briar patch. Mr. Benish said there are a lot of complications in installing bus stop shelters, but the funding source has been identified in several places, including revenue-sharing monies if it's tied to sidewalk projects, and neighborhood master planning monies that have been appropriated for those types of improvements.

Ms. McKeel said she was told that, at one point, the bus stop Ms. Mallek had mentioned was on the schedule to have some work done.

Mr. Sheffield said CAT does not have the ability to maintain current shelters, so that should lead to a discussion of operational costs for them.

Mr. Benish said that they would also need to clarify responsibility for maintenance, as there are often easements needed for right of way to place stops by the road, and, at times, there is insufficient space for those.

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Ms. Dittmar asked the Board if there were other items of concern.

Ms. Mallek said the broadband outreach item in the Consent Agenda raises the question of sending out online surveys, as there are people that have no internet service.

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Ms. Palmer stated that she had a few housekeeping items to mention, including the need to discuss what constitutes a public record and keeping records – and a few Board members had requested a phone from the County, which they learned was an unusual request. She said she is very happy that the County is careful with every dollar but, in order to comply with the public records act, she felt some Board members really need a phone. She also said that, at the VACO meeting, they had conversations about benefits, privileges and compensation that Supervisors get around the state, and asked if staff could provide a benchmark of what other similar communities offer. Ms. Palmer also asked if it was acceptable to other Board members to have staff come back with what they have done in the past with online video streaming of meetings.

Ms. Dittmar said she would like to learn what benchmark communities are doing in terms of video streaming, and asked how many peer counties there would be.

Mr. Foley said staff has a particular group of localities which they typically look at as comparable – about 10 or less – and sometimes they bring in a best practices peer like Chesterfield. He stated that it would be easy to determine which communities are doing video streaming.

Ms. Mallek stated that Ms. Catlin had compiled this information about a year ago, so hopefully it would be easily updated.

Mr. Foley said staff could update that information, and the question of what resources Supervisors have to do their jobs is another matter. He said that typically Supervisors get phones and iPads, etc.

Ms. Palmer stated that she would also like to know more about peer communities' compensation of their Supervisors.

Mr. Foley said staff would try to get the information back to the Board by February, but would like some direction from them as to specifics.

Mr. Boyd asked what the Freedom of Information Act has to do with the phones. Ms. Dittmar and Ms. Palmer said that texting was the issue.

Ms. McKeel said technology changes very quickly, and expectations from the public can change drastically over just a couple of years.

Ms. Dittmar stated that Twitter or Face Book posts by Supervisors that are related to public business are subject to FOIA requirements and must be kept as a public record.

Ms. Palmer said that it's also an expense because, with constituent outreach, there is a lot of phone communication required. She stated that her regular phone is a business phone, and she didn't feel comfortable mixing those two things.

Mr. Foley stated that the County has provided phones to Supervisors in the past, as well as to employees if they don't want to use their own personal phone. He said it doesn't have to be Board policy, and if one member needs that resource, that's fine.

Ms. McKeel agreed, stating that they can have choices and use different tools.

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Agenda Item No. 26. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

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**NonAgenda.**

At 3:59 p.m., Mr. Sheffield offered **motion** 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. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

**(Note:** Following its closed meeting, the Board recessed before its night meeting.)

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Agenda Item No. 27. Call to Order.

At 6:02 p.m., the Chair called the meeting back to order. **Motion** was immediately offered by Mr. Sheffield that the Board certify by recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Mr. Boyd **seconded** the motion.

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

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

NAYS: None.

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Ms. Dittmar then introduced County officials Tom Foley, Larry Davis, Mark Graham and Ella Jordan, as well as welcoming three new Board members: Brad Sheffield, Liz Palmer and Diantha McKeel.

Ms. McKeel then **moved** to make the following appointments/reappointments to Boards and Commissions:

- **appoint** Mr. Charles Tolbert, as the Jack Jouett District representative and Ms. Kimberly Swanson, as the Rio District representative to the Albemarle County Service Authority with said terms to expire December 31, 2017.
- **appoint** Ms. Lettie Bien as the Rio District representative to the Economic Development Authority with said term to expire January 19, 2018.

- **reappoint** Mr. Steve Janes, as the Rivanna District representative, Mr. Kevin Quick, as the Scottsville District representative, Ms. Tammie Moses, as the Jack Jouett District representative and Mr. John Lowry, as the Samuel Miller District representative to the Equalization Board with said terms to expire December 31, 2014.
- **reappoint** Ms. Julia Monteith as the UVA Liaison to the Planning Commission with said term to expire December 31, 2014.
- **reappoint** Mr. Russell (Mac) Lafferty, as the Jack Jouett District representative to the Planning Commission with said term to expire December 31, 2017.
- **appoint** Ms. Karen Firehock, as the Samuel Miller District representative and Mr. Anthony Bruce Dotson, as the Rio District representative to the Planning Commission with said terms to expire December 31, 2017.
- **reappoint** Ms. Janet Morrow, as the Samuel Miller District representative and Ms. Laney Kaminer, as the Jack Jouett District representative to the Social Services Board with said terms to expire December 31, 2017.
- **appoint** of Mr. Leo Mallek as Chairman and Joint City/County representative to the Rivanna Solid Waste Authority Citizens Advisory Committee to fill an unexpired term with said term to expire December 31, 2014.

Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

Ms. McKeel **moved** to appoint Board members to the following Boards and Committees:

Jane Dittmar:

- Audit Committee with said term to expire December 31, 2014.
- Village of Rivanna Community Advisory Council with said term to expire December 31, 2014.
- Workforce Investment Board with said term to expire December 31, 2014.

Diantha McKeel:

- Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2014.
- Police Department Citizens Advisory Committee with said term to expire December 31, 2014.
- Thomas Jefferson Planning District Commission (TJPDC) with said term to expire December 31, 2015.

Ken Boyd:

- Darden Towe Park Memorial Committee with said term to expire December 31, 2014.
- Fiscal Impact Advisory Committee with said term to expire December 31, 2014.
- Hazardous Materials Local Emergency Planning Committee with said term to expire December 31, 2014.
- Pantops Community Advisory Council with said term to expire December 31, 2014.
- Property Committee with said term to expire December 31, 2014.
- Places 29 Community Advisory Council with said term to expire December 31, 2014.

Ann Mallek:

- Acquisitions of Conservation Easement (ACE) Committee with said term to expire December 31, 2014.
- Agricultural and Forestal Advisory Committee with said term to expire December 31, 2014.
- CIP Oversight Committee with said term to expire December 31, 2014.
- Crozet Community Advisory Council with said term to expire December 31, 2014.
- Historic Preservation Committee with said term to expire December 31, 2014.
- High Growth Coalition with said term to expire December 31, 2014.
- Metropolitan Planning Organization (MPO) with said term to expire December 31, 2015.
- Piedmont Workforce Network Council (designee in absence of Chair) with said term to expire December 31, 2014.
- Rivanna River Basin Commission with said term to expire December 31, 2015.
- Thomas Jefferson Planning District Commission (TJPDC) with said term to expire December 31, 2015.

Liz Palmer:

- Audit Committee with said term to expire December 31, 2014.
- CIP Oversight Committee with said term to expire December 31, 2014.
- Rivanna River Basin Commission with said term to expire December 31, 2015.

Brad Sheffield:

- Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2014.
- Darden Towe Park Memorial Committee with said term to expire December 31, 2014.

- High Growth Coalition with said term to expire December 31, 2014.
- Metropolitan Planning Organization (MPO) with said term to expire December 31, 2015.
- Places 29 Community Advisory Council with said term to expire December 31, 2014.
- Property Committee with said term to expire December 31, 2014.

Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

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Agenda Item No. 28. **Public Hearing** to receive public comments regarding locating a convenience center either on Mill Creek Drive, near the Monticello Fire Station, or on Esmont Road, near the Keene Post Office.

The following executive summary was forwarded to Board members:

“On July 10, 2013, the Board considered a specific proposal received in response to a RFP for solid waste services along with alternatives for providing solid waste services in the County (See Attachment A). At that meeting, the Board determined its interest in opening three convenience centers as well as maintaining financial support for the Rivanna Solid Waste Authority’s operation of the McIntire Recycling Center. The Board also indicated its interest in discontinuing financial support of the Ivy Materials Utilization Center once at least one of the convenience centers is operating. Also at that meeting, staff presented the option of a convenience center located on Mill Creek Drive adjacent to the Monticello Fire Station and the Board expressed interest in seeing an option for a site better situated to serve the southern Albemarle Rural Area. Staff was directed to proceed towards opening at least one convenience center by July 1, 2014, and to arrange an opportunity for public input regarding the location of and services to be provided at the convenience centers.

On October 9, 2013, the Board considered a proposal for a convenience center on Esmont Road near the Keene Post Office (Attachment B). Staff indicated that if the Board decided on a location at that time, it would be possible to make the facility operational by July 1, 2014. With this information, the Board directed staff to proceed with the design of a convenience center on the Esmont Road site and to evaluate the other two convenience center locations using the presented site selection criteria.

On November 13, 2013, the Board again reviewed solid waste services, including additional site options that were considered by staff and found by staff to be either unacceptable or marginally acceptable. After consideration, the Board agreed to:

1. Continue financial support of the RSWA McIntire Recycling Center, subject to the City of Charlottesville agreeing to continue its support;
2. Approved staff’s list of proposed services to be provided at convenience centers, subject to final contract negotiations; and
3. Agreed to provide an opportunity to receive public comments regarding preferences for the southern Albemarle convenience center location at either Mill Creek Drive or Esmont Road.

This meeting is to provide an overview of both sites and an opportunity for the Board to receive public comment in advance of a final site selection.

### **Public Information**

In advance of this meeting, staff has taken the following actions to assure the public is aware of this opportunity for public comment and has an opportunity to review information regarding convenience centers in general and both sites in particular:

Provided an internet site where citizens may review site layout for both facilities, pictures of typical facilities, information on typical convenience center operations and specifics on the facility the County is proposing. A link to this web site is provided as Attachment D.

Mailed a notice of the meeting and information to all adjacent property owners. This included an explanation of the convenience centers, an FAQ informational sheet, information on how to access the web site, and a point of contact in the County if they have questions or are interested in other information.

Provided information for community meetings led by Board members, including display boards showing the convenience center site plans; and attended those meetings to take notes and answer questions.

Contacted the media to assure the public is made aware of the opportunity for public comment at this meeting and has the opportunity to understand the decision before the Board.

Finally, staff has been available to answer questions from the public as they have been received.

At this point, staff believes the affected public is well informed and prepared to offer comment.

**Board Consideration**

Staff believes that this meeting will provide the Board the opportunity to review both locations a final time and to receive public comment before providing direction to staff. From a technical perspective, staff has found both sites to be acceptable for the proposed services and believes the costs of developing the facility will be similar at both locations. Thus, the question is which location best serves the customers and has an acceptable level of impact. The following is provided to assist the Board in evaluating this:

Issues	Keene	Mill Creek
Convenience to Customers	Located near the geographic center of Southern Albemarle and near Route 20. Few potential customers live close to the facility.	Easy access for southern Albemarle customers travelling to Charlottesville or other County customers using I-64.
Traffic / Safety	Entrance location is acceptable. Nearby intersection of Esmont Road and Route 20 does not meet modern intersection standards but the Post Office has shown that traffic can safely use this location	Entrance location is acceptable, nearby intersections at Route 20 and Avon are signalized and judged acceptable. Possible conflicts with Monticello High School are judged minimal
Visibility / Aesthetics	Densely wooded site provides large wooded buffers. Two houses within 600 feet of facility will be well screened by woods. Plan for fence and landscaping to supplement wooded buffer.	Open site will require extensive screening, but elevation differences will eliminate need for full screening from some adjacent properties. Tandem School has buildings approximately 600 feet from this location, but no residences within 1,000 feet.
Noise / Lights	Facility will operate during daylight hours, with possible exception of times between 7 AM and 6 PM in winter months. Lighting will be limited to security lighting with full cutoffs to assure no glare on adjoining properties, but there are no other existing lights in area.	Facility will operate during daylight hours, with possible exception of times between 7 AM and 6 PM in winter months. Lighting will be limited to security lighting with full cutoffs to assure no glare on adjoining properties. Adjoining fire station already well lit.
Comprehensive Plan Goals	Community facilities are encouraged to be located in the Development Areas. This site is in the Rural Area.	Community facilities are encouraged to be located in the Development Areas. This site is in the Development Area.

**Timing Considerations**

Staff notes that, while it appears possible to have the facility operational by July 2014 with a decision on January 8<sup>th</sup>, there is no margin for additional delays if the July 2014 date for commencing operations is to be maintained. If further delays occur, the following should be anticipated:

The County's current agreement for services at the IVY MUC expires on June 30, 2014. To avoid a period of time when the County has no solid waste services in place, a contract extension with RSWA would be needed for the period of time from July 1, 2014 until the convenience center is operational. Staff has raised this possibility with RSWA staff but the availability of service is not guaranteed, nor has the RSWA Board agreed to support this extension. RSWA staff was supportive of this extension, provided issues and funding can be addressed.

RSWA is required to give the Virginia Department of Environmental Quality (DEQ) a minimum of six months notice when it is closing the transfer station. As RSWA has no agreement for the County to continue funding of services into FY 15, it will need to notify DEQ of a proposed closing of the Ivy MUC on July 1, 2014. DEQ could grant an extension on this notification should RSWA and the County later negotiate an extension to keep the Ivy MUC operational, but this is a complicating factor to an agreement extension.

Based on the FY14 operations agreement, the County provides roughly \$1,000 / day to RSWA for operational support of the Ivy MUC. If it becomes necessary to seek a continuation of services into FY15, it will be necessary for the Board to identify and approve funding for this previously unanticipated expense.

Staff previously estimated construction costs for three convenience centers at \$1 Million. Detailed cost estimates are not yet available. It is possible costs could be higher, and staff will have a more accurate estimate once a detailed design is available. The initial review suggests that the cost would be similar for both sites.

After reviewing staff's presentation and receiving public comment, staff requests that the Board decide on a site and direct staff to proceed to design and construction.

If the Board is not prepared to decide on a location, staff recommends that the Board direct staff to initiate negotiations with RSWA for the continuation of services at the Ivy MUC into FY15. The length of the extension should assure that there is no period of time when solid waste services are not available to County residents."

Ms. Dittmar stated that this Board believes in transparency and accountability and fairness and citizen engagement, and part of that includes reaching out to its citizenry and listening to them through various means of communication – and part of that is asking for public hearings before making significant votes. She said the Board was faced with a decision about convenience centers in the County and, in November, decided to postpone the vote until the New Year. Ms. Dittmar stated that there has been extensive outreach and communications with the public on this item, including A-mails, website updates,

and individual calls and emails to Supervisors. She emphasized that there is a process in place as well as a protocol for handling public hearings, which would begin with the staff report.

Mr. Mark Graham addressed the Board, stating that in November the Board requested that the County accept comment on proposed possible locations for a Southern Albemarle convenience center, and two sites were considered as options. He said he would go through a brief history of the potential projects and the two proposed sites, along with some definitions. Mr. Graham said a "landfill" is a place for solid waste to be buried in the ground, and there are traditionally two kinds known to the public – a "sanitary landfill" and a "construction landfill." He said a sanitary landfill is for household garbage, and the construction landfill is for demolition and debris associated with a construction project. Mr. Graham said there are also "transfer stations" which are used for collection of large loads of commercial waste, with commercial waste haulers then taking the material to a final destination such as a landfill, incinerator, or resource recovery facility.

Mr. Graham presented a photo of the Ivy Material Utilization Center (MUC), stating that it's one of the few remaining open transfer stations in Virginia as it's more common now to have modern convenience centers. He stated that a newly permitted one would require it to be inside a building and, with that, costs go up considerably. Mr. Graham said a "convenience center" is a small facility for individual waste where one can drop-off household waste such as garbage, junk, tires and appliances and, under the law, is allowed to have limited business use commercial waste – but a lot of localities make decisions not to do that. He stated that it is also a place for recycling (cardboard, cans, plastic, glass) and the County is considering also adding services such as disposal of batteries, fluorescent bulbs and electronics.

Mr. Graham explained the history of solid waste disposal in the County stating that, in 2001, the Rivanna Solid Waste Authority (RSWA) had the last landfill cell closed at the Ivy MUC and, from that point on, the RSWA was no longer generating enough revenue to cover its costs. He said, after a number of years of Rivanna losing money with its operation, the City, the County and Rivanna came up with a local support agreement to cover those deficits – which allowed the RSWA to continue operations. In 2010, he stated that agreement was amended, at the City's request, so it could stop having services with Rivanna. He said the agreement was always subject to a non-appropriation clause, which meant there was no money appropriated to it and the locality didn't need to offer funding as called for in the agreement, so that was something which was always hanging over everyone's head. Mr. Graham said, in October 2010, staff had a discussion with the Board of Supervisors about levels of County involvement in solid waste and laid out a number of alternatives with a low, medium and high end of services. He stated that the Board decided to maintain the current level of services and see what they could do with the RSWA. In December 2010, the City ended its participation in the agreement supporting the Ivy MUC so the additional revenue needed to make Rivanna work at Ivy was all coming from the County.

Mr. Graham said, in November 2011, the Board recognized that the Ivy MUC would need extensive upgrades and had increasing costs, and agreed that it was time to begin consideration of alternatives – including looking at Ivy to see if it could break even. He stated that, after a year of those discussions and looking for better alternatives, the Board decided to ask private companies for proposals on how they might be able to provide services. Mr. Graham said staff narrowed it down to one proposal that was acceptable and, in July 2013, the Board reviewed it and made a determination that three convenience centers could better serve the public by providing services closer to people while saving taxpayers money. He stated that the Board then directed staff to look at alternative locations for a southern Albemarle site. In October 2013, he said staff reviewed the potential Keene site, and the Board directed staff to begin design at this location but did not authorize them to proceed to construction. He stated that, in November 2013, the Board directed the County to hold a public hearing for the Mill Creek or Keene site prior to finalizing design and proceeding with construction.

Mr. Graham explained that the reason the process has gotten to this point is because the County determined that better and more cost effective services are possible, and current services at the Rivanna Ivy MUC are requiring more County tax support while the tonnage is dropping – so effectively, the County's subsidy has been costing more and more per ton of material received there. He said the shift also recognizes that the Ivy transfer station is an old transfer station which has nearly reached the end of its useful life, and was going to require a significant capital investment to continue operating. Mr. Graham noted that, in looking at the tonnage they were receiving, it was doubtful that the capital investment would ever offset the cost. He said the Board looked at the proposals and determined that the convenience centers would provide a much more cost effective operation, and felt that providing three convenience centers could improve waste services and reduce the funding. Mr. Graham stated that the County would still partner with the City to keep the McIntire's facility operating, and the MUC at Ivy would close only when at least one of the convenience centers was operating. He said while convenience centers aren't planned to offer hazardous waste collection programs, the County has had an on-going, semi-annual program with the City – and those plans are to continue.

Mr. Graham presented an illustration of a typical convenience center, noting examples of the bins and stating that there is a fairly level asphalt pad on a site of typically less than one acre in size and where people drive through and put their materials directly in containers. He said staff and the Board reviewed some of the selection criteria with the goal of having one open in 2014 established that it had to have a pad of a proper size so there wouldn't be extensive design time, and that it be County-owned also for timing reasons. Beyond that, he said, they had other selection criteria which the Board agreed upon – including easy and convenient location for the public, a location on or near an Entrance Corridor with the understanding that screening standards would be met, a minimum number of residents nearby, the availability of utilities, fairly level topography to minimize the cost of grading in construction, and minimizing the need for additional improvements such as road improvements along the frontage.

Mr. Graham said there is an existing transfer station at Zions Crossroads and, in looking to supplement that facility, staff identified typical areas which would be served by new convenience centers – one in the west, one in the north, and one in the south. He said staff looked at the southern location as a starting point and identified the Mill Creek and Keene sites, determining that both sites can easily accommodate the facility, both are close to primary highways, both appear to have similar development costs, both have acceptable entrance conditions according to VDOT, and electricity is readily available. Mr. Graham stated that, because of the topography of the surrounding area and openness of the site, the Mill Creek site would likely require more screening. He presented a diagram showing the location of the potential Mill Creek site, noting that it would be located just behind the Monticello Fire Station and stating that staff was able to identify two privately-owned houses within a quarter-mile radius. Mr. Graham stated that staff did the same exercise for the Keene property review and identified eight houses within a quarter-mile radius; however, the property is densely wooded and thus would require less screening.

Mr. Graham stated that, if the Board is ready to select a site, staff feels it can have a facility open by July 2014, but if the Board wants to explore more options, the County may run into the end of the RSWA agreement so the Board might want to consider an extension of one year. He said, as part of that, staff recommends including \$450,000 in the FY15 budget for a full year of support for RSWA; in the current fiscal year, the amount is \$438,000, so there would be a small increase in cost. Mr. Graham confirmed that the amount includes both the Ivy MUC and the McIntire Recycling Center, with McIntire costing the County about \$65,000 per year.

Ms. Dittmar clarified that the “new direction” as noted on Mr. Graham’s slides, that was the direction decided by the previous Board and, on November 13, the Board put things on hold while waiting for more information. She said she would like to know what the annual cost would be to extend the Rivanna relationship, with McIntire removed.

Mr. Graham said the cost would be about \$375,000 for Ivy based on the current budget; however, staff hasn’t discussed that possibility yet with the RSWA so there may be a small increase in operations costs.

Ms. Palmer said Mr. Graham indicated they were driven by the schedule to close the Ivy MUC, and that was the reason they couldn’t look at other properties such as private parcels.

Mr. Graham explained that the idea was whether the County could have a facility open in time – by July 2014 – so there would not be a need to extend the agreement an additional year with the RSWA. He said one of the parameters that staff advised the Board of was that it needed to be a County site if they wanted to have it open by July.

Mr. Boyd asked if the \$450,000 for the new sites was debt service for the capital investment or just operating costs.

Mr. Graham stated that staff had originally estimated being able to do three convenience centers for about \$1 million, but revised estimates are bumping that number up a bit. He said staff has not really gone far enough into the design to know if they have solid numbers but his estimate, at this point, would be \$400,000 to \$500,000 per facility. Mr. Graham stated that the 10-year life for a facility, assuming a \$1.5 million total cost, averages out to \$150,000 per year versus \$350,000 to \$400,000 in operations costs.

Mr. Foley noted that the bid the County received indicated the County could run those convenience centers without any operating cost.

Ms. Palmer asked for clarification of environmental costs at the Ivy MUC. Mr. Graham said remediation is mandatory regardless of the transfer station and is controlled by a separate agreement between the County, City, University and RSWA for the environmental cleanup – which will run through 2033.

Mr. Sheffield asked if staff had an understanding of how many people are accessing the Ivy landfill currently for non-commercial purposes. Mr. Graham said he didn’t have a breakdown for non-commercial, just total vehicles, because the RSWA doesn’t differentiate between the two. He stated that they are averaging about 120 vehicles per day.

Mr. Sheffield asked if the staff at the facility could be required to count residential versus commercial in the event the contract is extended for another year. Mr. Graham said the problem is verifying that information, and they’ve run into that issue before in trying to delineate if the material is coming from the City or the County.

Ms. Palmer stated that there had been some clarification of small commercial users utilizing the convenience sites, but there wouldn’t be scales at the centers. Mr. Graham said one of the main issues with that is hazardous waste and, while a can of bug spray would be excluded if it came from a household but, if it came from a business, it would be considered hazardous waste.

Ms. McKeel said the new Supervisors had recently attended a VACO training in Richmond and saw numerous examples of communities partnering together to provide centers for residents, and asked staff if they had a chance to look into cooperative models. Mr. Graham stated that, when the RSWA went through a strategic planning exercise, they saw lot of models in that process – but part of what was driving this direction with the Board is that the City chose another direction, and that partnership no longer exists.

Ms. McKeel said she was referring more to surrounding counties. Mr. Graham stated that staff had not really looked into that.

Ms. Mallek read the ground rules for the public hearing process, and thanked citizens for attending the meeting.

At this time, the Chair opened the public hearing.

Mr. John Martin, a resident of Free Union, addressed the Board, suggesting that the Board table this decision for now because there is a much more fundamental question which needs to be addressed – what does solid waste management mean to a community? He said solid waste management means protection of public health, safety, public sanitation, general welfare, protection of civil order, and protection of the environment. Mr. Martin stated that the question is whether or not solid waste management is a core government function and, if it is determined to be so, the County should then take a year to sort out what its responsibility is – and keep Ivy open during that time. He said everyone in the County decides what services they want local government to provide; instead of having the County tell them what services it will provide.

Mr. John Eichenberger, 6634 Esmont Road, Keene, VA addressed the Board, stating that he is a professional engineer with over 20 years experience and indicated that the County has failed to adequately consider the traffic hazards associated with the proposed Keene convenience center. He said the County has determined that the entrance location for the Keene site is adequate based on the fact that the Keene Post Office is located near the Route 712/Route 20 intersection. Mr. Eichenberger stated that this comparison is incorrect and misleading, as the post office serves only 150 residents versus 100 vehicles per day served by the proposed convenience center – or over 3,500 per year. He said the Rt. 712/Rt. 20 intersection does not meet current VDOT standards and, in recent years, there was a fatality on Route 20 at Keene, and records confirm that the number of accidents has increased from 2005 to the present. Mr. Eichenberger said the County has proposed to locate the Keene convenience center in the middle of an “S” curve on Esmont Road and, in 2012, VDOT recorded two accidents on this curve – and it does not meet VDOT standards. He stated that speeding, tailgating and sharp curves are a dangerous combination, adding a commercial entrance will only make matters worse.

Mr. George F. Hammill, P. O. Box 173, Keene, VA said that he lives 400 yards from the proposed convenience center site. He noted that the County had considered putting a recycling center there in 1990 but there wasn't sufficient drainage and water. Mr. Hammill said the runoff from this property would run right onto his property if the new plan moves forward. He stated that there is no well or septic available, and the County has already ruined 50 acres in Keene with the old landfill.

Mr. David Van Royen, a resident of the Samuel Miller District, addressed the Board stating that this is “the most half-baked plan” he has seen, and he is in disbelief that the County is going to move forward with a transfer station without the whole plan having been thought out and a budget proposed. He stated that the County is supposed to provide basic services, and trash is one of those – and residents are not looking for less, they are looking for existing levels of service. Mr. Van Royen said staff recommended in their report that to maintain the present level of service, the Board should use option one and continue operating the Ivy landfill. He stated that the plan has no transparency for the public, and the public doesn't know that the Ivy landfill is supposedly being closed down for some misplaced fear about DEQ or EPA liability – and the public doesn't realize the MUC could continue to operate for about four years on the \$1 million cost of the transfer stations. Mr. Van Royen said the public isn't being shown a complete plan of all the centers, so even the costs are only an estimate, and the public doesn't understand that the plan assumes commercial users have other viable uses. He stated that other counties such as Fauquier are able to provide trash services to residents at no cost, and he doesn't understand why that can't be done here.

Ms. Peggy Boatwright, a resident on Coles Rolling Road in Keene, stated that she has lived in Keene for 49 years and raised her family there. She said it's a nice, quiet natural area – and they don't like dumps. Ms. Boatwright said, since she's lived there, there have been three dumps – two in Esmont and one in Keene – without liners. Ms. Boatwright said they have no other way of getting water, and water is scarce at Keene. She stated that this new proposed dump is a left-over idea from the 1980s, and is another attempt to put another dump in Keene. Ms. Boatwright said, for several reasons, the earlier project didn't come to fruition – including not having enough land and not having water available.

Mr. Chris Wolfe of 1273 Gristmill Drive which was the original Mill Creek, thanked the Board for being open-minded. Mr. Wolfe said he and his wife raised a child in this neighborhood, and many people would be affected by a Mill Creek dump site. He stated that the convenience center wouldn't be good for the health and character of the area, and he is concerned about the pace at which this is coming about. Mr. Wolfe said he follows local news closely, but did not hear about this until early December, and neighborhoods in his area pulled together a meeting very quickly – with Ms. Dittmar attending and listening to concerns. He stated that this would be an eyesore and a visual blight and Monticello and Carter's Mountain wouldn't want to look down on a dump; neither does Mill Creek.

Ms. Adele Wood, a resident at 448 Hidden Ridge Road located in Mill Creek South, said she would like to have a group of citizens to look at the numbers and costs for municipal solid waste management, because she is not convinced that having these convenience centers is going to save any money. She said her preference would be to keep Ivy MUC open for another year so standards can be raised in solving the issues of municipal solid waste better.

Ms. Mary Maldonado, a resident at 1642 Shady Grove Court in Mill Creek South, said she is opposed to a convenience center – a dump – being established in their area. Ms. Maldonado said she has lived in Charlottesville for three years and, prior to that, her family lived in Gloucester for 10 years. She stated that they chose Mill Creek as a way to escape rural life and, when they lived in Gloucester, they used a convenience center – which was a dump. Ms. Maldonado said a dump does not belong in a residential area with three schools and four neighborhoods nearby. She stated that the amount of trash and traffic will be a health and safety hazard to the children attending the schools, the pedestrians using the streets, and the residents attempting to drive in and out of neighborhoods every day. Ms. Maldonado said they won't know the full environmental impact until the site is up and, by then, it will be too late. She pointed out that property values will also be affected.

Mr. Mark Drexel said he resides at 1375 Gristmill Drive in Mill Creek and is a teacher at Tandem Friends School. Mr. Drexel asked that the Board take the Mill Creek option off the list, especially given the proximity to schools. Mr. Drexel said the process itself makes him nervous, and the Board should vote to extend the decision to see what will work on other properties. He said Supervisor Palmer mentioned looking at county land or perhaps look for private land, which would be difficult. He said the project has gone from \$1 million start-up to \$1.5 million. He said it bothers him that Mill Creek wasn't on the original list of candidates, and didn't even show up until November for a December meeting. He said it is not fair to give Mill Creek all the impacts when they don't even need the service.

Ms. Pam Riley, a member of the Mill Creek Homeowners Association Board and a member of the Tandem Athletic Booster Club, addressed the Board, stating that she would like to have Mill Creek taken off the list of possible sites, as it is absolutely inappropriate for Mill Creek to even be considered for a convenience center. She asked what reasoned and honest planning process would ever site an industrial use of this type between three schools and a densely populated residential area that is already very congested with traffic. Ms. Riley said the area has 3,979 dwelling units and a population of 8,700 people, and this center is not supported by the Comp Plan despite what is in the staff report. She stated that this is a Neighborhood Model area designed for pedestrian use and dense residential uses, and the Monticello Fire Station is identified as the center of the community – and the land behind it was originally land banked in the 1990s for a library or a middle school, or a recreational use like a pool. Ms. Riley said the Board also need to be looking at non-county land and questioning the entire convenience center concept. She said, at the Board's meeting the previous January, they questioned whether a true cost analysis had been done. She stated that this is not the highest and best use of all land in Mill Creek, and there has been no real cost comparison done.

Ms. Sally Bastian, a resident of 4141 Hidden Ridge Road in the Mill Creek South neighborhood, asked the Board not to rush to make a decision at this meeting. She said a lot of people in the neighborhood have not heard about this issue, and she believes that Mill Creek and Keene may not be good locations. Ms. Bastian stated that she wished the County could hold onto the Ivy site and continue to have the convenience centers with the remediation continuing, adding that she wasn't sure if they were considering staffing the new convenience centers. She said it's a terrible idea to put this on Mill Creek Drive, as it will increase car, truck and trailer traffic, and will potentially cost the County money to widen roads and install traffic signals and signs. Ms. Bastian also stated that, with increased traffic, longer times to get to and from work, and smells and fumes from trash, property values will go down. She said those fumes are not healthy for students from Monticello across the street and Tandem next door, especially with outdoor sports fields which could potentially trigger breathing problems such as asthma. She said visitors going to Monticello would also be impacted.

Ms. Linda Wachtmeister, a resident of Plain Dealing Farm in Keene, VA, said her farm will be one of the closest properties to the proposed Keene site. She said she is concerned how this may impact her way of life on a rural farm. She stated that the noise, lights and traffic associated with the site are more suitable to a developed, commercial area. Ms. Wachtmeister said, in the 20+ years she has lived on Route 712, she has witnessed many accidents at the road's intersection with Route 20 – with quite a few fatalities – and there would be even more accidents with the addition of cars and large trucks using this dangerous intersection. She stated that she enters Route 20 from Route 712 many times during the week, driving a truck and a six-horse trailer that is 60 feet long in total. Ms. Wachtmeister said she has to pull into the oncoming lane for the first few seconds in making a turn, and entering Route 20 is not to be taken lightly. She said the County would be creating a real traffic hazard if this facility is built at Keene. She added that her children went to Tandem, and she doesn't want the dump to go there either.

Mr. William "Rocky" Fugett, a resident of Crozet, stated that this plan is an environmental disaster. He stated that the site in Ivy is perfect, with the roads kept clean, and all they would have to do is modify that site and add a convenience center to it. He said he wouldn't want to live near a convenience center either.

Mr. Robert Strini said he lives on Plain Dealing Farm in Scottsville, across from Keene. He said the rural, quiet area is important to him. Mr. Strini said he strongly agreed with all of the speakers that have come before the Board. He said the critical issue related to the Keene site is the intersection of Route 712 and Route 20 because it is extremely dangerous, especially with the convergence of those roads and Plank Road. He stated that there were 40 close calls and 15 accidents at that intersection last year alone, and said that the County should extend Ivy for at least a year while staff does a study of what can be done better.

Ms. Helen Paranzino of the Samuel Miller District addressed the Board, stating that the Board has special responsibilities as elected representatives of the County, and citizens look to them for leadership. Ms. Paranzino said that trash is everyone's problem, and residents don't understand the process that has led the Board to the decision of having several convenience centers throughout the County. She asked

what would happen to the Ivy property if it were closed, and suggested leasing the facility to someone else that could manage the trash problem and get the County out of the trash business. Ms. Paranzino stated that there are too many unknowns with this plan, including all of the proposed locations, the cost involved, and how those facilities will be managed and run. She said the option of a convenience center in Keene is an inconvenient convenience center, as the intersection with Route 20 is difficult and the proposed site is situated on a rural rustic road with dangerous access on an "S" curve. She said she could not even imagine what it will be like with more traffic and large trucks. She said she has spoken with many people in the Scottsville/Keene area and believes that those people do not see a need for a convenience center nor do they want it. She urged the Board to take Keene off the table and work with what they have.

Mr. Brian Lewis addressed the Board, stating that he is from the Mill Creek Homeowners Association and indicated that this proposal will not only affect that neighborhood but will impact everyone in the form of slowed development and lower property values. He said a study done for a small area in Carbondale, Colorado showed a \$100,000 annual reduction in tax revenues from a resulting \$16.5 million reduction in affected area property values. Mr. Lewis stated that "Save Rural Albemarle" is concerned about traffic safety, and the actual traffic impact on those drivers from Scottsville who actually need a convenience center. He said this would essentially have Scottsville 150% farther along the same roads already labeled as treacherous. Mr. Lewis stated that there are many good reasons why convenience centers are a fine waste management option, but there are also good and valid reasons why they are placed in rural settings. He said placement in Mill Creek will yield depressed property values, while also disadvantaging the residents of Scottsville – thus causing a "lose/lose" situation.

Mr. Miles White, a resident of 1279 Gristmill Drive in the Mill Creek Subdivision, said he does not want a dump in his backyard. Mr. White said there are four schools, two churches, a private daycare, a fire station, businesses, tax revenues, and thousands of people who live on the Avon Street corridor that would all be adversely impacted if the Board puts a facility on Mill Creek Drive. He said he doesn't want it, his neighbors do not want it and he humbly requested the Board to remove Mill Creek from consideration.

Mr. David Robinson, a resident of 265 Homestead Lane and President of the Mill Creek South Homeowners Association, addressed the Board stating he is speaking on behalf of those residents. Mr. Robinson said they are requesting the Board not locate the convenience center on Mill Creek Drive. He said there are currently 450 signatures on the petition against it. He stated that the reasons cited on the petition include the facility's goal of serving residents of a southern Albemarle radius while the location is on the very edge of that radius area; the location of the site lies within the County's designated growth area; additional traffic brought to this location totaling 80 to 100 vehicles per day; the negative impact of air pollution and trash being brought in on neighboring Tandem and Monticello sports fields; school buses of children and commuters from over 3,000 homes with almost 9,000 residents all traveling within ½ mile of the proposed facility more than once a day; and depressed property values because of the perception of living near a trash dump. He also pointed out that there is no further ability to add on to the facility should the need arise in the future.

Mr. Lawrence Jacksina, a resident of Timber Branch Court in Mill Creek North, said that in 2006, VDOT said Avon Street Extended and Route 20 were "beyond capacity" at that point – and it's grown since then. He stated that there is also a nursing home and library branch planned for the area and, while they need those things, he can't imagine having those next to a convenience center. Mr. Jacksina said, if a portion of the Ivy landfill could be used as a convenience center even on a temporary basis, that would be helpful – and perhaps McIntire Recycling Center could be used as well. He suggested that the Board look into other sites along Route 29 South, and said that the North Garden Fire Station has been used in the past as a drop-off point for things like tires and batteries.

Mr. Steve Olson, a resident of Mill Creek South for 20 years, thanked the Board for allowing citizen input. Mr. Olson said the Mill Creek residents have no misconceptions as to what this facility is and what it means to the community, and they want it removed from the list. He stated that there are numerous reasons why the dump should not be located in Mill Creek, and local residents don't need the facility as they already pay for trash pickup and recycling. Mr. Olson said trash facilities should be located where they are needed, and that's common sense. He stated that thousands of people will be disaffected by this site, facing increased traffic and pollution – as well as decreased property values that impact the County as a whole. Mr. Olson said the facility presents a real danger, with first responders possibly impeded in doing their job, and young drivers facing large trucks loaded with trash. He stated that everyone in the area will be routinely exposed to runoff, smells and toxins emanating from the dump, and this could potentially present a liability for the County from litigation related to hazards – either real or perceived. He stated that the area will become littered with trash, and trucks finding a closed gate during off-hours will simply dump their loads at the entrance. Mr. Olson noted that the site topography is low and in the watershed, and the potential to contaminate area lakes and groundwater is high. He said a facility like this should help as many people as possible and adversely affect as few as possible, and this location does just the opposite. Mr. Olson emphasized that rural locations make a better choice and impact far fewer people, and liability and losses to tax revenues are greatly reduced there. He said Ivy seems to make perfect sense, given all of these factors.

Ms. Paula Beazley, a resident of Esmont for over 20 years, addressed the Board, stating that she was speaking as an individual and on behalf of Save Rural Albemarle. She concurred with all of the speakers and said there are many unanswered questions and few facts given in this proposal, and they are being asked to consider a 14-year old plan with extensive up-front costs. Ms. Beazley stated that much has changed in that time, and their expectation is that the County would be more forward-thinking and innovative in its waste disposal and recycling efforts. She said recycling should be incentivized, and any solution should entail a mixture of citizen responsibility, private sector, and County ingenuity. Ms. Beazley said Albemarle staff has indicated that the recycling rate here is 38%, and Chesapeake County is

at 76% - with Fairfax, Arlington, and Richmond at 57% and the state average at over 41%. She said Chesapeake must be doing something that Albemarle isn't and said, if the Ivy center cannot be scaled back to a convenience center to operate properly, she isn't sure how three convenience centers starting from the ground up could possibly cost less. Ms. Beazley stated that the County needs a new look at this, and Keene has fewer than 150 residents while Mill Creek has over 8,700.

Ms. Anne Bedarf said she works for GreenBlue, a nonprofit which works with over 200 companies that want to make their packaging more recyclable. She stated that she also spent five years working at the Rivanna Solid Waste Authority and, during that time, heard many complaints from residents about needing more recycling options for everything – including household hazardous waste. Ms. Bedarf said GreenBlue has issued a statement in conjunction with Better World Betty and while convenience centers are needed, it is pretty clear that the decision is premature in siting these particular facilities. She stated that this shouldn't be about the cheapest way out, as that often carries risks, and this is a more progressive community that is willing to invest in better recycling systems. Ms. Bedarf said the County could partner with other entities and residents that have experience in this field, and her organization is willing to assist. She stated that they also recommend the County partner with the Southeast Recycling Development Council, which is job and revenue focused. Ms. Bedarf noted that there is a regional solid waste management plan that isn't really being followed, and that could include things such as expanding curbside recycling to the urban ring.

Mr. James Ewell, a resident of the White Hall District, asked the Board to develop transparent recycling goals and performance criteria in order to measure progress and calculate actual recycling rates while comparing the efficacy of different recycling systems. Mr. Ewell said there is also an opportunity for the County to structure the recycling centers in a way that maximizes the value of materials, such as having bins available which would encourage residents to contribute to source-separated recycling and offer the option of comingled recyclables. He stated that it does seem wise to him to reconsider the closure of the Ivy site, as there is already an infrastructure in place and is a better location for residents of the western part of the County. Mr. Ewell said Ivy also offers some valuable services that the new convenience centers are not anticipated to offer, such as vegetative waste converted into mulch versus landfilling, collecting pallets for possible conversion to fuel, removal of Freon from appliances, scrap metal recycling, waste oil and antifreeze recycling, and disposal of hazardous waste. He also stated that the "Encore Shop" is providing a valuable service to the community for the reuse of goods.

Ms. Sally Massie Shelton, a resident of 9681 Warren Ferry Road in Scottsville, and owner of the piece of land directly across from the proposed site in Keene said she had no idea the County was considering a dump site there. Ms. Shelton said she and other adjacent landowners never received any kind of written notification that a convenience center was going to be located at Keene. She said with Rt. 20 South being the only corridor that goes into Scottsville, it concerns her that it's going to have a negative effect. She added that, if the site doesn't have adequate screening, the town will also be negatively affected by having another eyesore. Ms. Shelton stated that what concerns her most is the runoff from this site will run into the spring at the bottom of the property and into Totier Creek, which provides water to the town. She said she really doesn't want a convenience center at Mill Creek either, and believes it should be kept at Ivy.

Mr. Larry Barnett said he lives at 9690 Hatton Ferry Road in Scottsville and has been a real estate broker in the area for the last 16 years. Mr. Barnett said he was surprised that the entrance to the proposed convenience center had already been approved by VDOT. He stated that this is a bad idea because the Route 712 intersection has Esmont Road and Plank Road feeding into it, in addition to Route 20 leading to the site. He said there are two bad curves on that road and believes this is a serious problem.

Mr. Neil Grandy, President of the Mill Creek Homeowners Association, addressed the Board and stated that the group would like the Mill Creek site removed from consideration. He said, if the Mill Creek site were opened, then Ivy would likely be closed, thereby making Mill Creek the material utilization center for the entire County – which is a disaster in the making. Mr. Grandy stated that he would like the County to take a better look at this and focus on all three areas, not just one area taking the entire brunt of the usage.

Mr. Michael Wheelwright said he is a resident at 465 Hidden Ridge Road in Mill Creek South and is a licensed landscape architect with 20 years of site evaluation and mitigation experience. Mr. Wheelwright said he has done reconnaissance on the Mill Creek Drive site, particularly the southeastern end, and is very concerned about erosion control, stormwater management, and wetlands in the area. He stated that he doesn't think this site can be done on just one acre and, from his perspective, the environmental issues that must be addressed to use the site will go far beyond what has been discussed thus far at the hearing.

Mr. Roger Schickedantz said he is a resident of Route 20 South adjacent to the Avon Park development and the new proposed Spring Hill development. He said, having participated in many of the worksessions for the updated Comp Plan, he wanted to offer his perspective on the increasing development pressures in this part of the County. Mr. Schickedantz said Neighborhood Four is an area that has traditionally been under-represented in the planning process, and there are many sites along Avon Street that residents view as undesirable – including a transit operations center, a jail, a waste disposal company, and many industrial sheds – which already degrade their main street with traffic, large vehicles and visual clutter. Because they're preexisting, he said, there's little that can be done other than mitigating their impact – and it is unfortunate that some of the most highly visible land is being used for less desirable uses. Mr. Schickedantz stated that the thought of increasing this type of development by adding a transfer station is distressing, especially when it is proposed for the nicest section of the

neighborhood common space. He said the existing Comp Plan proposes a branch library to serve this area, and that specific recommendation was removed from the proposed updated plan. Mr. Schickedantz stated that the transfer station is the perfect place for a library, but not a waste facility, and this part of the growth area is prone to increase in density but has not been planned in a way that is conducive to the lifestyle that current residents desire. He said, in their December 19 neighborhood meeting, there were cries for Neighborhood Model type development, and people want close-knit communities with walkable access, want their families to have recreational opportunities, safe routes to nearby schools, and access to workplaces that are close to their homes. Mr. Schickedantz said all the new residential developments approved for this area have dense housing but without the support system to go with it, and there is a prime opportunity now to plan the growth area for its highest and best use. He encouraged the Board to accelerate a master planning process with a regional advisory council for Neighborhood Four, and asked that the community come up with a real plan that reflects long-term goals, and not succumb to a piecemeal decision like this one which has been forced by a deadline to close the Ivy MUC.

Ms. Linda O'Connor said she is Vice-President of Avon Park residing at 1165 Arden Drive and is representing the owners of the 59 homes located there. Ms. O'Connor said she had distributed a position paper to the Board, stating that the neighborhood around the Mill Creek area will not be using a new convenience center very often yet will be suffering the problems – including those that have been mentioned such as vermin, odors, noise but also methane and mercury which could have harmful effects to the environment. She stated that the draft Comp Plan identifies Mill Creek as the focal area of this neighborhood, and it is intended to be the center of the town, with three new developments coming soon.

Mr. Dylan McAuley said he lives at 2539 Summit Ridge Trail and is a senior at Tandem Friends School, which is located next to the proposed dump site. He said there are 2,000 students within ½ mile of this site, and it is baffling to him that a committee could decide that the best place to put a dump is near four schools – and putting a dump next to people who cannot vote to not have it is “the antithesis of Democracy.” He stated that he has worked on the campaigns of several members of the Board, including Mr. Boyd and, after working to get them into office, they're given a dump in return. He said a convenience center is dangerous, unsightly, will damage business and will not save money because it will destroy property values. He said this dump is a bad idea; what county residents currently have works.

Mr. Paul Grady addressed the Board, stating that he lives just outside of Crozet. Mr. Grady said he feels it is important to build both a southern and northern convenience center, but doesn't have an opinion on where it should be built. He stated that he does have an opinion about the closure of Ivy and the building of a much smaller facility somewhere else that offers considerably fewer services. Mr. Grady said he understands it will cost a lot of money to continue operating Ivy as a transfer station because it would require replacing old equipment, and asked if anyone had done a cost analysis of doing a convenience center at Ivy. He pointed out that fewer services means more trash scattered along roadways and in forests, fields and streams. He stated that the citizens of the County want better services, not fewer, and he is launching a petition with others who are requesting that Ivy remain open as an enhanced convenience center with other disposal options.

Ms. Shaun Cossette, a resident of Scottsville at Langhorne Road, addressed the Board, stating that addressing the trash situation is important but she is struggling to figure out why the Board would want to open up another convenience center in Keene right off of Route 20, which is barely drivable as it is now. Ms. Cossette said people in the southern end of the County also pay for private trash pickup and, if Keene is the only center open, people would be driving from all over the County to get there and use the dump. She said it doesn't seem that the infrastructure can support it, and that she is against the center being located in Keene or Mill Creek, and is not supportive of the small center concept in general. Ms. Cossette said she wants the Board to keep Ivy open, and the convenience center concept seems very archaic. She added that the County needs to do more work on researching the various options.

Mr. David Gregg said he is the President of the Lake Reynovia Homeowners Association and noted that he is very disturbed at how suddenly this has come about. Mr. Gregg said they are asking the Board to table this decision and remove the proposed convenience center from the Mill Creek location and from any area on the Avon Street Extended corridor. He stated that there have been many good points made at this hearing, and the presentation by staff has actually raised questions rather than answered them. Mr. Gregg said the Board needs to take some time and leave Ivy open until they decide what's best for the community, because the two proposed locations at Mill Creek and Keene are not the answer.

Mr. Rick Randolph of 3191 Darby Road in the Scottsville District addressed the Board, stating that he is currently a member of the County Planning Commission. Mr. Randolph said if the suitability of the Mill Creek location for a transfer station had come before the Planning Commission this fall or winter, based on the information he has to date, he can only conclude that he would have voted against it. He stated that the proposed site is located adjacent to two schools and two residential communities, utilizes land that, in the future, may be used for an expanded fire rescue station, a library, or another facility such as a hospital. Mr. Randolph said it will create a multi-dimensional nuisance for area residents who will not be its primary users, and will increase traffic at Mill Creek on Saturday just when area residents are using that street and sidewalk for walking, cycling and running. He stated that it creates a geographical disconnect between the majority of the users of the transfer station and where they live and intend to transfer their trash and waste, and creates a potential terrorist target because of the risk that aerated heavy metal pollution would pose upon explosion to a highly concentrated residential population. Mr. Randolph said he proposes the Board of Supervisors look to establish a fee-based rather than tax-based transfer station in the County; create site selection criteria which would exclude locations adjacent to schools, businesses and planned residential developments; and incorporate the unique vantage point and citizen experience of the Planning Commission in helping vet the proposed locations proposed by County staff.

Mr. Edward Brooks said he lives in the Porters Precinct Section of Albemarle County. He referenced a handout that he distributed to the Board at its November 13<sup>th</sup> meeting. Mr. Brooks said he has attended all of the town hall meetings held in his area, and trash pickup didn't come up at any point as an issue of concern. He stated that perhaps the County could offer temporary trash pickup days for large items a few times a year, and save money without going through the full infrastructure cost of a full facility at Keene. Mr. Brooks said the concept of a "convenience center" isn't really one because the residents haven't asked for it, and he suggested that the Board try to rename what it really is because it's not characterized correctly. He suggested the County form some teams within the school system to come up with a term that appropriately describes it.

Mr. Paul McArtor said he lives at 2012 Avinity Loop located in the new Avinity community and indicated that, even though there is no formal homeowners association yet; he presented a statement which has been signed by multiple people who live in that community. He said the proposed convenience center would be located just diagonal to the back of their neighborhood, and property values will be affected if the plan proceeds, made even more significant when one speaks of a "dead" neighborhood with half-built homes and lots that cannot be sold. So far, he said \$1.4 million has been added to the proffers for Avinity, and approximately \$300,000/year proposed for property taxes once the neighborhood is completed. In addition, he said Avinity II is scheduled to be developed with similar amounts in proffers and property taxes. Mr. McArtor stated that going to Mill Creek is not the right answer.

Ms. Sarah Donnelly addressed the Board, stating that others have expressed her same concerns and emphasized that the Board needs to think about this issue further. Ms. Donnelly said the roads in that area are dangerous, the oak forest will be impacted and, in general, the concept is "just a nightmare."

Mr. Dan Heuchert said he is a resident at 1336 Gristmill Drive in the Mill Creek development and a representative of the Monticello High School Athletic Boosters Club. He said he represents the club's opposition to the site, which lies directly across from the school stadium. Mr. Heuchert stated that his main objections to the Mill Creek Drive site are that the convenience center ought to be convenient to the people who use it, and the houses that need it are located much farther south - not at Mill Creek; and the siting guidelines are an inappropriate use for an Entrance Corridor, with garbage often finding its way on the sides of the roads when being transported to the dump site. He said this is probably not what the County wants for the thousands of tourists who travel in route to see Monticello, Ash Lawn, Carter's Mountain and numerous wineries. Mr. Heuchert said this project is being rushed to beat the Ivy center's June 30 closing date, but what seems expedient now will be permanent for those who live near the proposed sites. He stated that if they approve siting just this one center, he predicts it will be the only one built - as no one wants one of these facilities anywhere near them.

Ms. Addeane Caelleigh who lives at 1381 Gristmill in Mill Creek and is a member of their homeowners association board said she is concerned about the relationship between the stated reason of the facility and the proposed location, as it doesn't make a great deal of sense to put it on Mill Creek Drive if the purpose is to serve rural residents of southern Albemarle County. She stated that the rural residents who are supposed to be served are not the ones who will pay the social costs of living next to the dump/recycling center and, if the Board decides to follow through on the convenience center approach, it seems that no thoughtful decision can be made until all three of the planned sites have been identified and approved - because only that way can the Board ensure that the appropriate balance is achieved and budgeting can be done. Ms. Caelleigh urged the Board to keep the Ivy facility open while studying other options and approaches, and to take Mill Creek off the list. She added that, since the Comp Plan called for Mill Creek to have a library, sidewalks and improved lighting, it's difficult to imagine why they were getting a dump instead.

Ms. Peggy Gilges said she is a resident of the Jack Jouett District and is before the Board to request that they give a thorough review of the County's overall waste management plan before making any decisions on convenience centers. She stated that she had lived in Marin County, California, where more than 70% of household waste is diverted from landfills through recycling and composting, she sees a tremendous need for updating and improving waste management plans locally. Ms. Gilges said a 2010 study by Columbia University and the journal *Bicycle*, Americans throw away 7.1 pounds of garbage per person per day - but 90% of what they throw away is valuable material that can be reused, recycled or composted. She stated that, by keeping material out of landfills, they can prevent resource depletion, protect the environment, and reduce greenhouse gas emissions. Ms. Gilges said resource stewardship demands that they work to reduce the amount of waste generated and reuse and recycle as much as possible, adding that UVA recycles almost 50% of its municipal solid waste with a diversion rate of 72%. She stated that County residents have been misled that all-in-one bin garbage collection is the same thing as single-stream recycling, and a materials recovery facility that receives recyclables mixed with food or other landfill-bound trash recycles a small amount compared to a facility handling separated recyclables. Ms. Gilges emphasized that the Board needs a plan before it closes Ivy and builds convenience centers.

Ms. Cyndra Van Clief said she is in favor of the County reassessing its garbage and recycling options. Ms. Van Clief encouraged the Board to gear down the garbage project and the garbage trucks it is hauled in on, stating that Route 20 is a narrow, heavily traveled dangerous road. She stated that there's a reason some of the passing lanes have been eliminated, a reason there is a section known as "Dead Man's Curve," and a reason those familiar with the road are very concerned. Ms. Van Clief encouraged the Board to move forward responsibly with their plans.

Mr. Andrew Brennan, a resident in southern Albemarle County - a stone's throw from Keene - addressed the Board, stating that he doesn't understand what it is about Keene that makes it continuously targeted - with a landfill issue, a firing range, and now a convenience center. He stated that there is a bit of a Catch-22 with the decision in having to choose either Mill Creek or Keene for a convenience center

location, and the process itself seems to be moving along very quickly. Mr. Brennan said he is strongly opposed to the idea of having the facility located in the rural area of Keene, adjacent to farms, small dwellings, and farm workers – adding that the Board needs to cherish the beauty of the County, which attracts visitors from all over the world. He stated that the Board should preserve, conserve and protect it and, given the environmental impacts of such projects, it seems unconscionable to him that this site should even be considered. Mr. Brennan encouraged the Board to make a further review of the waste disposal needs, costs, and environmental implications to the County, and seek an innovative alternative. He stated that the traffic going to rural Keene would be overwhelming and dangerous, and the other site is not a reasonable choice either because of its proximity to two schools.

Mr. John Hermsmeier, a resident at 1465 Stoney Creek Drive in the Mill Creek South Subdivision, said the state's enabling legislation for comprehensive planning includes ethics and, a few decades ago, there was a corporate environmental ethics conference held at UVA that emphasized the principle of shared impacts among all people. Mr. Hermsmeier said homes are already transfer stations in that they have batteries, fluorescent light bulbs, and toxins – and the most convenient place to have a convenience center for dealing with solid waste is where people procure the items that end up in a convenience center: shopping centers. He stated that plastic grocery bags are an example, because that's where they came from, and producers should be sited prior to residential users. Mr. Hermsmeier said having solid waste addressed at such places creates an educational opportunity and an economic opportunity to reduce solid waste.

Ms. Carreen de Cardenas said she lives at 1159 Arden Drive in the Avon Park neighborhood and thanked the Board for their service as well as Ms. Dittmar for getting information on the convenience center to Scottsville District residents. Ms. de Cardenas said she is President of the Tandem Friends School student body, noting that the school has almost 220 students and 182 signing a petition requesting that the Board find an alternate location for the convenience center. She stated that Tandem is a Quaker school, teaching students to be stewards of the community, and the school has initiated a "zero waste policy" that encourages everyone to produce as little waste as possible. Ms. de Cardenas said they wash dishes instead of using paper plates and compost all food scraps and, as a school that takes environmentalism so seriously, they are concerned about having a trash collection center so close to their place of learning. She stated that they often hold classes outside and students are free to walk the grounds at their free time during the day, and the noises and smells will affect them as well as those from other nearby schools. Ms. de Cardenas said the dump would be right next to their athletic fields and will disrupt their games and practices. She stated that the Mill Creek traffic can be challenging given the entrances of the schools across from one another, and adding more traffic will only increase those problems. Ms. de Cardenas said she is honored to attend a school with such a beautiful campus that is committed to limiting their carbon footprint, and she does not feel they should have someone else's garbage in their backyard. She requested, on behalf of the Tandem student body, that the Board find an alternative location for a trash collection center.

Ms. Shelly Pellish addressed the Board, stating that she lives on Hathaway Street in the Avon Park neighborhood. She said, after the Mill Creek meeting, they put together some information and research for the neighborhood and emailed it out, and she has heard no one speak in favor of the convenience center. Ms. Pellish presented their position paper to the Board, and stated that she was interested in partnering with the County to increase single-stream recycling efforts.

Ms. Helen Marek, a resident of Spring Mountain Road in the Mill Creek North neighborhood, said she has been a county resident and a county employee for a long time. She said the proposed convenience center location is really much closer to City residents than to those who live in southern Albemarle. She stated that City residents pay \$189 year for trash service, and some of them may choose to use the County's recycling center instead. Ms. Marek said the official Albemarle County solid waste convenience center fact sheet indicates that the site will receive "furniture, stoves, refrigerators, water heaters, TVs, computers, old tires, old car batteries," and Mr. Graham didn't make that very clear at the December 19 meeting. She stated that the City charges \$50 to pick up every one of those items individually, and many of those residents would choose to bring them to the County's recycling center instead. Ms. Marek said she also agrees with the speakers who stated that the County should know more about costs than they currently do.

Ms. Saunder Boyle addressed the Board, stating that she is a sophomore at Tandem Friends School and a Charlottesville resident. Ms. Boyle said Tandem is committed to appreciating nature, and the proposed Mill Creek site would destroy and take the place of a forest that is right next to their soccer field and gym. Ms. Boyle said the guests at graduation ceremonies and many sports games directly face the area where the center would be built, and not only would it negatively impact students' everyday school life due to its noise, smell and appearance, it would also leave a bad impression on every guest visiting the campus. She stated that both Monticello High School and Cale Elementary School are also near the proposed site.

Ms. Donna Jordan said she currently lives at 2078 Avinity Loop but has lived on Avon Street for over 28 years and has watched the area grow exponentially. Ms. Jordan said Mill Creek is not the place to locate a convenience center, as there is traffic associated with both high schools as well as Cale Elementary School. She said the parking lots at all of those schools are constantly full of cars. She stated both Monticello and Cale hold church services every Sunday, so there is also weekend traffic to consider, in addition to the walkers, runners and cyclists who use Mill Creek Drive to get to Piedmont Virginia Community College's trails. Ms. Jordan said the six subdivisions and two large apartment complexes use this connector road to get to I-64 and to shopping centers, and this is simply not the place for a convenience center to be sited.

Mr. Andy Jones-Wilkins said he is a resident of the Scottsville District and head of the Tandem Friends School. Mr. Wilkins said he is before the Board to represent the school and ask them to have Tandem be part of the solution. He stated that, with a 43-year history of environmental stewardship at the school, this is a great opportunity for one of the most progressive counties in the country to really make a difference. He said he spends his days with some of the most idealistic, smart, hard-working, curious children in the County – perhaps even in the state and region. Mr. Wilkins stated that he has lived all over the U.S., and the potential here with the kids and the environment is boundless. He said this is an opportunity for one of the greatest places in the country to deal with a very challenging and annoying issue – garbage, waste and what we do with it.

Mr. Robert McLeod said he resides at 42 Waterwheel Drive in the Mill Creek neighborhood and is the President of the Village Four Mill Creek Homeowners Association and noting that he had submitted a statement from their board earlier. Mr. McLeod said he was encouraged to hear that the Board does not need to make a decision tonight, and hopes the Board will choose to step back and do a more thorough analysis of all the possibilities. He stated that the main concern residents have is, if they build one convenience center, all of the “convenience” will be coming to Mill Creek or Keene or wherever they end up – and he encouraged the Board to build all that are needed at the same time so as to distribute the impact throughout the County.

Mr. Hal West said he is a resident of Esmont Road and requested the Board slow down the process to allow time for further analysis and examination of all options for trash disposal. Mr. West said the current plan is not acceptable for a progressive County, and Albemarle should be capable of developing a cutting-edge plan rather than one that is outdated before it is even built. He stated that Keene would never be a successful, profitable location for a convenience center, and asked that it be removed from further consideration altogether. Mr. West said proper roads and safety should be primary considerations for a successful venture, and siting a facility at Keene would put it on an isolated, narrow, winding shoulder-less rural road with a bad “S” curve located precisely where the proposed entrance would be – all coming off of a dangerous and confusing intersection of Route 20, Route 712 and Route 717. He stated that there have been many accidents and near misses there, and the site is intended to bring an estimated 150 cars per day, and three to five tractor-trailer trucks daily on this narrow road. Mr. West said Esmont Road and Route 20 cannot handle the additional traffic noting that this is the last place a convenience center should be safely located.

Ms. Barb West said she lives on Esmont Road and stating that Keene is an isolated area with nothing but a tiny post office open four hours a day. She said Keene is zoned rural and is not within the Comp Plan as a designated growth area. Ms. West stated that the Keene site is a totally wooded lot of old growth oak, which will require clearing, leveling and building a commercial entrance. She said there are two residences approximately 400 and 500 feet from the proposed facility – one a mere 75 feet from the site property line. She said staff’s comment that the densely wooded site would provide large wooded buffers from the residences fails to take into account the six months of the year when the trees are bare, and both residences will have full visibility of the center with all of its activity, noise and lights. Ms. West emphasized that this is not acceptable, and Keene has no existing infrastructure nor utilities, no stormwater management, no public access, no commercial activities, and no public lighting. She stated that Keene has few customers that would actually find the convenience center “convenient,” yet it is intended to draw approximately 9,000 people from the radius for a single-task trip. Ms. West said Keene would likely not be used much and would not have the tonnage for profitability. She said Keene will never be a successful location for a convenience center, and asked the Board to rethink the waste management program and what is needed where – both now and in 20 years. She stated that there isn’t even a detailed design plan nor detailed cost analysis yet for either proposed site, and said this needs more innovative solutions with other possibilities considered.

Mr. Michael Sheets addressed the Board, stating that he is a resident of Keene, Virginia at 6783 Fortune Lane. He said the Board was determined to put the firing range in Keene about a year and a half ago – but the community came out in opposition to it and, within the next year, the Board realized it wasn’t the thing to do. Mr. Sheets said the second item he is aware of is that the County put a road on Fortune Lane but it wasn’t a good job, and the County stopped the VDOT project and fixed it. He stated that the Board has the power to stop the convenience center too, and members have a chance to do the right thing by taking the Keene site off the table.

Mr. Mike Kadick addressed the Board, stating that he lives in the Porter’s Road/Esmont area of the County. Mr. Kadick read a letter regarding the “inane” idea to place a garbage site on a country road next to a beautiful home on a curb near a challenging intersection. Mr. Kadick stated that friends told him they would not buy a home in Albemarle County because the trend of “beating up on Keene and Esmont” is scary – with multiple attempts to close Yancey Elementary, an attempt to place a firing range there, and now a convenience center. He said a Mill Creek site would also be a poor choice and would greatly impact the Avinity townhouses. He stated that the pursuit of happiness in TJ’s county can be difficult.

Mr. Jerome Beazley said he and his wife, Paula, have lived in Esmont for the last 20 years and stating that, collectively, the Board and residents should all work together to find a better solution to the convenience centers proposed there. Mr. Beazley said the concept of the convenience centers and the areas of service as currently planned are not the best solution, and the County is proposing a \$1 million convenience center concept that no one wants in its current form, not counting the annual operational cost of the three separate facilities. He stated that County staff has said the volume at Ivy is decreasing while the cost is increasing, and asked how they could possibly hope to do better by operating three separate collection facilities in place of one. Mr. Beazley said the County has existing facilities at Ivy, and that location has more than 360 acres – while also being near the center of the County. Mr. Beazley said, if the Board believes that a full-scale convenience center model is the way to go, they should put the first

center at Ivy, where the startup costs would be significantly lower in preparing the site through an upgrade. He stated that this working model would give the Board an opportunity to work out any operational kinks without wasting dollars on startup costs for multiple new sites, especially since there has been no detailed analysis of alternate sites.

Mr. D.G. Van Clief said he lives in the Samuel Miller District and his family home is on Esmont Road just a few miles south of the proposed Keene site for the convenience center. Mr. Van Clief said he staunchly opposes this location for the reasons previously cited by his neighbors, and has also been impressed by the arguments from Mill Creek residents. He stated that the community of Scottsville is already in the process of developing a recycling center, which should take the pressure off of the need for another center. Mr. Van Clief asked attendees who agree with the idea of postponing and deferring action on either site, or any site in southern Albemarle, and agree to recommend that the Board move forward with further study and due diligence to stand.

Ms. Deborah McLeod addressed the Board, stating that she lives in Mill Creek at 42 Waterwheel Drive. She asked the Board to take the convenience center item off the table now, pointing out that the Neighborhood Model initiatives call for the types of amenities that will create attractive and livable urban environments. She said Mill Creek is very special and is based around nature and neighborhood and community, and residents there are trying to create a place which has all of the amenities that make it a good neighborhood – and the dump is not one of them.

Mr. James Heller addressed the Board, stating that he works at the Ivy MUC center and agreed that Ivy does take less trash than it used to – and Van der Linde's single-stream recycling has had a significant impact. Mr. Heller said the loads have begun to increase again at Ivy because the recycling at Van der Linde isn't really happening the way they said it would, which is public knowledge. He stated that he has worked at Ivy for 10 years and loves the facility, which is very clean and has generated no complaints.

Ms. Corinne Green said she is a resident of Mill Creek South and is a teacher in the community. Ms. Green said that something as simple as a fly feeding on solid waste can cause stomach bugs when it lands on a child's food, and a student with that type of illness cannot function well for several days to a week even though the immediate symptoms may only last a day. She stated that headaches caused by fumes also affect children.

Mr. Jamie Yowell addressed the Board, stating that he is President of the Foxcroft Homeowners Association and suggested there are serious concerns that only one center will open and Ivy will close. He said this convenience center does not belong in the Mill Creek area, adding that traffic count is of particular concern with students – especially with Monticello High School there. Mr. Yowell said, when expanding beyond the ¼-mile radius to ½-mile, the traffic impacts are even more significant.

Ms. Carolyn Carerra addressed the Board, stating that she is a resident physician in internal medicine at UVA and a fairly new resident of Avinity townhomes. Ms. Carerra said she and her husband purchased their home one month after getting married because of its close proximity to the hospital, its aesthetic value, and safety – and all of her concerns have been well thought out and addressed by other speakers. She stated that she is deeply concerned about the health impacts these convenience centers would have on people in the area and, while she did not see any documentation on that presented tonight, she knows as a doctor that there are risks to children, pregnant women, etc.

Ms. Margaret Risso said she is a resident of Mill Creek and a teacher at Cale Elementary School, and is concerned about the human impact on the people that live in and use the area. Ms. Risso said there are many people walking along Mill Creek during the day, especially students from Tandem and Monticello High School and, if this center is put in, the 600 students from Cale will no longer be able to walk to Monticello for field day as they do now.

Mr. Alan Van Clief addressed the Board, stating that he was speaking in opposition to the proposed dump at Keene, indicating that it makes good sense to him to continue to have the Ivy landfill remain open. Mr. Van Clief said he doesn't understand why the County would want to put a full-sized waste facility there with the increased traffic, possible watershed problems – as it is upstream from Scottsville, and the costs. He stated that the previous landfill in Keene caused problems for the watershed, and he doesn't understand why the County would do that again.

With no further comments, Ms. Dittmar closed the public hearing.

**(Note:** The Board recessed the meeting at 8:52 p.m. and reconvened at 9:04 p.m.)

Board members indicated that they were ready for discussion of the item and needed no further clarification.

Ms. Palmer thanked the public for attending the meeting and for offering their opinions. She stated that there are two questions before the Board, one of which is how to handle solid waste in the entire community – which is a discussion for another night. Ms. Palmer said the second is that there is clearly a process issue here, driven by a desire to close the Ivy MUC, and that process was sped up so that the County couldn't adequately consider sites for the convenience center model. She stated that, if the Board is going to keep the convenience center model on the table, having a better process on how they choose these sites is needed. Ms. Palmer said she was happy to hear from Planning Commissioner Rick Randolph about process and what the Commission would have done in their considerations. She stated that she would be in favor of taking these two sites off the table and, at the very least, stepping

back and keeping the Ivy facility open until the Board can sufficiently look at the plan and decide whether it should go with the convenience centers. She said, if the Board moves in that direction, then it will be important to determine where those convenience centers would be located and what the public process would be in identifying those sites.

Ms. Mallek said, over the last six years, there has been a tug of war about the different approaches to solid waste, and the County keeps coming back to the conclusion that it is a core service, and is hopeful they will be able to develop support on the Board for that. She said this means that cost will not be the first criteria used to make a decision, but is just one of many different aspects used in evaluating the County's options. Ms. Mallek said, to her, this is a big step forward because the discussion has begun, and citizens in her district have asked why the County would spend money to build something new when it's already in place – meaning the Ivy facility as a site for whatever services are decided upon. She stated that there are certainly legal hurdles to work out, and the Board will need to find a way to work on them.

Ms. McKeel stated that she appreciated all of the public input at this meeting and via email, and she heard several things tonight that stood out to her: “the County can do better, let's look at what really is possible, and a comprehensive materials management strategy.” She said she is looking at this as a newcomer, but she would like to pause and see where the County could go with strategies as to different types of recycling in different locations, best practices, cooperative and regional approaches, etc. Ms. McKeel said she is not ready to close the Ivy transfer station and would like to see what else the Board can do that would not include locating something at Keene or Mill Creek.

Mr. Boyd said, as the person who's been on the Board the longest, the Board has done many of the things mentioned tonight over a period of years and years. He stated that the County tried to put through a regional system with the City, but the City reneged on the agreement and quit sending trash to Rivanna. Mr. Boyd said nobody wants a facility to be put in their backyard and, 30 years ago, there was a landfill proposed for his section of the County – which he and many others came out and opposed. He stated that he doesn't know what the solution is, but it's a misrepresentation that the County tried to rush something through without discussion, because they've been talking about alternatives for years. Mr. Boyd stated that there are new Board members now, and he's not opposed to taking another look at it and going through the process again. He said the County brought in consultants with Rivanna and the City to talk about the best practices in solid waste and, for some reason, the results of that survey were tabled. Mr. Boyd stated that perhaps there is new technology out there, but he isn't going to argue the validity of single-stream recycling and he doesn't know if anybody on the Board has the expertise to decide that. He said he represents the Board on the RSWA, and he is very concerned about the Ivy employees and the state of limbo they've been in for a long time.

Ms. Dittmar stated that she does not feel previous boards have been capricious or that they have not spent a great deal of time trying to figure out the right direction for solid waste management, and she can tell from reading past minutes that there has been a lot of thinking about this. She said that, if they are disciplined in their timing, they could take a look at this and figure out what direction they want to go in – and they will need to ask for an extension on the Ivy agreement in order for them to have the time to be thoughtful. Ms. Dittmar pointed out that the County is under a deadline with RSWA, and that action would need to be made tonight.

Mr. Boyd agreed that the decision on an extension would need to be made tonight and, if they decide on an extension, it shouldn't be a short one.

Ms. Palmer said she did not want to imply that the Board rushed the process with respect to solid waste, because she sat in many meetings five or six years ago about the strategic plan for solid waste. She said what she was referring to was the selection of the actual sites went a little quickly in a lot of people's minds and, if the County decides to go with convenience centers, it will need to have a different approach as to how to evaluate the sites and take adequate time. Ms. Palmer said she represents Ivy in her district and emphasized that the landfill at Ivy is closed and would never open up again and, right now, it's a transfer center and a convenience center only.

Ms. Palmer then **moved** that the Board of Supervisors request the RSWA to approve an amendment to the Ivy Materials Utilization Center programs agreement to provide for a one year extension of the agreement from July 1, 2014 to June 30, 2015 to allow additional time for the Board to reevaluate the County's long term approach to the future of solid waste and management. Mr. Boyd **seconded** the motion.

Ms. McKeel asked if that amount of time is enough for staff.

Ms. Mallek said things have been moving along and, if they take their foot off the gas, things tend to stop and momentum is lost. She stated that what's happened in recent months is the development of a much more vocal sense of will among the citizenry that this is an important issue and, for years and years, it was not high on the radar. Ms. Mallek said she didn't want to lose that momentum and asked if the County would be better off doing six months with a six-month renewal.

Mr. Foley summarized that he heard the Board say “a comprehensive strategy,” “consideration of regional approaches [with the City] through Rivanna,” and those things together will require at least a year extension. He stated that citizen involvement will also impact that timeframe, and extension of one year at this point will help the RSWA and its employees gain some certainty. Mr. Foley said staff would have to put together a scope of how the Board wants to approach this and, once they do that, the Board will have a much better idea of how much time it will take. He stated that staff can also speak with Rivanna as to

how much notice is needed in order to make any changes with Ivy. Mr. Foley said an extension of a year is reasonable for the time being, and the future of solid waste services on a larger scale would require more work – with several possible scenarios for the approach.

Mr. Boyd said he and Mike Gaffney have been out to the Ivy MUC and have met with employees, and it's important to him to quit holding the employees hostage there.

Mr. Foley said this decision would provide Ivy employees with 18 months of assurance, which is a significant improvement, and the County would have to assess over the next six months whether it would be even longer.

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

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

Ms. Dittmar thanked the public for their thoughtful participation and involvement, and said that she would like to ease the worries of Keene and Mill Creek residents that the Board might be scheduling something pertaining to their neighborhoods.

Ms. Dittmar then **moved** that the Board suspend further consideration of any convenience center location until such time as the County completes an evaluation of long term strategies for solid waste management services and develops a public process for vetting specific approaches with citizens.

Ms. McKeel **seconded** the motion.

Ms. Mallek said she didn't want to preclude use of Ivy since that facility is already built, and wanted to make sure that her motion didn't do that.

Ms. Dittmar asked if her motion would preclude the Board from looking at Ivy. Mr. Boyd said that they have already looked at Ivy, but the cost was going to get pretty high because the County doesn't own the property – it's owned by Rivanna, which means the City owns it also. He stated that the research has already been done, but the Board could revisit it.

Mr. Davis stated that, if the County continues to use Ivy, it would continue to be licensed as a transfer station because that is the way it would most profitably operate and would allow some of the services to continue there. He clarified that Ms. Dittmar's motion would not impact the continuation of Ivy as a transfer station because, in effect, that is what it would be even if it looked more like a convenience center in the future.

Mr. Boyd said the Board could address continuing to use Ivy as a transfer station, but the Board has looked at all of those options.

Ms. Dittmar then restated her motion.

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

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

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Agenda Item No. 29. Adjourn to January 30, 2014, 8:30 a.m., Joint meeting with Economic Development Authority.

At 9:27 p.m., Mr. Boyd **moved** to adjourn the Board meeting to January 30, 2014 at 8:30 a.m. for a joint meeting with the Economic Development Authority. Mr. Sheffield **seconded** the motion.

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

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

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Chairman

Approved by Board
Date: 03/05/2014
Initials: EWJ