

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 2, 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 9:03 a.m., by the Chair, Ms. Dittmar.

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Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Dittmar reported that there was some confusion about Agenda Item No. 23 pertaining to the Bright Stars program, and asked the Board if it was acceptable to move it between Recognitions and Matters from the Public. Board members agreed.

Mr. Sheffield **moved** to adopt the agenda as amended. Ms. Mallek **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. 5. Brief Announcements by Board Members.

Ms. Mallek said that this is the season when VDOT staff are working hard along the roadways – mowing, cleaning out ditches after storms, clearing culverts – and she has witnessed and been informed of “really bad behavior” on the part of drivers, who are endangering the safety of these workers by aggressively pushing up against them. She asked people to be aware of these workers, as they are working to make everyone safer, and she finds the behavior unacceptable.

Ms. Mallek reported that the previous day the LEAP Program had a kickoff for the “Solarized Charlottesville/Albemarle,” which is a free assessment with reduced pricing for solar panels on rooftops for homeowners and businesses. She said that the UVA Credit Union is offering interest rates of 2.9% for people wanting to finance their home improvements, and due to funds raised by LEAP and brought down from outside sources, interest rates can go down to 0% based on homeowner income. This is a great way for people to reduce their energy costs and make improvements.

Ms. Mallek also said that she is looking forward to the ticket process developed in Zoning for illegal signs, and hopes that it gets the message to the perpetrators of sign littering so the County does not have to deal with it much in the future and lessen the impact on staff.

She stated that she would like to put several things on the Board’s future discussion list: 1) the template for easements held by the Public Recreation Facilities Authority regarding commercial uses on properties; 2) the Finance Department providing written direction on standard procedures for people who come to that office for information, because there seems to be continuing confusion about what they are supposed to do; and 3) the need for distinction to be made between public displays and private parties with regard to fireworks.

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Ms. Palmer stated that it is very hot now for the rest of the summer, and everyone needs to make sure that pets are in the shade and taken care of. This is not the season to leave dogs in the car while running into the store. Dogs have a significantly higher normal body temperature than humans and overheat quickly, and people who tie their dogs outside should keep them in the shade.

Ms. Mallek said that it is perfectly acceptable to call the police if you see an animal or a person abandoned in a hot car.

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Ms. Dittmar said that Scottsville has published a brochure that is quite lovely with some of the County’s southernmost tourist attractions. The town is planning a community day in September that will also celebrate the founding of the County.

She stated that she and Ms. Palmer are holding a meeting on July 24 at Monticello High School from 5:30-8:30 p.m., and the first hour will be informal conversations with staff regarding the vision for the Southern Neighborhood development area. They are handing out a brochure to the neighbors and there is a website where people can find out additional information.

Ms. Dittmar said that there will be several 4<sup>th</sup> of July parades all over the County, including those in Scottsville and Glenmore.

Ms. Mallek said that there will also be a parade in Earlysville at 1:00 p.m., and in Crozet at 5:00 p.m.

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Agenda Item No. 6. Recognitions.

Item No. 6a. Nora Gillespie, former Director, Small Business Development Center (SBDC).

Ms. Dittmar said that they will save the recognition of Nora Gillespie, outgoing director of the Small Business Development Center, for a future meeting, as she is unable to attend the meeting today.

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Agenda Item No. 23. Virginia Pre-School Initiative "Bright Stars" Graduate Report. (moved up on agenda).

The executive summary forwarded to the Board states that the following are excerpts from the "Pre-School Business Plan" prepared by Roxanne White in March 2013 for the Department of Social Services to provide background on the value of quality pre-schools.

*"Once upon a time, in an era far, faraway, children went to kindergarten to prepare for first grade. Kindergarten was their first school experience, their prep for elementary school. Now, children need to go to pre-school to prepare for kindergarten. "It's an unfortunate fact that about one in five children in Virginia start kindergarten without the necessary skill-set required for this structured learning environment." Scott Hippert, President of the Virginia Early Childhood Foundation"*

This is not new information, but it is critically important. It is now an accepted fact across the country that pre-school programs are a prerequisite for improved educational levels, as well as a strong and competitive workforce to sustain the economic vitality of our communities.

The National Chamber of Commerce launched through its Institute for a Competitive Workforce (ICW) a strong emphasis throughout the country on early education. *"ICW firmly believes that investments in high-quality early learning programs for children from birth to age five yield high returns. In fact, research shows that for every dollar invested today, savings range from \$2.50 to as much as \$17 in the years ahead."*

The growing emphasis on early education is based, not only on documented results, but on scientific brain research. New research shows that the first five years are the most important and most critical in a child's learning life and that neurologically when that opportunity for learning is missed, the child will not be able to catch up, regardless of how many remedial programs are offered.

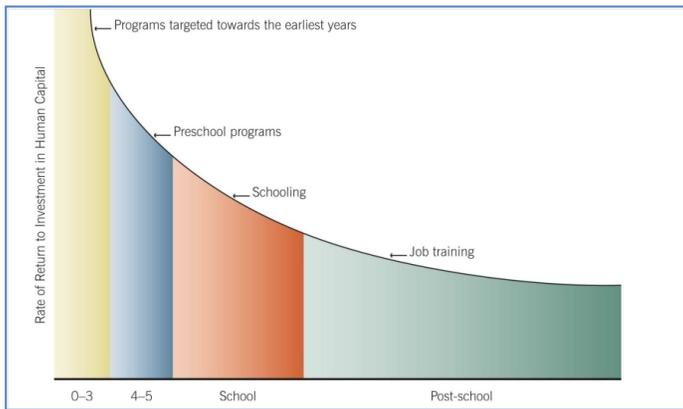
The second insight is that early learning and pre-school have the largest per-child impact on disadvantaged children. *"In their first five years of life, children are forming important neurological connections—"strengthening" their brains". Quality early education for at-risk children can produce an annual rate of return as high as sixteen percent—higher than most stock portfolios," said Art Rolnick, senior vice president of the Federal Reserve Bank of Minneapolis, quoted by the Pew Center on the States.*

*"Longitudinal research on low-income children in high-quality pre-K programs also indicates that these children, compared with their peers who did not participate, exhibit stronger early reading and math skills and show significant gains in social and emotional skills, reduced grade retention, reduced placement in special education, increased likelihood of being in school at age 21, and increased likelihood of attending a four-year university".* Other controlled studies have shown fewer overall arrests and fewer drug-related arrests, higher monthly earnings, greater home ownership, less use of welfare assistance, and fewer births out of wedlock.

Studies show that *"Interventions later in life, including job training, adult literacy, prisoner rehabilitation, and education programs for disadvantaged adults (although beneficial), yield low economic returns compared to early interventions, such as pre-K programs. The performance of children benefiting from early interventions is better than that of children who benefited from later interventions, according to multiple studies.*

Difficult fiscal times would suggest that both public and private dollars should be invested in the most efficient and effective methods to achieve a highly educated workforce, and research has shown that investing dollars in early education has a better cost benefit than remedial training programs.

Cost-Benefit Analyses: Early Childhood Education Offers One of Highest Returns of Any Public Investment – \$1 - \$16 for every dollar spent saves government spending on K-12 education, public assistance, criminal justice system and increases tax revenues as a result of higher earnings.



The Commonwealth of Virginia began the Pre-school Initiative Program (VPI) twenty years ago, citing the multitude of reasons for Virginia to invest resources in pre-school programs. Albemarle County leveraged these state funds to implement its own 4-year old pre-school program known as Bright Stars, which has grown to ten classrooms in eight elementary schools and has shown positive learning results for the children and their families who have gone through the comprehensive 4-year old program. A unique element of the Bright Stars program is the ongoing support provided to the children and their families throughout the elementary and middle school years when needed. Over the past five years, the County has leveraged additional resources to increase pre-school opportunities and family support by braiding and blending funding streams and in-kind match opportunities with Title 1, Special Education Pre-school, VPI, local government, schools and Social Services programs and funding.

Beginning in 1994, the Bright Stars Program, a collaborative program of Local Government, the School Division and Social Services, has been the primary source of comprehensive pre-school services for Albemarle County residents. Coupled with the Monticello Area Community Action Agency Head Start Program as well as the ACPS Title One and Special Education Pre-school programs, public pre-school programs have served a large number of students who are at risk of poor outcomes. The presentation today highlights some of the achievements of the students served in the Bright Stars classrooms in 2000 who went on to graduate from Albemarle County Public Schools in 2014. While a quality pre-school program is a critical determining factor for success, we know it is not the *only* factor that positively impacts a child. A strong educational system, support systems for good parenting and role modeling, economic vitality and the commitment of government, civil society and businesses all contribute to the final outcome. Today's presentation highlights how a strong start coupled with other positive influences in a child's life can make a difference.

This report is for information only and has no budget impact.

Staff recommends that the Board accept the FY2014 Department of Social Services Bright Stars Graduate Report.

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Ms. Ann McAndrew, Program Coordinator of Bright Stars, addressed the Board. She said that Bright Stars appreciates the Board's support and commitment to the work they do and the families they serve. Ms. McAndrew said that a few years ago one of their family coordinators, Terry Higgins, brought several high school graduates who began their school careers in Bright Stars to the Board. She said that Bright Stars was asked to come back again to highlight further successes. Ms. McAndrew stated that Bright Stars is one of only a handful of localities in the state that has chosen to receive Virginia Preschool Initiative Funding through the Department of Social Services rather than the public schools, and while this approach brings about some special challenges in coordination, it provides unique opportunities when cooperation allows the strength of each to be utilized. She thanked the Albemarle County Schools for their support of Bright Stars, specifically Debbie Collins and Chris Gilman for providing pertinent information about graduates.

In a collaborative process, the schools are continuing to gather data which over the years will enable them to take a longitudinal look at Bright Stars and their accomplishments and better understand the strength and weaknesses of the program. Ms. McAndrew reported that of the 79 children entering the Bright Stars program in Fall 2000 and would be scheduled to graduate this year, 38 were still attending Albemarle County schools in Fall 2013; they do not have data for the 41 other students, but all but six of those students had left the County schools before their high school years. She said that there were three

of the students who started high school with Albemarle, and one graduated from a Richmond public high school, one got a GED, and one was homeschooled – and then joined the rodeo. Of the 38 still in County schools, she said, two graduated a semester early in January, and one will graduate next year; the remaining 35 graduated on time this spring. Ms. McAndrew reported that 16 of the students, or 46%, graduated with more advanced study diplomas – with the average for all advanced degree students being 67%. She said that 18 of the Bright Stars, or 51%, graduated with standard diplomas – and one with a special diploma; of the total 38 who have graduated, approximately 84% report plans to matriculate to some form of higher education – which is almost identical to the County average of 85.7%. She said that 34% of Bright Stars graduates plan to attend four-year colleges, 50% plan to attend two-year colleges, 10% plan to seek employment, and one student plans to enter the military.

Ms. McAndrew stated that there are several Bright Stars graduates who would like to address the Board. She then introduced Ms. Julia Sudal.

Ms. Julia Sudal addressed the Board, stating that she is a graduate of Monticello High School and part of the inaugural class of Bright Stars from Scottsville Elementary School. She stated that the program is very special and beneficial to many children, as it allows them to become familiar with the school atmosphere before entering the K-12 system. Ms. Sudal said that in addition, they have the opportunity to learn to socialize with others their age and create lasting friendships, and she was close to her fellow Bright Stars classmates. She stated that she has many fond memories of both students and teachers from her class, and the program gave her a strong foundation to start her career in the Albemarle County school system. Ms. Sudal said that she worked hard all 13 years of school, and received scholarships to enroll at Sweetbriar College in the fall. She reiterated her respect and appreciation of the Bright Stars program, and said that she is proud to be a part of the Scottsville class.

Ms. McAndrew next introduced Ms. Ana Lionez, who has had three children in the Bright Stars program, and whose daughter, Elizabeth, graduated from Monticello High School this past year.

Ms. Lionez spoke in Spanish, and her daughter, Elizabeth, translated. Ms. Lionez said that Bright Stars has been a wonderful program – very organized and structured – and has allowed her children many ways to develop, socially and educationally. She said that it includes a little bit of everything – lessons but also fun – and is a stepping stone that opens a big door for children, for them to be able to develop academically. Ms. Lionez said that she gives great thanks to the people who direct the program. She congratulated the Board for the way the program has developed. She added that many families will continue to benefit from the program as hers has.

Ms. Dittmar thanked them for addressing the Board.

Ms. McAndrew said that Elizabeth Lionez has had multiple lead roles in the musicals at Monticello High School during her tenure, and will be attending Emory & Henry College to study music on a Fulbright Scholarship. Ms. McAndrew said that Elizabeth has chosen a song to sing to the Board that speaks to the value of leaving no one behind.

Ms. Elizabeth Lionez said Bright Stars is a wonderful program that helps students to develop and helps them to accommodate life in school before having to actually attend. She has returned to Cale Elementary School to work with the program as an internship. It is amazing to see what the program continues to do for children. She again thanked Board members for their help with the program. Ms. Lionez then sang a song “Stand Up for Life” for the Board and attendees.

Ms. McAndrew asked for Bright Stars students and graduates to stand and be recognized.

Ms. Dittmar thanked Ms. McAndrew for all her work.

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

Mr. John Martin, a resident of Free Union, said that he would talk about the importance of video streaming. He said that there is a lot more interest now in local government, and having live video streaming would mean a lot to everyone. Video streaming would be very beneficial in that it would allow the Board and staff to view the proceedings of other local governing bodies. Mr. Martin stated that this room in the old high school is a reminder of openness and goodness and beauty, and people would appreciate seeing it.

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Mr. Steven Meeks, a resident of the Scottsville District, said he is present representing the Albemarle County Historical Society. Mr. Meeks said that at the County Historic Preservation Committee meeting the previous week, they learned that the Board might have some discussion on the portion of the Comp Plan that deals with the historic, cultural, and scenic resources. He said that his original intent today was to come before the Board and ask it to consider the need for an historic preservation ordinance in the Plan. He wanted to inform the Board of several different properties that are part of their heritage and may soon be lost due to demolition by neglect. Mr. Meeks said that when he saw the courts project on their agenda, he decided to shift gears a bit. As the Board considers its historic resources, they should be reminded that they possess the most important site and structure in the County and the City – the Albemarle County Courthouse. He said that last year when he first saw the plans that were being put

forth as part of the planned renovation and expansion of the present courts complex, he was immediately concerned about what was being proposed should the courts stay in downtown Charlottesville and the plan be implemented. Mr. Meeks said that in essence, it would destroy the heart of a national historic district.

He said that the Albemarle County Courthouse was relocated to the current site in 1762, and the original frame building was replaced in 1803 by the north or rear wing of the existing building. In addition to serving as a courthouse and sole voting site in the County, he said, it also served as a site for religious services – a place that Thomas Jefferson called “a common temple.” He said that the Historical Society is very concerned about the proposed additions to the present north wall of the courthouse, as it will substantially alter the character of the building by masking the wall completely. Mr. Meeks said that they are also concerned about the treatment to the existing Clerk’s office – the original Albemarle County Office building, circa 1938 – and the Levy Opera House, circa 1851. He stated that the entire project seems to ignore the historic significance for these buildings both inside and out, and the impact any of the proposed changes would have on the nature of the historic district. Mr. Meeks said that the report seems to gloss over the significance of the loss of the original north wall. As the County turns 270 years old this year, the Historical Society asks that the Board consider the integrity of the courthouse district, the courthouse building, and other significant properties as it moves forward. Mr. Meeks said that the Historical Society realizes that this is not an easy task, but the wrong approach would destroy the core of the community.

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Dr. Charles Battig, White Hall District, said that last month’s comments about fracking were more propaganda than fact, and said that he will present as many facts as three minutes will allow. Dr. Battig said that hydraulic fracturing to recover shale gas and oil has been around for 40 or 50 years as a technique. Statements from the Environmental Protection Agency (EPA) say there are no proven cases of fracking affecting water, no cases determining that fracking causes chemicals to leak into groundwater; and regulatory officials from eight states say the same. He said that the comment was made that it is a “secret fluid” being used, but it is composed mostly of ordinary household items. Dr. Battig presented an image of a natural gas well-head, and said that after the drilling is done it is capped, and the gas is piped off. He said that wind turbines are also detrimental, and they only make power when the wind blows. He stated that you can now get a license to kill eagles, and wind turbines are effectively ridgeline bird killers. Dr. Battig asked how much energy you get for tearing up that amount of environment, and typical wind energy density – one watt of energy for every 10 square feet of land, whereas other power sources such as nuclear disturb far less land. He said that sustainable water sources uses thousands more gallons of water for the energy they produce. Dr. Battig presented a picture of a solar panel farm in the UK, emphasizing that much more land was used for that.

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Mr. Courtney Eastlack addressed the Board, stating that he is a resident of the Carrsbrook neighborhood. There is a significant stormwater drainage failure occurring on his property that has led to a significant sinkhole that is about 25 feet away from Carrsbrook Drive. He said that they have had lots of discussions with the County and with VDOT around this issue, and there are some very difficult issues around their neighborhood given the age of Carrsbrook and the lack of easements because of that. Mr. Eastlack said that residents have been told by the County that because of the lack of easements, there is very little that the County can do, despite the fact that VDOT is ready to repair two 36-inch drainage pipes that run under the Carrsbrook Drive road that have completely failed. He said that the pipes are two-thirds rotted, they are old steel culverts, and they have been told that VDOT is prepared to come in and remediate these issues – but VDOT will only do that if the County partners with them to also put in a manhole or some other type of engineering on his property. Mr. Eastlack said that they have been told that it is private property, so they must repair the situation, and Board members who have visited the property have said they had no idea what a “massive issue” it was. He stated that they continue to have dialogue with the County and VDOT to no end, and this has been going on since the four inches of rain occurred on May 16. Mr. Eastlack said that he was been told it was an “emergency situation” at that point, but here a month and a half later, nothing has happened. He stated that he is pursuing his own avenues to repair this but has been told that if they pursue certain avenues, they must insure the County and the public safety with how they repair it. Mr. Eastlack asked the Board what they are going to do about public infrastructure, especially in these old neighborhoods. He said that his tax dollars and his neighbors’ tax dollars are the same as those in a new development – and these infrastructure issues must be addressed by the County.

Mr. Foley said that this item is being discussed in closed meeting today.

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Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board, stating that he finds it ironic that the defense of fracking as mentioned by Dr. Battig comes from government agencies, yet when government agencies talk about climate change and its risks, he believes that it is a fabrication. Mr. Werner complimented the Bright Stars student’s vocal performance, and said that it was also “cool” to hear of someone joining the rodeo. He said that he hears all the time how difficult it is for people to come to meetings downtown, and he thinks that the entire community would support the Board if they moved to online video streaming of meetings. Mr. Werner said that as a City resident and PEC representative, he feels that it is important for the courts complex to stay coherent and stay together – and he hopes the Board can find a way to keep it downtown. He encouraged the Board to include representatives from the

historic preservation community in their discussion of court renovations, as it is important to recognize the historic character of the downtown and its historic importance to the community.

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Mr. Neil Williamson, of the Free Enterprise Forum, said that he also supports the idea of live video streaming. He said that it makes a lot of sense, as Albemarle is a big county and many older citizens do not want to be at meetings late if there is a big contentious issue – but they do want to hear it directly from the Board and not secondhand. Mr. Williamson said that he is one of the 12 people that logs into podcasts on a regular basis, and while there will be a cost associated with video streaming, he believes that this Board and previous boards have spoken highly of the idea of transparency and bringing government to the people. He said that he believes it is time for this group to move forward, and it is less effective to have just the audio. Certain conversations and presentations are lost in the audio.

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Mr. John Proffitt addressed the Board, stating that he works with the Local Energy Alliance Program (LEAP). He explained that they are running a program over the next three months – “Solarize Charlottesville,” which distributes solar power generation for homes in the County and the City of Charlottesville. He said that whether the individual is doing it for environmental or economic reasons or just energy security, this is a unique opportunity. Mr. Proffitt said that LEAP is using community interests to drop the prices of solar panels and is making the process very easy. Whether people are serious about putting on panels or just want to learn about how to make property more efficient, LEAP will help with solar site assessments and energy efficiency evaluations at no cost. He stated that their web address for the program is solarizecville.org, and he encouraged everyone to take a look.

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Ms. Dittmar asked staff how Board members might set up a tour of the jail to become familiar with it. Mr. Foley said that staff can organize it and will get in touch with them to coordinate some times.

There being no further speakers, the Chair closed the public comment portion of the meeting.

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Agenda Item No. 8. Consent Agenda. Ms. McKeel **moved** to approve Items 8.1 (as read) through 8.4, and to accept the remaining items on the Consent Agenda for information. Ms. Mallek **seconded** the motion. (**Note:** Discussions 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, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Item No. 8.1. Approval of Minutes: August 14, August 21, October 2, October 9, November 6, December 4, and December 12, 2013; and February 5, February 21, March 27, and April 10, 2014.

Ms. Dittmar had read the minutes of December 4, 2013 and found them to be in order.

With regard to the February 5, 2014, minutes Ms. Palmer said that she had submitted some corrections to Ms. Jordan but wanted to discuss something else that was in the minutes. Ms. Palmer explained that there was a section in the minutes on development bonds – when to renew, when to call those bonds – and she found some of the information confusing, so she contacted Mr. Mark Graham to discuss it. She said that he told her why he put that in the agenda for information only at that point, and he told her that over the recession the Board had directed staff to be a little more lenient with respect to when the County calls bonds – because there were a lot of developers who were having difficulty and could not get the number of houses in a development that they had hoped on time. Ms. Palmer said that now that the economy is a little better, the Board might want to look at that policy of when to call. She stated that she has questions about different kinds of development bonds, whether they are treated differently, and a host of other issues. Since the County has about \$64 million in bonds out, it might be a good idea for the Board to go over that item and hear more from Mr. Graham about why he put that in the February minutes.

Ms. Dittmar said that Ms. Mallek had suggested some items earlier in the meeting that she would like to revisit, and asked if this was something they would add to that list. Mr. Foley said that staff could follow up on that conversation. He said that it needs to be formal discussion rather than informal – but the general issue of development bonds and how they are enforced is a topic staff can bring back.

Ms. Dittmar asked Ms. Palmer if it satisfied her enough to approve the minutes. Ms. Palmer said that it did.

Ms. McKeel asked if the minutes needed to be clarified at all. Ms. Palmer said that it was a perfectly good report. She just had some questions about the item – as it was another Board meeting that was overloaded, and it was their third meeting. She stated that she did not bring up her questions at that time, and in reading the minutes she realized it would be something that the whole Board would like

to discuss and understand better. Ms. Palmer noted that the item was “for information only.” She added that the minutes can be approved.

Ms. Palmer had read the minutes of April 10, 2014 and found them to be in order.

Ms. Mallek pulled the minutes of August 14 (pages 14 – end), August 21, October 2, and October 9, 2013 and carried them forward to the next meeting.

Mr. Boyd pulled the minutes of November 6, 2013 and carried them forward to the next meeting.

Ms. Dittmar pulled the minutes of December 12, 2013 and March 27, 2014 and carried them forward to the next meeting.

Ms. McKeel pulled the minutes of February 21, 2014 and carried them forward to the next meeting.

**By the above-recorded vote, the Board approved the minutes as read and carried the remaining minutes to the next meeting.**

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Item No. 8.2. FY 2015 Budget Amendment and Appropriations.

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

The total increase to the FY 15 budget due to the appropriation itemized below is \$1,710,642.95. 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. The strategic plan mission is to enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

This request involves the approval of twelve (12) appropriations as follows:

- One appropriation (#2015002) to re-appropriate \$132,946.68 in funding for various Capital Improvement Program projects;
- One appropriation (#2015003) to appropriate \$12,647.00 in funding associated with a Strategic Prevention Framework – State Incentive Grant (SPF-SIG) and the addition of the UVA pass-thru BASICS contract;
- One appropriation (#2015004) to appropriate \$43,704.39 in various donations and grants to the Sheriff’s Office;
- One appropriation (#2015005) to appropriate \$54,889.51 of funding from the Innovation Fund to various departments;
- One appropriation (#2015006) to appropriate \$132,436.00 of funding from the Fellowship Fund to the Office of Management and Budget; this appropriation will not increase the budget;
- One appropriation (#2015007) to re-appropriate \$67,688.71 in funding for the Public Recreational Facilities Authority (PRFA);
- One appropriation (#2015008) to appropriate \$528,000.00 in federal revenue for the Office of Housing’s mainstream voucher program;
- One appropriation (#2015009) to re-appropriate \$19,531.59 in federal funding for various Police Department grants;
- One appropriation (#2015010) to appropriate \$252,000.00 for the Emergency Communications Center;
- One appropriation (#2015011) to re-appropriate \$587,235.07 for a Community Development Block grant;
- One appropriation (#2015012) to appropriate \$150,000.00 for the Seminole Trail Volunteer Fire Department Renovation/Addition capital project; this appropriation will not increase the budget; and
- One appropriation (#2015013) to appropriate \$12,000.00 for design services for the expansion and limited re-design of the Voter Registration and Elections office suite.

Staff recommends approval of appropriations #2015002, #2015003, #2015004, #2015005, #2015006, #2015007, #2015008, #2015009, #2015010, #2015011, #2015012 and #2015013 for general government programs as described in Attachment A.

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<b>Appropriation #2015002</b>		<b>\$132,946.68</b>
Sources:	State Revenue	\$ 161,516.52
	General Gov't. Capital Fund fund Bal.	\$ (60,073.02)
	School Capital Fund fund Bal	\$ 30,807.98
	Stormwater Capital Fund fund Bal	\$ 695.20

This request is to re-appropriate FY 14 funds for the following Capital Program projects:

**Rio Property-Northside Library & Storage:** This request is to re-appropriate the General Government and the School Division's portions of the remaining balance of funding that was available in FY 14 for the Storage Facility lease payment which totals \$17,707.96 to the Northside Library and Storage project. The funding will support the cost of moving the materials out of the leased space and the temporary storage of materials for General Government, School Division, and the Emergency Communications Center (ECC).

**School CIP Maintenance:** This request is to re-appropriate \$30,807.98, the remaining FY 14 balance of the Vehicle Maintenance Facility (VMF) project that has been completed. The VMF project included a series of miscellaneous projects, including an addition to the bus wash, an addition to the main facility, and site improvements (parking, storm water management, etc.). This funding is requested to be re-appropriated to the School CIP Maintenance Program to support the construction of the last underground vehicular lift project that is included in the VMF Lifts maintenance project.

**Stormwater Management Program:** This request is to re-appropriate \$695.20, the remaining FY 14 balance of the Downtown Crozet Wetlands project to the Stormwater Management Program to be made available for future stormwater projects. The Downtown Crozet Wetlands project budget was supported in part by the Stormwater Management Program. The Wetlands project is complete and all invoices have been paid.

**Sidewalk Contingency:** This request is to re-appropriate the remaining FY 14 balance of \$83,735.54 to support unforeseen project costs of current sidewalk projects or to support sidewalk projects and improvements that may be necessary to address safety issues.

**Safe Routes to Schools Grant:** This request is to re-appropriate the FY 14 balance of the Safe Routes to Schools Grant totaling \$161,516.52 to support the Crozet Avenue North Sidewalk. This will reduce the use of General Government Capital Fund fund balance for this sidewalk project. The project will be advertised for construction in the third quarter of calendar year 2014, and is anticipated to be complete 2 to 3 months after the Notice to Proceed is issued.

<b>Appropriation #2015003</b>		<b>\$12,647.00</b>
Source:	Federal Revenue	\$ 12,647.00

This request is to appropriate one month of funding for July 2014 of a \$273,550.00 Strategic Prevention Framework – State Incentive Grant (SPF-SIG) and BASICS Program. These grant funds are anticipated to be received from the U.S. Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Prevention through Virginia Commonwealth University (VCU). VCU, as the Prime Awardee is expected to provide these funds to the County, as its Subcontractor.

VCU has informed the County on May 29, 2014 that they are processing paperwork to establish a subcontract agreement with the County for the period of June 1, 2014 through May 31, 2015. Since the paperwork has not yet been received from VCU, staff recommends an additional one month appropriation at this time.

The purpose of the grant is to reduce the number of motor vehicle crashes involving alcohol-impaired drivers between the ages of 15 and 24 and to decrease the amount of binge drinking frequencies (4 or more drinks within a couple of hours) by 5% among college students. The County will work with the University of Virginia regarding the BASICS initiative associated with college students.

The County, in its previous capacity as fiscal agent for the Commission on Children and Families (CCF), received the first SPF-SIG Project grant for the time period of February 1, 2012 through January 31, 2013 in the fall of 2011. CCF was dissolved in December 2012, so the second SPF-SIG Project Grant was awarded directly to the County for the time period of February 1, 2013 through May 31, 2014.

<b>Appropriation #2015004</b>		<b>\$43,704.39</b>
Source:	Federal Revenue	\$ 31,704.39
	Sheriff Donation Fund fund balance	\$ 3,000.00
	General Fund fund balance	\$ 9,000.00

This request is to appropriate \$43,704.39 for the following programs in the Sheriff's Office:

- **Sheriff Contribution Fund:** This request is to reappropriate \$3,000.00 in contributions that were received to support the Sheriff's volunteer reserve programs. These contributions will support the various reserve programs such as Project Lifesaver, TRIAD, Search and Rescue, child

fingerprinting, and any other community programs and activities in which the Reserves are involved.

- **Offender Aid and Restoration (OAR) Drug Court Grant:** This request is to appropriate \$28,195.00 in federal grant funds for a part-time drug court officer to work under the direction of the Sheriff's Office to assist in the administration and monitoring of Offender Aid and Restoration's (OAR's) Drug Court cases. Data from other Virginia localities with similar arrangements indicates that the ongoing presence of an officer for program participants yields positive outcomes. Expenses such as part-time wages and vehicle fuel, maintenance and repair costs will be funded through federal grant revenues received from OAR. The Board of Supervisors previously approved an appropriation for this program in FY 12, FY 13, and FY 14. This request is to continue this program through December 2014 in FY 15.
- **Fingerprinting Fees:** This request is to re-appropriate \$9,000.00 of the balance remaining in fingerprinting fees to purchase volunteer reserves' uniforms, equipment, and other miscellaneous items.
- **DMV Grant (#SC-2014-54376-5624):** This request is to reappropriate the remaining \$3,509.39 balance of a Virginia Department of Motor Vehicles grant awarded to the Sheriff's Office. The purpose of this grant is to decrease speed-related fatalities through speed enforcement efforts.

<b>Appropriation #2015005</b>		<b>\$54,889.51</b>
Source:	General Fund fund Balance	\$ 54,889.51

This request is to re-appropriate \$54,889.51 of FY 14 Innovation Fund fund balance monies for Innovation Fund projects that were approved in FY 14 but were not completed in FY 14.

In FY 14, \$166,500.00 was set aside in an Innovation Fund account for one-time organizational initiatives that reduce costs and improve customer service and productivity. During FY 14, nine projects totaling \$76,255.00 were approved for funding. Of this amount, funding for four of these projects, totaling \$32,100.00, was appropriated in FY 14. At the end of FY 14, there was a balance remaining in these four project accounts of \$10,734.51. This balance must be re-appropriated to FY 15 in order for the projects to be fully completed. Funding for the remaining five projects that were approved in FY 14 total \$44,155.00 and also require a re-appropriation to FY 15 so those projects can be completed in FY 15.

Additional details about the Innovation Fund program will be provided to the Board as a separate item on the July 2, 2014 Board agenda.

<b>Appropriation #2015006</b>		<b>\$0.00</b>
This appropriation will not increase the County budget.		
Source:	Fellowship Fund	\$ 133,966.00

During the FY 15 budget process, the Board approved \$150,000.00 in one-time funding to continue a fellowship program for college and graduate school graduates who are seeking work experience in local government. The intent of the program is to provide a meaningful and goal-oriented work experience in which the Fellows learn about careers in local government with the purpose of benefiting both the County and the Fellows.

This appropriation transfers \$133,966.00 from the FY 15 Fellowship Program Fund to the Office of Management and Budget to fund the salary and associated costs of two full-time fellowships in FY 15. These two Fellows will work across the organization on strategic, multi-departmental projects that require complex analysis and/or research. Requests for projects are submitted by department heads and approved by the County Executive's Office.

<b>Appropriation #2015007</b>		<b>\$67,688.71</b>
Source:	Fund Balance	\$ 67,688.71

This requests is for the County, acting as the fiscal agent for the Public Recreational Facilities Authority (PRFA), to re-appropriate \$67,688.71, the remaining FY 14 balance of the PRFA funds, to be used for the PRFA's conservation easement monitoring services in FY 15.

<b>Appropriation #2015008</b>		<b>\$528,000.00</b>
Source:	Federal Revenue	\$ 528,000.00

This request is to appropriate \$528,000.00 in federal revenue for a new component to the County's housing assistance program for mainstream vouchers. Mainstream vouchers provide rental assistance to eligible persons with disabilities and are currently administered by the Piedmont Housing Alliance. The Board of Supervisors approved a resolution accepting the transfer on March 5, 2014 and the United States Department of Housing and Urban Development approved the transfer on June 4, 2014.

\$58,000.00 of the \$528,000.00 will be transferred to the General Fund for administrative fees, where it will be allocated as follows: \$5,400.00 for one-time technology software and hardware costs in the Office of Housing; and \$52,600.00 to the Reserve for Contingencies.

<b>Appropriation #2015009</b>		<b>\$19,531.59</b>
Source:	Federal Revenue	\$ 19,531.59

This request is to re-appropriate \$19,539.59 in federal revenue for the following grants.

- **Police Grant (#2013-DX-BX-0650):** This request is to re-appropriate the remaining \$7,151.59 balance of a U.S. Department of Justice grant awarded to the Police Department. The purpose of this grant is to assist in funding overtime hours of current officers in support of reducing crime and improving public safety through additional community policing.
- **Police Grant (#SC-2014-54301-5549-20.600-Highway Safety Grant):** This request is to re-appropriate the remaining \$12,380.00 balance of a Virginia Department of Motor Vehicles grant awarded to the Police Department. The purpose of this grant is to assist with the payment for traffic safety equipment and overtime activities.

<b>Appropriation #2015010</b>		<b>\$252,000.00</b>
Source:	ECC Fund Balance	\$ 250,000.00
	State Revenue	\$ 2,000.00

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

- \$250,000.00 from ECC fund balance for the replacement of the dispatch consoles in the ECC. The current equipment is 14 years old under 24-hour-per-day use and the ECC can no longer procure parts for the consoles. This request has been approved by the ECC Management Board.
- \$2,000.00 for public safety communications personnel training. This funding will be provided by the Virginia 911 Board through Virginia Information Technologies Agency.

<b>Appropriation #2015011</b>		<b>\$587,235.07</b>
Source:	Federal Revenue	\$ 542,280.60
	Proffer Revenue	\$ 30,000.00
	Grant Fund Balance	\$ 14,954.47

This request is to re-appropriate \$587,235.07 for the Orchard Acres Rehabilitation Project, which will provide at least 24 housing rehabilitations for low- and moderate income residents over the next 18 to 24 months in the Orchard Acres subdivision located in Crozet. Funding is provided from \$542,280.60 in Community Development Block Grant revenue, \$30,000.00 from affordable housing proffer funds and \$14,954.47 in this grant's fund balance.

<b>Appropriation #2015012</b>		<b>\$0.00</b>
This appropriation will not increase the County budget.		

Source:	Ivy Fire Station Capital Project	\$ 150,000.00
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This request is to appropriate \$150,000.00 from the Ivy Fire Station capital project to the Seminole Trail Volunteer Fire Department Addition/Renovation (STVFD Add/Renov) capital project. The Ivy Fire Station is substantially complete with the exception of final billing from UVA for the site work, future emergency light synchronization and pavement repair. As of June 12, 2014, the current balance of the project is \$828,469.64; the final expenses and additional remaining projected costs total \$652,633.64, which leaves a contingency balance prior to this appropriation of \$175,836.00.

The additional funding for STVFD Add/Renov project is necessary to complete the project and will not increase the project scope as originally bid. This funding supports (a) unanticipated costs for unforeseen conditions in the existing building, (b) unanticipated costs associated with utility relocation, (c) unanticipated costs resulting from conflicts identified between architectural and structural drawings, and (d) the completion of critical items prior to occupancy that were identified in the value engineering (V/E) phase (i.e. parking pavement, concrete bay floor coating, and personal protective equipment (PPE) lockers. The V/E phase took 3 months and reduced the construction contract by \$440,000. It should be noted that, as part of the V/E process to allow the project construction to commence, the STVFD volunteers took on approximately \$135,000 in furniture/fixtures/equipment (FFE) and alerting system costs, as well as the future work of finishing the roughed-in third floor that was de-scoped for cost savings.

The STVFD Add/Renov project is in construction and is scheduled to be completed in September 2014.

**Appropriation #2015013 \$12,000.00**

Source: CIP Fund Balance \$ 12,000.00

This request is to appropriate \$12,000.00 to the Department of Voter Registration and Elections from the CIP fund balance. This funding will provide design services for the expansion and limited re-design of the Voter Registration and Elections office suite at the County Office Building located on 5<sup>th</sup> Street Extended. The proposed work will include a modest expansion for storage into the existing Office of Housing and floor plan redesign of the suite to maximize functionality, optimize work flow process, and alleviate congestion during absentee voting. A follow up appropriation request for construction funding will be made at the completion of the design once the scope and phasing is better defined. The current estimated construction cost is approximately \$60,000.00 to \$85,000.00. It is anticipated that the CIP fund balance monies for this appropriation will be replenished by anticipated unused funds in the Department of Voter Registration and Elections FY 14 budget.

**(Discussion:** Ms. Mallek said that with regard to the unexpended PRFA funds, she would like to know why there is \$50,000 left over.)

**By the above-recorded vote, the Board approved appropriations #2015002, #2015003, #2015004, #2015005, #2015006, #2015007, #2015008, #2015009, #2015010, #2015011, #2015012 and #2015013 for general government programs.**

COUNTY OF ALBEMARLE APPROPRIATION SUMMARY			
APP#	ACCOUNT	AMOUNT	DESCRIPTION
2014002	4-9010-73030-473010-540220-9999	\$17,707.96	Rio Property-Northside Library & Storage-Reappropriation From FY14 Storage Lease Balances
2014002	4-9010-41350-441200-999999-9999	\$83,735.54	Reappropriation-Sidewalk Contingency
2014002	3-9010-24000-324000-240238-1004	\$161,516.52	Reappropriation-Safer Routes to Schools-Crozet Ave N Sidewalk
2014002	3-9010-51000-351000-510100-9999	-\$60,073.02	Use of Fund Balance
2014002	4-9000-69980-464600-301210-6522	\$30,807.98	Sch CIP Maint-Reappropriation From FY14 VMF Lifts
2014002	3-9000-69000-351000-510100-6599	\$30,807.98	Use of Fund Balance
2014002	4-9100-82040-482040-800975-9999	695.20	Stormwater Management Program - Reappropriation From FY14 Downtown Crozet Wetlands
2014002	3-9100-51000-351000-510100-9999	695.20	Use of Fund Balance
2014003	3-1591-33000-333000-330001-1005	12,647.00	federal revenue
2014003	4-1591-53163-454101-110000-1005	7,103.61	Salaries
2014003	4-1591-53163-454101-210000-1005	543.39	FICA
2014003	4-1591-53163-454101-312210-1005	2,500.00	Contract Services
2014003	4-1591-53163-454101-360000-1005	\$2,500.00	Advertising
2014004	3-8408-51000-351000-510100-9999	\$3,000.00	Donations
2014004	4-8408-93010-493010-930009-9999	\$3,000.00	Transfer to GF
2014004	3-1000-51000-351000-512020-9999	\$3,000.00	Transfer from Fund 8408
2014004	4-1000-21070-421070-301230-1002	\$3,000.00	Reserve Programs
2014004	3-1000-33000-333000-330240-1002	\$28,195.00	OAR-DOJ-DRUG COURT PROG
2014004	3-1000-51000-351000-510100-9999	\$9,000.00	Sheriff Fingerprinting
2014004	4-1000-21078-421070-130000-1002	\$20,000.00	Part time wages
2014004	4-1000-21078-421070-210000-1002	\$1,500.00	FICA
2014004	4-1000-21078-421070-301235-1002	\$9,000.00	Fingerprinting
2014004	4-1000-21078-421070-580000-1002	\$1,595.00	Misc
2014004	4-1000-21078-421070-600800-1002	\$1,900.00	Vehicle & Equip Fuel
2014004	4-1000-21078-421070-600900-1002	\$3,200.00	Vehicle & Equip Repairs
2014004	3-1601-33000-333000-330011-1002	\$3,509.39	Federal DMV Grants
2014004	4-1601-21070-421070-120000-1002	\$3,260.00	OT Wages
2014004	4-1601-21070-421070-210000-1002	\$249.39	FICA
2014005	4-1000-12031-412030-600200-9980	\$900.00	Be Well Through Innovation
2014005	4-1000-12031-412030-800200-9980	\$8,255.00	Be Well Through Innovation
2014005	4-1000-31013-431010-120000-9980	\$465.00	Police Mentorship
2014005	4-1000-31013-431010-210000-9980	\$35.00	Police Mentorship
2014005	4-1000-31013-431010-310000-9980	\$3,000.00	Police Mentorship
2014005	4-1000-31013-431010-550100-9980	\$1,000.00	Police Mentorship
2014005	4-1000-31013-431010-600000-9980	\$100.00	Police Mentorship
2014005	4-1000-31013-431010-600200-9980	100.00	Police Mentorship
2014005	4-1000-31013-431010-601100-9980	300.00	Police Mentorship
2014005	4-1000-32015-432010-310000-9980	3,000.00	Consolidated Fueling
2014005	4-1000-32015-432010-800100-9980	17,000.00	Consolidated Fueling
2014005	4-1000-12013-412010-800710-9980	5,000.00	Mobile App
2014005	4-1000-12143-412140-120000-9980	930.00	Comprehensive Payables
2014005	4-1000-12143-412140-210000-9980	70.00	Comprehensive Payables
2014005	4-1000-12143-412140-310000-9980	5,000.00	Comprehensive Payables
2014005	4-1000-12143-412140-550100-9980	4,000.00	Comprehensive Payables
2014005	4-1000-12145-412140-120000-9980	3,485.00	Surplus Property
2014005	4-1000-12145-412140-210000-9980	265.00	Surplus Property

2014005	4-1000-12145-412140-600000-9980	1,000.00	Surplus Property
2014005	4-1000-12145-412140-520300-9980	250.00	Surplus Property
2014005	4-1000-12200-412200-800700-9980	734.51	Learning Cart
2014005	3-1000-51000-351000-510100-9999	54,889.51	Innovation Fund Reappropriation
2014006	4-1000-12155-412150-110000-1001	72,800.00	2 FT Fellows
2014006	4-1000-12155-412150-130000-1001	20,000.00	Intern Stipends
2014006	4-1000-12155-412150-210000-1001	7,099.00	FICA
2014006	4-1000-12155-412150-221000-1001	9,821.00	VRS
2014006	4-1000-12155-412150-231000-1001	15,300.00	Health Insurance
2014006	4-1000-12155-412150-232000-1001	512.00	Dental Insurance
2014006	4-1000-12155-412150-241000-1001	961.00	Group Life Insurance
2014006	4-1000-12155-412150-270000-1001	73.00	Worker's Compensation
2014006	4-1000-12155-412150-382000-1001	2,000.00	Tuition Reimbursement
2014006	4-1000-12155-412150-520300-1001	500.00	Telecommunications
2014006	4-1000-12155-412150-550100-1001	3,000.00	Training
2014006	4-1000-12155-412150-550104-1001	600.00	Mileage reimbursement
2014006	4-1000-12155-412150-580100-1001	600.00	Dues & Memberships
2014006	4-1000-12155-412150-600100-1001	700.00	Office Supplies plus \$500 for intern events
2014006	4-1000-99900-499000-999976-9999	-133,966.00	Use of Fellowship Fund
2014007	3-8420-51000-351000-510100-9999	67,688.71	PRFA Reappropriation - Use of Fund Balance
2014007	4-8420-71051-471010-999999-9999	67,688.71	PRFA Reappropriation - Contingency
2014008	3-1228-33000-333000-330019-1008	528,000.00	Federal Revenue
2014008	4-1228-81922-481030-579001-1008	470,000.00	Mainstream Vouchers
2014008	4-1228-81922-493010-930009-9999	58,000.00	transfer to General Fund
2014008	3-1000-51000-351000-510114-9999	58,000.00	Transfer from Mainstream Voucher Fund
2014008	4-1000-81030-481030-312701-1008	4,200.00	Data processing consultants
2014008	4-1000-81030-481030-800700-1008	1,200.00	Technology Equipment
2014008	4-1000-99900-499000-999990-9999	52,600.00	Reserve for Contingencies
2014009	3-1242-33000-333000-330001-1005	7,151.59	federal grant revenue
2014009	4-1242-31013-431010-120000-1005	6,712.91	Overtime Wages
2014009	4-1242-31013-431010-210000-1005	438.68	FICA
2014009	3-1243-33000-333000-330011-1003	12,380.00	Federal DMV grants
2014009	4-1243-31013-431010-120000-1003	11,500.00	Overtime
2014009	4-1243-31013-431010-210000-1003	880.00	FICA
2014010	3-4100-24000-324000-240552-9999	2,000.00	VITA-WIRELESS-EDUCATION
2014010	3-4100-51000-351000-510100-9999	250,000.00	App fund balance
2014010	4-4100-31040-435600-550100-1003	2,000.00	travel/training/education
2014010	4-4100-31040-435600-800201-1003	250,000.00	FURNITURE & FIXTURES-REPL
2014011	3-1224-33000-333000-330009-1008	542,280.60	CDBG federal revenue
2014011	3-1224-51000-351000-510100-9999	14,954.47	App fund balance
2014011	3-1224-51000-351000-512068-1008	30,000.00	TRANSFER-BELVEDERE PROFFER
2014011	4-1224-81032-481030-300205-1008	45,506.69	ADMINISTRATIVE SERVICES
2014011	4-1224-81032-481030-563100-1008	541,728.38	AHIP
2014011	3-8536-51000-351000-510100-9999	30,000.00	App Fund Balance
2014011	4-8536-93010-493010-930232-9999	30,000.00	TRANSFER - CDBG-AHIP
2014012	4-9010-32021-432010-999999-3140	-150,000.00	From Ivy F S Contingency to STVFD RenAdd
2014012	4-9010-32022-432020-800605-3140	150,000.00	To STVFD RenAdd From Ivy F S Contingency
2014013	3-9010-51000-351000-510100-9999	12,000.00	App Fund Balance
2014013	4-9010-13020-413020-312350-1170	12,000.00	ENGINEERING/PLANNING (A & E)
2014013	4-9010-13020-413020-312366-1170	0.00	PM fee
<b>TOTAL</b>		<b>3,603,285.90</b>	

Item No. 8.3. Appointment of Shawn Maddox as Assistant Fire Marshal with Police Powers.

The executive summary states that the Albemarle County Code § 6-111 establishes the Office of the Fire Marshal pursuant to Virginia Code § 27-30 and allows for the appointment of Assistant Fire Marshals pursuant to Virginia Code § 27-36. Albemarle County Code § 6-111 further provides that the Fire Marshal and/or Assistant Fire Marshals shall be authorized to exercise all of the powers authorized by Title 27 of the Virginia Code and the Virginia Statewide Fire Code, which includes the authority to be appointed with police powers as authorized by Virginia Code § 27-34.2:1.

Shawn Maddox was appointed as an Assistant Fire Marshal by the Board on February 6, 2013. At that time, he had not completed the training classes required to exercise police powers, so he was appointed without that authority. Assistant Fire Marshal Maddox completed all of the training required to exercise police powers on June 13, 2014.

The appointment of Shawn Maddox as an Assistant Fire Marshal with police powers is necessary for the efficient operation of the Albemarle County Fire Marshal's Office. Adoption of the attached resolution (Attachment A) to appoint Shawn Maddox as an Assistant Fire Marshal with police powers would authorize him to fulfill all of the necessary duties of the Office of the Fire Marshal and to exercise

the same powers as a sheriff, police officer or other law enforcement officer as provided for in Title 27 of the Virginia Code and the Virginia Statewide Fire Code.

With completion of the training, Shawn Maddox will be reclassified from an Assistant Fire Marshal I (pay grade 14) to an Assistant Fire Marshal II (pay grade 15), which will result in a \$2,445 annual salary increase. The funding for the salary increase is included in the Department of Fire Rescue's FY14/15 budget.

Staff recommends that the Board adopt the attached resolution appointing Shawn Maddox as an Assistant Fire Marshal with police powers.

**By the above-recorded vote, the Board adopted the following resolution appointing Shawn Maddox as Assistant Fire Marshal with police powers:**

**RESOLUTION TO APPOINT SHAWN MADDOX  
AS AN ASSISTANT FIRE MARSHAL WITH POLICE POWERS**

**WHEREAS**, Virginia Code § 27-30 provides that the governing body of a county may appoint a fire marshal and Albemarle County Code § 6-111 establishes the Office of the Fire Marshal; and

**WHEREAS**, Albemarle County Code §§ 6-111, 6-200 and 6-201 recognize the Fire Marshal as Albemarle County's Fire Official for the duties and responsibilities as established by Title 27 of the Virginia Code, the Virginia Statewide Fire Code, and the Albemarle County Code; and

**WHEREAS**, Virginia Code § 27-34.2:1 provides that the governing body of a county may authorize the fire marshal to have the same police powers as a sheriff, police officer or law-enforcement officer upon completion of the training discussed in such section; and

**WHEREAS**, Virginia Code § 27-36 provides that the governing body of a county may appoint one or more assistants, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal; and

**WHEREAS**, on February 6, 2013, Shawn Maddox was appointed as an Assistant Fire Marshal without police powers; and

**WHEREAS**, Shawn Maddox has completed the training required to exercise police powers; and

**WHEREAS**, the appointment of Shawn Maddox as an Assistant Fire Marshal with police powers will promote the efficient and effective operation of the Albemarle County Department of Fire and Rescue.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors hereby appoints Shawn Maddox as an Assistant Fire Marshal with full police powers of the Fire Marshal as authorized in Virginia Code §§ 27-34:2:1 and 27-36 and Albemarle County Code § 6-111.

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Item No. 8.4. SDP-2012-00015. Ivy Fire Station Site Plan Amendment – Special Exception to Authorize Waiver.

The executive summary states that the Ivy Fire Station is located at 642 Kirtley Lane off of Ivy Road. The approved site plan proposed a flag pole near the entry area at the right side of the apparatus bays. However, during construction that location was found to be in conflict with a sewer line. The best available alternate location is on the left side of the apparatus bays (See Attachment A), but this location is closer to the property line than Section 4.10.3.1(b) of the Zoning Ordinance allows. The applicant is requesting a waiver of this requirement in order to install a flag pole in this location.

Section 4.10.3.1(a) of the Zoning Ordinance exempts several types of structures, including flag poles, from the height limitations established in the Zoning Ordinance. However, Section 4.10.3.1(b) states that any structure identified in subsection (a) shall not be located closer in distance to any property line than the height of the structure. The flag pole is 35 feet high and its proposed location is approximately 17 feet from the property line shared with Tax Map 59, Parcel 23G (TMP 59-23G). Section 4.10.3.1(c) allows this requirement to be waived ". . . *in an individual case if . . . the public health, safety or welfare would be equally or better served by the modification or waiver.*" The applicant has submitted a request and justification for the waiver (Attachment B), and this request has been reviewed against the associated regulations. Section 33.5 of the Zoning Ordinance authorizes the waiver to be approved by the Board as a special exception.

There are few locations along the Fire Station's facade that will accommodate the installation of a flag pole. The Ivy Fire Station property includes an easement on TMP 59-23G for access and parking. The access easement is 30 feet wide and the parking easement is variable in width, but is generally an additional 10 feet beyond the access easement. This area includes permanent improvements associated with the Fire Station, and no functions of TMP 59-23G are associated with the easement area. Thus, the practical use by the Fire Station extends approximately 57 feet from the proposed flag pole. Based on the foregoing, staff believes that the purpose of Section 4.10.3.1(b) is actually satisfied by the

combination of the distance of the flag pole to the property line and the existing easement on TMP 59-23G, and that the public health, safety and welfare would be equally or better served by the waiver.

There is no budget impact related to this special exception.

Staff recommends that the Board approve the special exception to waive Section 4.10.3.1(b) of the Zoning Ordinance to permit the proposed flagpole location at the Ivy Fire Station.

**By the above-recorded vote, the Board approved the special exception to waive Section 4.10.3.1(b) of the Zoning Ordinance to permit the proposed flagpole location at the Ivy Fire Station.**

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Item No. 8.5. Roadway Lighting Program, **was received for information.**

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Item No. 8.6. County Grant Application/Award Report, **was received for information.**

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

The attached Grants Report provides a brief description of one grant application and one grant award that was approved during the time period of May 15, 2014 through June 13, 2014.

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

This report is for information only.

**GRANT REPORT ACTIVITY from May 15, 2014 through June 13, 2014**

Applications were approved for the following grants:

Granting Entity	Grant	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Department of Justice	Byrne Justice Assistance Grant (JAG) Local Award 2014	Federal	\$15,732	0	None	Police	This grant is to assist in funding overtime hours of current officers in support of reducing crime and improving public safety through additional community policing.

Awards were received for the following grants:

Granting Entity	Grant	Type	Amount Received	Match Required	Total Grant Amount	Match Source	Department	Purpose
Virginia Department of Agriculture & Consumer Affairs	Agriculture and Forestry Industries Fund (Planning Grant)	State	\$35,000	\$17,500 by County & \$17,500 by City	\$70,000	Grant Leveraging Fund	County Executive with City of Charlottesville	This grant will be used to perform a feasibility study for a light processing and flash freezing hub for Virginia-grown produce.

**(Discussion:** Mr. Boyd asked what criteria staff uses to determine how much money the County will put up to match for a grant. Mr. Foley said that they do not have a set process with specific criteria, because there are so many different functional areas that are looking at grants. At the Board's direction staff has tightened up the reporting over the last several years, so that they can ask a question about anything going out.

Mr. Boyd said that he does not have any problems with the report. The Board used to have grants come it but decided instead to make it part of a grant fund. He stated that he is curious as to what criteria is used to decide which grants they go after and which ones they do not. Mr. Foley said that the report the Board gets on the agenda is the opportunity for them to ask questions and request information, before the County accepts a grant. He clarified that the applications for the grants have gone in, but they have not been approved yet so the Board does have that opportunity to discuss.)

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Item. No. 8.7. VDOT Culpeper District, Albemarle County Monthly Report, July 2014, **was received for information.**

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**NonAgenda.** Ms. Palmer commented that she is supposed to be a liaison to the LEAP Board. Ms. Mallek commented that LEAP has decided to shrink its board, so for the time being Ms. Palmer does not have to serve. )

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Agenda Item No. 9. **PUBLIC HEARING: Ordinance to amend County Code Chapter 15, Taxation, Article XII, Food and Beverage Tax.** To receive comments on its intent to adopt an ordinance to amend Chapter 15, Taxation, Article XII, Food and Beverage Tax, of the Albemarle County Code. The proposed ordinance would amend and reorganize section 15-1202, Exemptions, to parallel and conform with *Virginia Code* § 58.1-3833. (Advertised in the *Daily Progress* on June 16 and June 23, 2014.)

The executive summary forwarded to Board members states that since 1997, the County has imposed a four percent tax on “all food served, sold or delivered for human consumption in the County in or from a restaurant, whether prepared in such restaurant or not, or prepared by a caterer” pursuant to the enabling authority of *Virginia Code* § 58.1-3833. This enabling authority specifies a number of exemptions and exclusions from the tax. Through the years, the General Assembly has frequently amended these exemptions, most recently in 2014. While these state-mandated exemptions are already recognized in the County’s tax collection practices, some are not included in *County Code* § 15-1202, which addresses exemptions, and were simply implemented as self-executing state law requirements. In addition, the order and organization of the *Virginia Code* exemptions have changed so much through the years that the original order of *County Code* § 15-1202 no longer tracks the order of the *Virginia Code* exemptions.

Staff recommends amending and reorganizing *County Code* § 15-1202 to (A) include all of the state-mandated exemptions; and (B) track the existing order and organization of *Virginia Code* § 58.1-3833. Including all of the exemptions in the County Code will simplify the administration of the tax and be more user-friendly. By tracking the state enabling authority, the County ordinance can better respond to future amendments to the state law. The only substantive change, effective July 1, 2014, is further exempting the tax on the sale of food and beverages from just the first three fundraisers of volunteer fire departments and rescue squads, nonprofit churches and other religious bodies, and educational, charitable, fraternal, or benevolent organizations to also exempting the first \$100,000 per calendar year in the sale of food and beverages (excluding gross receipts from the first three fundraisers) from fourth and subsequent fundraisers. This change is a result of the adoption of HB 1099 mandating this expanded exemption (Attachment B).

The Finance Department is planning an outreach to affected organizations to make them aware of this expanded exemption. The outreach is summarized in Attachment C.

Staff does not anticipate a significant budget impact.

Staff recommends that after the public hearing, the Board adopt the attached ordinance.

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Director of Finance, Ms. Betty Burrell, said that staff does not have a formal presentation on this item but are available to answer questions.

Mr. Davis said that this ordinance is largely a housekeeping ordinance that is being presented to the Board. Every year the General Assembly tinkers with the enabling authority for the food and beverage tax. This year they made an additional change that expanded one exemption that applies to certain nonprofit organizations, including volunteer fire and rescue companies. He stated that the County took it as an opportunity to make sure that the County’s ordinance mirrored the State Code in setting out exemptions. Over the years a lot of the changes made by the legislature have been self-executing, which means the State Code requires the Finance Department to follow them with or without an ordinance change at the local level. Mr. Davis said that from an administrative point, it is always helpful to have everything in the ordinance in one place because when businesses look to the ordinance, it is much easier for them to look at the County Code rather than having to also refer to the State Code and the County Code. He stated that staff saw this as an opportunity to bring the County Code into compliance with State exemptions and to implement the General Assembly changes required this year, which adds an additional \$100,000 of exempt food and beverage sales from the meals tax as it applies to certain nonprofits and fire companies that are set forth in the new Section A(4) of the ordinance.

Mr. Davis said that this matter requires a public hearing, and as Ms. Burrell indicated, the Finance staff has a plan in place where they are going to reach out and provide this information to the community or businesses that are affected by it, as well as the nonprofits that could take advantage of this additional exemption. He said that at the end of the public hearing, staff recommends that the Board adopt the proposed ordinance – which would amend and re-ordain the exemption section for the food and beverage tax.

Mr. Boyd asked if the \$100,000 is lost revenue to the County. Mr. Davis replied “no”. He clarified that it is the gross sales of a fourth fundraising event that would be exempt from the meals tax, probably with very minimal impact on revenue.

Ms. Mallek said that it will take a lot of events to generate that amount. She asked if the organizations have to be a 501(c)3 in order to qualify. Mr. Davis said that they do. Currently the organizations are exempt from the first three fundraising activities. He does not think the County has ever gotten to a fourth fundraising activity, so it probably won’t be a major impact. He said that this is a State Code mandate, and is an example of how the State meddles in with the local taxing authority. Mr. Davis stated that there is a long list of exemptions that counties have to comply with, but cities do not have these same exemptions and do not have the level of detail that the State provides to counties as to how they implement a meals tax. He said that cities can simply implement a tax, whereas a county must adopt an ordinance that is consistent with a myriad of rules and restrictions.

Ms. McKeel commented that there is usually an interesting story behind each ordinance amendment coming down from the state.

Ms. Mallek said that often there is one business that gets mad about something that is the catalyst for the change.

Ms. Palmer asked if staff has ever heard any justification for the difference between cities and counties and the way the state treats them. Mr. Davis said there is a long history of background behind it, and it is historical rather than practical. He said that cities and counties now look very much the same. Historically cities looked different from counties and cities required more tax dollars to provide city services – so cities were granted broad taxing authority and counties had very limited taxing authority. Mr. Davis stated that over the years, as cities and counties have become much more similar in providing services, the tax code has never been amended in a way that would provide the same taxing authorities to counties as cities. He said that it has been done piecemeal – tax by tax – over time. As an example, a meals tax was first permitted for counties in the 1970s and 1980s, and the requirement was put in place that before they could impose them the county had to go to referendum. Mr. Davis said that this is an example of a tax that over time has been looked at as an opportunity for more taxing authority for counties, but it has been done case by case, piece by piece – and in looking at the tax code, there is really no rhyme or reason as to which taxes counties have and why they look different than cities.

Mr. Foley said that about every five years, a bill comes in to study equal taxing authority, and nothing ever comes out of it.

Ms. Mallek said that there has been an omnibus bill every year for the last eight years to equalize the taxes, and it fails immediately in the Finance Committee.

Mr. Davis stated that there have been major studies done about revamping the tax system, but it is a very difficult political issue.

The Chair opened the public hearing and invited public comment. There being none, the Chair closed the public hearing and asked the Board for any further discussion.

Ms. Palmer said that there are a lot of country stores in Albemarle County, and they levy a deli tax on all of the prepared items. She asked if there is any effort to educate some of the smaller operations in the County with respect to the state taxes and applying the food tax. Ms. Burrell said that it has not happened during her tenure, but if the Board believes it is a worthy effort, they can plan to include some education.

Ms. Palmer said that she does not feel it is urgent, but she did notice it and has talked to some of the owners to try to explain it. Ms. Burrell commented that an egg salad sandwich served as a meal would be taxable – but eggs in a crate should not be subject to a meals tax. Ms. Palmer said that eggs have a food tax, but it is actually a different tax, but sometimes when you go into the small stores you get a deli tax and a food tax on everything you purchase which has happened with her.

Mr. Davis stated that the food and beverage tax only applies to prepared food and beverages. In a grocery store there might be some deli items that are single meals covered by the food and beverage tax in the County, but if they are prepared for bulk distribution or are not single meal prepared foods, they would not be subject to that tax. He said that that's an area that the County could probably do some better outreach and explanations on, but the County probably will not have an ability to influence how the State imposes its State sales tax.

Ms. Palmer said that she is not trying to tell the State how to do anything; she was just trying to help small businesses understand that the deli tax only applies to prepared foods and not to single item purchases.

Ms. Dittmar said that she is proud that the County Attorney's office looks at legislation and looks at ordinances to refresh them. She agrees with Mr. Davis that it is very confusing to have two sets of rules and applauds their efforts in that regard.

Ms. Mallek said that as of last summer, Albemarle was the only county that has gone through the effort of making winery regulations comply with the State law that was passed two and one-half years ago.

Ms. Dittmar said that the County has struggled in trying to comply with State Code for business property tax, and she is very pleased that there is a full-blown education plan to alert people to what has happened with this ordinance.

Ms. Palmer **moved** to adopt the proposed ordinance. Ms. Mallek **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.

**(The adopted ordinance is set out in full below:)**

**ORDINANCE NO. 14-15(2)**

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE XII, FOOD AND BEVERAGE TAX, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article XII, Food and Beverage Tax, is hereby amended and reordained as follows:

By Amending:  
Sec. 15-1202 Exemptions

**Chapter 15. Taxation**

**Article XII. Food and Beverage Tax**

...

**Sec. 15-1201 Levy of tax; amount.**

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a tax is hereby levied and imposed on the purchaser of all food served, sold or delivered for human consumption in the county in or from a restaurant, whether prepared in such restaurant or not, or prepared by a caterer. The rate of this tax shall be four percent (4%) of the amount paid for such food. In the computation of this tax, any fraction of one-half cent (\$0.005) or more shall be treated as one cent (\$0.01).

(§ 8-76, 12-10-97; Code 1988, § 8-76; Ord. 98-A(1), 8-5-98)

**Sec. 15-1202 Exemptions.**

- A. Such tax shall not be levied on food and beverages sold through vending machines or by:
- (i) boardinghouses that do not accommodate transients;
  - (ii) cafeterias operated by industrial plants for employees only;
  - (iii) restaurants to their employees as part of their compensation when no charge is made to the employee;
  - (iv) volunteer fire departments and rescue squads; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes;
  - (v) churches that serve meals for their members as a regular part of their religious observances;
  - (vi) public or private elementary or secondary schools, colleges, and universities to their students or employees;
  - (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof;
  - (viii) day care centers;
  - (ix) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or
  - (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees.

Also, the tax shall not be levied on food and beverages:

- (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States;

(b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or

(c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

B. Notwithstanding any other provisions of this section, no locality shall levy any tax under this section upon:

(i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price;

(ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the sales price; or

(iii) alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

(§ 8-77, 12-10-97; Code 1988, § 8-77; Ord. 98-A(1), 8-5-98; Ord. 00-15(1), 6-7-00)

State law reference-Va. Code § 58.1-3833

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Agenda Item No. 10. **PUBLIC HEARING: Proposed Ordinance to establish a School Bus Video-Monitoring System.** To receive comments on its intent to adopt an ordinance to add Article VIII, Video Monitoring System, to Chapter 9, Motor Vehicles and Traffic, of the Albemarle County Code. The proposed ordinance authorizes the School Division to install and operate video-monitoring systems in or on the Division's school buses and/or procure the services of a vendor to provide video-monitoring systems services; imposes a \$250.00 civil penalty for the operator of a vehicle who is found to have failed to stop his vehicle for a school bus that is stopped on any road or school driveway for the purpose of loading or unloading children, the elderly, or mentally or physically handicapped persons, makes the payment of any civil penalties imposed payable to the School Division, and bars the criminal prosecution for the violation when a civil penalty is imposed. (*Advertised in the Daily Progress on June 16 and June 23, 2014.*)

The executive summary forwarded to Board members state that in 2011, the General Assembly amended Virginia Code § 46.2-844 to allow localities to enact an ordinance that authorizes their school divisions to deploy a "video-monitoring system" to record individuals that illegally pass stopped school buses. The ordinances may impose a \$250.00 civil penalty on violators, and may also direct that the civil penalties be payable to the local school division. In the fall of 2013, the School Division tested a "video-monitoring system" that indicated there may be as many as 6,000 instances per school year of vehicles illegally passing school buses that are stopped to load or unload students, posing significant danger to students. On June 13, 2013, the School Board voted to recommend that the Board of Supervisors enact a "video-monitoring system" ordinance. Virginia Code § 46.2-844 provides that the video-monitoring system may be operated by the School Division or by a private vendor.

Staff has prepared a draft ordinance (Attachment B) to amend County Code Chapter 9, Motor Vehicles and Traffic, to add Article VIII, Video-Monitoring System. The proposed ordinance would:

- Authorize the School Division to install and operate video-monitoring systems in or on the Division's school buses and/or procure the services of a vendor to provide video-monitoring systems services;
- Impose a \$250.00 civil penalty for the operator of a vehicle who is found to have failed to stop his vehicle for a school bus that is stopped on any road or school driveway for the purpose of loading or unloading children, the elderly, or mentally or physically handicapped persons;
- Make the payment of any civil penalties imposed payable to the School Division; and
- Bar the criminal prosecution for the violation when a civil penalty is imposed.

Several vendors have presented programs to the School Division that demonstrate their capacity to execute a comprehensive "video-monitoring system" program. If the Board of Supervisors adopts an

ordinance enacting a video-monitoring system, the School Division intends to publish a Request for Proposals (RFP) for video-monitoring services. Initially, only buses on routes with documented history of violations will be equipped with the systems. It is estimated that would include 25-30% of the school bus fleet.

The Police Department has agreed to administer the proposed ordinance. A sworn law enforcement officer will certify each violation. After a violation is certified, a civil summons will be issued by mail to the registered owner of the vehicle. If the registered vehicle owner does not either accept liability and pay the fine or contest the violation in court, the registered vehicle owner may be summoned to court for trial.

Civil penalties collected by the School Division would be used to reimburse the Police Department for its costs associated with the program, and any remaining funds are proposed to be directed to the Building Services Department for the specific purpose of implementing safety and security enhancements to schools, including those enhancements recommended in the Crime Prevention Through Environmental Design evaluations currently being performed at the schools by the Police Department. The goal of the video-monitoring program is to decrease the number of violations of drivers wrongfully passing stopped school buses. It is projected that the number of violations will decrease over time as drivers become aware of the financial penalty for such violations, therefore it would be prudent to use the funds for non-recurring expenses.

Most "video-monitoring system" vendors provide a turn-key solution that is entirely violator-funded, with no cost to the locality for hardware or services. The School Division estimates that the funds received from civil penalties would be sufficient to reimburse any associated costs incurred by the Police Department.

After the public hearing, staff recommends that the Board adopt the attached proposed Ordinance (Attachment B).

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Mr. Ron Lantz, Deputy Police Chief for Operations, said that in 2011 the General Assembly amended State Code Section 46.2-844, which allows localities to enact an ordinance that authorizes their school division to deploy a video monitoring system to record individuals that illegally pass stopped school buses. He said that the ordinances may impose a \$250 civil penalty on violators, and may also direct that they be paid to the school division. Mr. Lantz said that he met with Mr. Tistadt and Mr. Foley, who support this endeavor. The Police Department is offering to assist in any way they can with the educational and enforcement components of this.

Mr. Boyd asked if the Police Department would be reimbursed ahead of the company for the police time it takes to monitor the systems as they are being set up. Mr. Lantz said that they sat down with the traffic unit that processes all the photo red light tickets and tried to come up with a figure for reimbursement. They calculated that it would be about one-half of an officer's salary for this particular program, and they would refund them from the proceeds with the rest going to the school system at their disposal.

Mr. Dean Tistadt, Chief Operating Officer, School Division, said that he appreciates the Board's review of this item for consideration. It is a matter of significant importance for those involved in transporting people. He said that there is a remarkable safety record around people transportation across the US. School busses are eight times safer than any other form of transportation for getting students to and from school. Mr. Tistadt said that there are professionally trained drivers and busses with design improvements that make students extraordinarily safe once they get on a school bus – and where they are at risk is when they are getting on and off the bus, or waiting for the bus. He said that too many motorists ignore the red lights while the bus is stopped and continue to move through the area, and the schools are very frustrated by the fact they cannot get compliance despite public information efforts. Mr. Tistadt said that their strategy now is to try to have an enforcement arm that would take note of who does this and start ticketing people for this action, and hopefully through that effort they will dramatically reduce the number of occasions where people ignore the flashing red lights.

Mr. Jim Foley, the School Division's Director of Transportation, said that if approved, they will follow a competitive process to select a supplier. He said that most providers install the hardware at no cost to the County, and they would take a fee for that. He said that the civil penalty is \$250, and they would reimburse the schools \$85, who in turn would pay back the Police Department with the remaining funds going to fund SEPTED initiative to improve the security at schools. Mr. Foley said that none of the money would go back to the Transportation Department. He said that their plan is to publicize with PSAs, news stories, back to school nights, information to parents, and an amnesty period. Mr. Foley said that the violation is captured on video, with a 4G cellular upload to the vendor's data center, and they look at the violations and send them to the County Police Department for verification. If the violations are verified, he said, the verifier issues a ticket to the vehicle owner. There is no requirement to prove who is driving for the civil part of the penalty. Mr. Foley added that the records are destroyed per the County's guidelines. If approved, he said, they should be able to go live in December 2014 or January 2015. Their intent is to capture high-risk violations with cameras placed on those busses; cameras will not be placed on every bus. Mr. Foley said that the bus drivers are very supportive of this, as these violations are a stressful part of their job. He stated that currently bus drivers are expected to write down the license plate

number of violators, which is almost impossible given the many other tasks, given their biggest responsibility is the safety of the students.

The Chair opened the public hearing and invited public comment.

Ms. Marianne Fuller, a resident of the Scottsville District, said she has been driving the school bus in Albemarle County for 30 years. Ms. Fuller said that she is before the Board to ask for their approval of the use of the cameras on the County busses, noting that many things has changed since she began driving. She stated that they now have two-way radios and GPS systems, and plenty of traffic. She said that the GPS's can tell them where they stop, if their lights were activated, if the doors were open, and at what time, but it does not provide the license number or information on the make and model of a car that happens to run their lights – nor does it tell whether a male or female is driving, the color of their hair, the ethnicity or approximate age of the person driving the vehicle. Ms. Fuller stated that bus drivers are trying to get the students across the road safely, and if a person happens to run their lights the drivers are also trying to get the license plate number and the car and driver information - and most of the cars that run the lights on the buses are coming in the direction that the bus is heading in. She said that her bus route includes Route 53, and this has happened to her three times in less than a year – twice at the same stop. Ms. Fuller stated that there may be a lot less incidents like this if the public realizes that cameras were taking pictures of them, but the most important part is the safety of the students – and three of the students that were crossing the road when the driver ran her lights were Bright Stars and kindergarten students.

There being no further public comment, the Chair closed the public hearing and placed the matter before the Board.

Mr. Davis said that the County Attorney's office has been working closely with the Police Department and the School Board in bringing this forward. They are a little bit ahead of the curve on this ordinance. Since 2011, he said, only three localities have adopted this ordinance. Mr. Davis said that Chesterfield County is currently considering it as well. The primary purpose of the measure is to prevent this type of behavior; it is currently unlawful as a Class I misdemeanor for reckless driving if the police catch someone. He stated that the camera ticket is in lieu of charging someone with reckless driving. The burden of proof is a lot less because it is a civil fine rather than a criminal charge. Mr. Davis said that they think the process can work and that it can be effective. The intent is not to raise funds but to reduce the number of incidents of running the bus stop bar. He stated that it will be set up similarly to the photo red light camera at Rio Road, with the one difference being that State law allows it to be implemented through the School Board rather than directly through the County. Mr. Davis explained that it requires a County ordinance that allows payments to be made to the School Board, and that money is still subject to appropriation by the Board of Supervisors. He added that the intent is for any funds recovered from this to go to safety programs in the schools, but that will be subject to School Board budget and Board of Supervisors appropriations. This is viewed as one-time funding because it should decrease over time as people become compliant with the law.

Ms. Mallek asked if there is a camera angle that will capture a person who passes in the same direction as the bus, as well as someone coming towards them. She said that she sees this happen often on Hydraulic Road during the school year. She added that she is adamantly in support of this and hopes that it can be implemented quicker than December.

Mr. Sheffield said that people who do this are similar to those who do not pull over for emergency vehicles, and he feels that it is a loss of education in the process.

Mr. Mallek said that she thinks people know, but they just do not stop.

Mr. Sheffield said that some people think that if there are enough lanes, they do not have to stop.

Mr. Boyd said that it is part of the education process to reinforce what the law is, because it is very important to identify that on roads like Rio and Hydraulic, it is a violation to pass the bus.

Mr. Lantz said that that's one of the things they have discussed with the educational campaign – defining what the State law is, what the violations are, and the fact that the program will be running and its implementation date will be in December with a 30-60 day grace period.

Ms. Mallek said that she would rather not have the amnesty period; the education should give the starting date and the associated fine.

Mr. Sheffield agreed that it should be a fairly firm "click it or ticket" approach to where school is starting, this is going to happen, the violation and the fine.

Ms. McKeel said that she is very pleased to see this coming forward for the next school year. As a School Board member she supported it. She said that the School Board has had several in-depth conversations about this, and is extremely concerned about the safety of students.

Mr. Boyd said that one of the biggest complaints they get about the photo-red system is the privacy issue. It is very important that the time period the tapes will be held before they are destroyed is part of the education process.

Mr. Lantz said that they have discussed that aspect, and he wanted to verify that the records are destroyed within 10 days of someone running a red light – so the same will hold true with this system. He said that another complaint has been capturing the tag or vehicle or face of non-violators captured in the image, but from what he knows about this device, that will not happen.

Mr. Boyd said that this information will be helpful to include in the public information piece.

Ms. Mallek asked for confirmation that the records will be destroyed 10 days after paying the fine. Mr. Davis said that is one of the issues they will have to continue to look at, because under the photo red enabling legislation, there was a requirement that the information be destroyed within a certain time period – but in this enabling legislation, it is not a requirement. He added that there are also records retention issues as to how long this information will have to be kept or not kept. Mr. Davis said that they are working through that issue, and the expectation is that the information will not be kept any longer than they legally have to keep it – at which time it will have to be deleted.

Ms. McKeel said that another positive of this program will be that bus drivers who write down the tag number will not have to go to court and wait for the matter to go through the legal process.

Mr. Sheffield asked if the penalty is received from the school system or the police department, because it is a civil penalty in lieu of a traffic violation.

Mr. Davis explained that the violator will be issued a summons that is authorized by the police department, and it will say that it is payable to “Albemarle County Public Schools” as the recipient of the funds. If they want to contest it, he said the violator will have to go to court and have a civil trial as to whether or not they were responsible for the violation. If they were found to be in violation, they would be ordered to make that payment to the court. If the police department issued a civil summons, the law bars them from taking out a criminal charge for running the red lights – which would be a reckless driving charge. He said that the police can make the decision at the time they review the information as to whether it will be a civil summons or whether they have enough evidence to pursue a criminal violation.

Ms. Mallek said she is glad to have assurance that they are not forgoing the extra prosecution in an extreme situation.

Ms. Palmer asked if the schools have a lawyer who will represent them in the event the offender has to go to court. Mr. Davis said that the County Attorney’s Office will represent the schools.

Ms. Palmer asked if there is an education program for non-English speaking citizens, and how they will get the word out into those communities. Mr. Tistadt said that they will use their usual mechanisms for communications and translations, and will utilize the PTOs to get the word out. He stated that a lot of students and employees may not be aware that it also applies on school property as it does on the streets, so when the busses are right in front of the school, you cannot pass the bus while it is waiting for a student to come out of the building.

Ms. Mallek said that is why the drop-off areas are restricted during certain times of the day.

Ms. Palmer said that often the first day of school, people may not be aware of the sign. Mr. Tistadt said that they probably will not have the program in place by the first day of school, but they certainly will have the education piece up and running.

Ms. Dittmar said that she hopes they will consider a criminal charge in the event of serious violations. It is usually impatience and selfishness on the road that is causing this reprehensible behavior – and she is glad they are taking action on it.

Mr. Boyd said that it seems to him that repeat offenders will certainly be prosecuted.

Ms. McKeel asked if they will have a way of identifying repeat offenders. Mr. Tistadt responded, “yes”.

Mr. Davis said that there will be a permanent record of who gets convicted or has to pay a civil penalty.

Ms. Palmer then **moved** to adopt the proposed ordinance as presented to establish the school bus video monitoring system. Ms. McKeel **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.

(The adopted ordinance is set out in full below:)

**ORDINANCE NO. 14-9(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 9, Motor Vehicles and Traffic, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

**By Adding:**

Article VIII. Video-Monitoring System  
Sec. 9-800 Definitions  
Sec. 9-801 Authorization  
Sec. 9-802 Passing stopped school buses violations; civil penalty

**CHAPTER 9. MOTOR VEHICLES AND TRAFFIC**

**ARTICLE VIII. VIDEO-MONITORING SYSTEM**

**Sec. 9-800 Definitions.**

For the purposes of this article and, unless otherwise required by the context, "video-monitoring system" shall mean a system with one or more camera sensors and computers installed and operated on a school bus that produces live and recorded video of motor vehicles being operated in violation of Virginia Code § 46.2-859. Such system shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in Virginia Code § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.

**Sec. 9-801 Authorization.**

A. *Authorization.* Pursuant to Virginia Code § 46.2-844, the county authorizes the school division to install and operate video-monitoring systems in or on the division's school buses.

B. *Private entities.* Pursuant to the Virginia Public Procurement Act, the school division may enter into an agreement with a private entity to provide the video-monitoring systems and all related support services, to include consulting, operations, and administration for the purpose of recording violations of Virginia Code § 46.2-844 (A). A private entity may not obtain records on behalf of the county regarding the registered owners of vehicles captured by a video-monitoring system. Only a law enforcement officer employed by the county may issue a civil summons or ticket pursuant to this article.

C. *Restricted collection of information.* Personal information collected by a video-monitoring system installed and operated pursuant to this article shall be limited exclusively to that information that is necessary for the enforcement of violations of Virginia Code §§ 46.2-844 (A) or 46.2-859.

**Sec. 9-802 Passing stopped school buses violations; civil penalty.**

A. *Elements of violation.* The operator of a vehicle will be deemed to be in violation of this section if such vehicle is found, as evidenced from a video-monitoring system, to have failed to stop such vehicle when approaching, from any direction, any school bus which is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, and the vehicle fails to remain stopped until all such persons are clear of the highway, private road, or school driveway and the bus is put in motion.

B. *Evidence of violation.* In any prosecution for which a civil summons is issued within ten (10) days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Code of Virginia, shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred.

The testimony of the school bus driver, the supervisor of school buses or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in Virginia Code § 46.2-1090 is *prima facie* evidence that the vehicle is a school bus.

C. *Civil summons.* A civil summons shall contain, at a minimum, the following information: (i) the name and address of the person charged; (ii) the nature of the violation and the section of this chapter allegedly violated; (iii) the location and date that the violation occurred or was observed; (iv) the amount of the civil penalty for the violation; (v) the manner, location, and time in which the civil penalty may be paid to the county; and (vi) the right of the recipient of the summons or ticket to elect to stand trial

and that a signature to an admission of liability will have the same force and effect as a judgment of a court. If the person issued a summons does not admit to liability and pay the civil penalty, the person may be served with a summons pursuant to Virginia Code § 19.2-74 to appear in court for trial.

D. *Civil Penalties.* The operator of a vehicle deemed to be in violation of this section shall be subject to the following:

1. *Amount of civil penalty.* Any violation of this section shall be subject to a civil penalty of two hundred and fifty dollars (\$250.00), payable to Albemarle County Public Schools.

2. *Civil penalties are in lieu of criminal penalties.* A civil penalty imposed pursuant to this section is a bar to a prosecution or proceeding under Virginia Code § 46.2-859 for the same act.

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Agenda Item No. 11. Video Streaming Board of Supervisors Meetings.

The executive summary forwarded to Board members states that earlier this year Board members inquired about the possibility of video streaming Board meetings to increase the transparency of the Board's activities and to allow individuals who are unable to attend the meetings the opportunity to view the meetings online. After learning that staff conducted research on this topic in recent years, Board members reviewed that research in February. Following discussion, the Board directed staff to explore the possibility of a video streaming partnership with three local entities – Charlottesville Tomorrow, WVIR, and the Newsplex – to see if a low or no cost option might be possible. Staff has completed this research, including direct communication with representatives from the three potential partners.

Based on input received by the Board, staff prepared a Request for Information for Video Streaming Partnership (RFI) (Attachment A) which was sent to the three suggested entities. The RFI outlined the anticipated scope of the County's video streaming needs and asked all three potential partners to respond with an indication of their willingness to partner and the resources they would require to produce a reliable, consistent and high quality video stream for Board and School Board meetings and work sessions. Although the RFI included School Board meetings so that staff could get a full understanding of what partnership possibilities might exist for both boards, staff communicated the County would entertain responses that covered Board of Supervisors needs only.

Communication with representatives from the three potential partners produced the following highlights:

- None of the three chose to respond to the RFI, citing the significant business commitment needed to meet the operational requirements, including additional staff resources and equipment.
- All supported the goal of promoting "public engagement and accessibility" to the work of local government and felt that a live video stream of meetings would be very beneficial to the community.
- All felt that the operational requirements of the RFI were critical to producing a quality video stream, including:
  - high quality (it should be broadcast quality for local news usage)
  - comprehensive and reliable (consistent coverage of all meetings)
  - multiple cameras and presumably informational title graphics
  - video on demand service of prior meetings
  - quick availability of video files after a meeting
- Charlottesville Tomorrow indicated that it might be able to play a role in seeking a planning grant to pilot a project, but according to Brian Wheeler, felt that "obtaining a grant for such activity would be difficult to get given that local governments typically pay for their own video streaming services (or do it with support of a cable franchise agreement)."

Staff's past research indicates that video streaming of Board of Supervisors meetings is a fairly standard practice among the County's peer localities. The Board strongly reaffirmed its commitment to citizen engagement during its June 10, 2014 strategic planning session. If the Board sees video streaming as an important service to provide as an element of citizen engagement, staff would recommend that staff update the research (last review was done in 2011) and develop options regarding costs and levels of service to be brought back to the Board for consideration as part of a larger discussion on citizen engagement strategies and tools.

While the RFI process has been underway, Information Technology and General Services staff have been working to improve the quality and reliability of the County's audio streaming capability. In order to improve the quality of the audio, both in the meeting setting itself and feeding into the audio stream, two additional "boundary microphones" were installed in Room 241, for a total of three microphones in that room. These are multi-directional wireless table top microphones placed in the center of the table that can pick up speakers' comments to supplement the audio captured by the lapel microphones. Staff is in the process of replacing the microphones and audio mixer in the auditorium based on recommendations made by an audio/video expert who did an analysis of the space and the County's existing system.

To improve the reliability and quality of the audio feed as it is transmitted from the microphones out to the internet, IT staff installed a dedicated streaming server and internet connection that produces much clearer and smoother audio than what was produced with the prior Ustream feed.

While staff cannot address issues that arise from the type of equipment or internet connection used by individuals listening to the audio stream, the best effort is being made to resolve issues that are within the County's control.

There is no budget impact related to this executive summary. If the Board directs staff to update its research on video-streaming options, staff will include a cost analysis of those options when the research is presented to the Board at a future Board meeting.

Based on staff's research of peer localities and the Board's stated priority to enhance community engagement and transparency, staff recommends that the Board direct staff to further research video-streaming options and costs and present that research to the Board at a future Board meeting.

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Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, said that earlier this year the Board asked about the possibility of video streaming, and staff brought back some research done several years ago. She said that the Board then directed staff to have some conversation with three potential partners in the community: Charlottesville Tomorrow, WVIR and the Newsplex to see if there was any interest in partnering on a video streaming project. Ms. Catlin said that staff put together a request for information (RFI) that laid out the basic requirements of what would be needed, and sent it to the three partners. She stated that all three felt it was a very positive thing for the community and a good initiative to move forward, and felt that the operational requirements in the RFI were very reasonable – that it be high quality, comprehensive and reliable; that there be video on demand and that it be put up quickly on the website. Ms. Catlin said that none of the three came forward with a proposal, citing that it would take a significant business commitment on their part to be able to meet the requirements including additional staff resources and equipment.

She stated that the majority of Albemarle's peer counties offer this service, and there is great interest in the community to be able to watch the Board in action. Ms. Catlin noted that the Board has reaffirmed its commitment to citizen engagement during its recent strategic planning session, and staff feels that it is time to refresh the research on what options are available as the last time they looked into it was 2011. She stated that the information at that point showed that there would be a one-time startup cost for software ranging from \$8,000-\$18,000. Some of the systems on the lower end did not include cameras so there would also be a camera purchase cost. Ms. Catlin said that the Board would probably need two or three cameras to cover its meeting room, at a cost of \$500-\$1,000. There is also an annual recurring cost for the software from \$6,000-\$14,000. She stated that there is a staff resource cost – training, cameras needing to be operated, post-work to get items ready and archived, etc. She said that staff would like to go back and further explore the options.

Ms. Palmer thanked staff for bringing this back to the Board, as she was the one who had requested it. She said that since the Board last discussed this issue she attended a VDOT Advisory Council meeting that was videotaped – and they had a much smaller room with a much lower ceiling. She said that VDOT contracted out the service, and she asked if staff had looked into that.

Ms. Catlin said that would be one of the things that staff would want to take a closer look at. The challenge with contracting it out is that the schedule changes, and they would need to ensure that a contractor is flexible and could accommodate sudden changes.

Ms. Palmer stated that if it is cost prohibitive to cover every meeting, they may want to start with a smaller scope.

Ms. Mallek asked if someone had gotten the information from the contractor used at the Commonwealth Transportation Board's meeting the previous week.

Ms. McKeel said that she had asked, and the company they were using charged \$100 an hour.

Mr. Foley said staff would need to look at both options, and typically would look at contracting out versus in-house.

Mr. Sheffield asked if staff had further explored sharing this resource with the City. Ms. Catlin said that staff could explore this with them again, but the City has a cable franchise with a person they share with the cable access channel, which is a deal the County is not able to be a part of.

Ms. Dittmar said that you can often piggyback on contracts, so that might be worth exploring, and members of the local press having indicated that they might be interested in subcontracting for just the Board meetings. She said that she would look into doing this without a lot of County investment initially, and perhaps do a pilot year with a partnership.

Mr. Boyd asked if there is a reason staff did not involve Comcast, and asked if staff pursued that angle. Ms. Catlin said staff had not pursued that avenue.

Ms. Mallek said that they should be asked, as should all local companies.

Mr. Davis said that staff can explore a potential partnership, but the way it has been done historically – prior to live streaming – is that a cable company would take on some financial cost for providing video in the franchise agreement and charge it back to the locality in fees, and they would dedicate a local public access channel that would feed the video. He stated that the City has a similar arrangement with Comcast locally, but not all the County has cable access so the live streaming concept is a better opportunity than just dealing with the cable company. It is possible that the County could have an arrangement with the City to have some broadcast time.

Ms. Mallek said that that is what they did with the chloramine meetings, and there is no reason why they cannot investigate it further.

Mr. Foley said it would be helpful to know how many meeting and which ones – such as just Board meetings and School Board meetings.

Ms. Catlin said that is an important point, especially considering budget work sessions and additional public hearings.

Mr. Sheffield said that the School Board should also be included.

Ms. Mallek suggested that staff provides a menu, with regular Board meetings but also an extra five hours or so per month for overflow meetings.

Ms. Dittmar said that they should start with the Board and School Board meetings, given budget considerations, and they can expand it later as feasible.

Ms. McKeel said that she would like to have some flexibility with the decision based on the information staff provides.

Ms. Catlin asked if the Board also wanted to have the video available on demand and posted up to the website quickly. Ms. Mallek and Ms. Palmer said that it would need to be available on the site.

Mr. Boyd said that he would like to see statistics on how many people are actually looking at the video casts from the City and other jurisdictions, because he does not want to spend \$1,000 per person on this.

Ms. Palmer stated that she has heard from several constituents that they have given up on trying to listen to the audio podcasts because they cannot tell who is talking, or the audio quality is not sufficient.

Mr. Foley emphasized that they do not get a lot of listeners on the audio stream now. Some people do not have computers that work well with the County's – and the County has done a lot to upgrade things on its end. He said that this is really an issue of engagement and transparency, and the question is really whether or not the Board wants to provide access – which is the standard for peer localities. He also said that more people might use it once it becomes available, and while they can chase a lot of data as to how many people are using it, but the key decision is whether the Board wants to take the step to make it available.

Mr. Boyd said that he has a different take on this, and they need to understand that some things they cannot afford to do. He stated that he is concerned they might end up just providing video streaming for a handful of people, and his experience has been that people are only interested in things that directly affect their lives. Mr. Boyd said that the general public believes that they have elected the Board to represent them, and they are not really interested in looking over their shoulders all the time.

Ms. Mallek said that to her it boils down to whether it is \$10,000 to \$100,000, and the reason the Board did not move forward before was the price tag of \$50,000 – but they did not have it designed the way they should have back then.

Ms. Catlin said that while the audio casting numbers have not been strong, the podcasting numbers have been strong, and setting up video on demand makes it available in the future, not just in the moment – and people often will read or hear something they want to explore further.

Mr. Boyd said that is why he wants to get more information on which communities have this.

Mr. Foley said that staff has some good feedback from the Board, and enough to move forward with.

Ms. Dittmar stated that she would like to have enough to work with so the Board has several options and design possibilities.

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**Recess.** The Board recessed at 11:00 a.m. and reconvened at 11:13 a.m.

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Agenda Item No. 12. Albemarle County Long Range Solid Waste Solutions Advisory Committee.

The executive summary states that the Board has discussed the solid waste services provided at the Ivy Materials Utilization Center (MUC) since the City ended support for those operations in 2010. At the April 2, 2014 Board meeting, staff noted that the longer-term evaluation of solid waste service issues, options, opportunities and challenges will require significant public engagement and active citizen and stakeholder participation. The Board established the Albemarle County Long Range Solid Waste Solutions Advisory Committee as an advisory committee to the Board to do initial work on long-term solid waste solutions and appointed the County's appointees of the Rivanna Solid Waste Authority Citizens Committee to the advisory committee. The Board has since appointed Supervisor Palmer to serve as the Board liaison on the committee and has authorized advertising for additional members for its consideration. Staff met with the committee to draft a charge to bring back to Board for consideration. The committee met six times in May and June.

A draft of the advisory committee's charge is attached for the Board's consideration. The document also includes specific goals identified by the committee as well as general membership composition and a timeline. The advisory committee will take 10 to 15 months to complete its work and will promote further public participation beyond input from its appointed members. In identifying long-range issues and opportunities, the committee will be tangent to several sections of the comprehensive plan update process.

The committee's completed reports may inform County policy and programming through the Capital Improvement Program, operations related to recycling, and other areas. The timing of the committee's completed work will align with the 5-year planning process in the fall of 2015 and the FY 17 budget process.

The committee has no operating expenses and has had basic staff support from an Albemarle Fellow. Staff from Community Development and the County Executive's Office has also provided information and guidance to the committee, as needed. Staff has not identified specific services of a technical consultant to assist the advisory committee at this time although updating the 2008 RSWA study has been identified as a possible valuable complement to the work of the committee.

Staff recommends that the Board approve the committee's formal charge and its membership structure as set forth in Attachment A.

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Mr. Doug Walker, Assistant County Executive, said that this issue was last discussed at the Board's April 2 meeting with regard to a number of issues related to solid waste: near term solutions related to Ivy, which will come to the Board in August; enhancements to current recycling services, also presented to them in August; and the Board's establishment of a long-range solid waste solutions advisory committee, including the appointment of the County's representatives to the Rivanna Solid Waste Authority's Citizen Advisory Committee – Leo Mallek, Bill Hines, Steve Janes and Rick Randolph, as well as Ms. Palmer as the Board's liaison. He reported that the Board has initiated advertisement to solicit applications for additional membership which they will be discussing that at their meeting the following week. Mr. Walker said that the advisory group has met frequently over the last few months and is present to present the development of its proposed charge and membership composition. Mr. Walker then introduced Mr. Leo Mallek, Chair of the Long Range Advisory Committee.

Mr. Leo Mallek said that he is Chair of the Albemarle Long-Range Solid Waste Solutions Advisory Committee, with the solutions being a very prominent part of that process. He said that the proposed charge statement and the membership and organization document the committee has put together are included in the Board's packet. He then offered to answer questions regarding the proposed document.

Mr. Boyd said that one thing that stood out to him is the proposed completion date of August 2015, which is beyond the date they needed to notify the DEQ about the Ivy transfer station. Mr. Foley said the County can have an interim solution that DEQ looks at and approves, prior to the Board implementing a long-term solution. Staff is currently working on a near term solution for the next few years while working on the implementation of a long term solution. There is an assumption that whatever comes from the committee will not be implemented right away.

Mr. Boyd asked how they will make sure the short term and long term solutions are not conflicting because they are talking about investing a lot of money here.

Ms. Palmer said that Mr. Mallek can comment on interim goals, and what they are doing is a long-term plan similar to the water supply plan. She stated that the committee's work will inform the Board's decision with respect to the April 1 deadline, but that is not really what they are doing; they are

concentrating on a long-term solid waste plan for the community, including diversion rates and materials handling.

Mr. Boyd said that he appreciates that, but he has a problem with planning out that far due to potential technology changes, and coming up with a 50-year plan or 30-year plan seems ambitious given that.

Ms. Palmer said that what she is talking about is not a 50-year plan. She wants to define what the goals of the community are with respect to solid waste, what they are going to do about it, and how they will go through the process. She emphasized that the Board needs to set up something, and have done a lousy job up to this point. This committee has decided they will try to tackle this – and she is incredibly grateful they have stepped up to do this for the County. Ms. Palmer said that there is a tremendous desire in this community to do recycling, and they are not doing it, and as Ms. Dittmar said they are “on a forced march to make a decision” about the Ivy MUC by April 1<sup>st</sup>, but this is something different. She stated that the committee will develop its own milestones for this.

Ms. Mallek said that the simple distinction is between short term and long term.

Mr. Boyd said that he appreciates this, but is very concerned because they just did this five or seven years ago – with hired consultants who are experts in the field – and that process was a failure.

Ms. Mallek said that it failed because they did not implement the things they recommended, and there has been lots of input from groups over the years but they just have not done it.

Ms. Palmer emphasized that they learn by their mistakes.

Ms. Dittmar said that she read the plan and met with the consultant, but the Board never did anything with plan; so they are dusting it off as a plan that will be the foundation for their work. She asked the committee if they had defined a charge.

Mr. Mallek said that they have not yet defined it.

Mr. Foley clarified that the study was a regional effort, and the partnership did not really come together – and this effort attempts to work towards that.

Ms. Mallek said that the new understanding she has is that other partners went off and did things, whereas Albemarle chose not to, and they are now deciding whether they will catch up or not – so they need the details in order to be able to do that.

Mr. Boyd said that she keeps saying the Board has not done anything, but they decided to keep McIntire and the Ivy transfer station.

Ms. Mallek stated that the Board chose to leave things at the private sector's basis and to do minimal things. The people in the Crozet community and in her region really want the recycling centers they were promised 15 years ago.

Mr. Boyd said that is a fundamental disagreement he has as he thinks that the private sector will do a much better job with this.

Ms. Dittmar said that she does not think they are excluding that possibility, but it needs to be studied and recommended.

Ms. Palmer said they need to create the framework through which the private sector will do what the people want done. Nobody is suggesting that they are going to start a public works department. She emphasized that they are trying to get a framework so that they can do what they need to do as a community to deal with solid waste, and this is the first step.

Mr. Walker said that in initial conversations with members of the Long Term Solid Waste Solutions Advisory Committee, they talked about the work that is ongoing with respect to near-term decisions in Ivy, and the one will inform the other.

Mr. Mallek said that as part of the charge, the policy will include public engagement – but it is not within the committee's charge to evaluate existing disposal practices at the Ivy MUC, but to fully investigate waste management practices that might impact the development of future waste management infrastructure for the County as a whole. He stated that it gets away from a concentration of simply having one materials utilization center, and brings up the idea of having satellite types of collection points that would be a compliment to the recycling plan developed as part of this particular policy. Mr. Mallek said that the intent is to develop a policy with its intended goals, and objectives as benchmarks of progress to complement the policy.

Ms. Mallek **moved** to adopt the charge of the Long Term Solid Waste Solutions Advisory Committee as presented. Ms. Palmer **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

Mr. Mallek noted that he was informed the previous day that there were also people from the University community who are interested, and they will be making application through the County for membership on the committee, as well as people from the City's Public Works Department. He said that with that broad range of representation, they will get a much better picture as to the desire of the community to do the types of recycling the committee will try to identify – as a goal for the County/City/University partnership.

Ms. Palmer said that she had asked someone from the City to come on, not as a voting member but as a technical advisor, and she expects the same from the University. She said that the person is a County resident, so the committee may ask them to be a voting member. Depending on what they decide to do they may want to collaborate to reduce recycling costs. Ms. Palmer stated that it may be easier to integrate those entities. They were told by the consultant that did the 2007 Rivanna Solid Waste Authority strategic plan that the three entities together have enough volume to have a recycling program that could pay for itself – and all involved hope to save money, so that may help them reach a solution that will be faster and economical.

**(The adopted charge is set out below:)**

## **COUNTY OF ALBEMARLE**

### **Charge Statement, Membership, and Organization ALBEMARLE COUNTY LONG RANGE SOLID WASTE SOLUTIONS ADVISORY COMMITTEE**

Established April 2, 2014

#### **Charge**

The Albemarle County Long Range Solid Waste Solutions Advisory Committee is an advisory committee formed by the Albemarle County Board of Supervisors to study solid waste management as a public policy issue and to identify best practices for the management of solid waste in the County now and in the future including the possibility of regional cooperation. The committee will recommend a thoughtful, deliberate, and comprehensive process for developing solid waste policy for the County based on consensus, cooperation, and economic analysis.

This policy will include public engagement in determining goals and strategies based on the best currently available data. It is not within the committee's charge to evaluate existing disposal practices at the Ivy MUC but to more fully investigate waste management practices that might impact the development of future waste management infrastructure for the County as a whole.

The advisory committee shall work directly with the County's project team including staff and any consultants. Its work shall be coordinated with the County's overall efforts to improve solid waste services and maintain compliance with state and federal regulatory mandates.

#### **General Timeframe**

The Advisory Committee will conclude its work when a final recommendation is made to the Board of Supervisors no later than August, 2015 in order to be included in the County's Five Year Plan. The Committee shall provide periodic updates to the Board on the progress of their work as appropriate. The following are anticipated milestones for this work:

- July 2, 2014: Board approves formal Committee charge, goals, membership and organization structure
- July 9, 2014: Board appoints three additional members as identified on June 4th
- September 2014: Board considers additional appointments to expand committee membership
- October 2014: Board considers and endorses public engagement plan
- September-December 2014: Committee develops understanding of issues and possible recommendations
- January 2015-April 2015: Committee develops recommendations
- May-July 2015: Committee report completed
- August 2015: Committee report delivered to Board

## Goals

### Local Goals:

- Identify necessary data and compile facts on the regional waste management system, including market demand, facilities, services provided, and gaps in services or market failure.
- Document the participation of citizens, institutions and local industries in discussion of solid waste policy, and identify public engagement actions which are necessary to inform public decisions.
- Identify methods to incorporate input from the community to advise the Board of Supervisors on solid waste practices.
- Develop working relationships with local government, citizen, institutional and industry resources to accomplish these recommended goals for the county.
- Define specific solid waste management objectives for the County government consistent with the public interest, the Board's strategic plan and the County Comprehensive Plan.
- Establish specific milestones, responsibilities, and performance indicators for meeting solid waste management objectives, noting the distinct roles of local government, state agencies, private industry, institutions, residents, and community groups.

### Regional, State, and Federal Goals:

- Investigate regional, state and federal program involvement in waste reduction, market development and financial support and seek ways to incorporate the proven approaches to waste management of these governmental levels into the Albemarle County program if deemed appropriate.
- The defined objectives and milestones may include recommended changes to state and federal law or administrative procedure. The group will recommend linkages to existing advocacy coalitions for Board approval.

## Membership

The committee shall consist of approximately twelve (12) voting members appointed by the Board of Supervisors. Appointments will be based on Board and staff recommendations, nominations from community and business groups and individual applications. The committee will initially be composed of the four duly authorized Albemarle County members of the Rivanna Solid Waste Authority Community Advisory Committee. Members may be added to this committee as its members or the Board of Supervisors sees fit, through the normal Board appointment process.

While the membership of this committee and RSWA Community Advisory Committee may overlap, the charge and scope of the groups differs, and the Albemarle County Long Range Solid Waste Solutions Advisory Committee will not investigate current facilities or management of the RSWA.

### Membership Selection Criteria

The Long Term Solid Waste Solutions Advisory Committee will be composed, at a minimum, of the following representatives:

- The four duly authorized Albemarle County members of the Rivanna Solid Waste Authority Community Advisory Committee
- One member of the Board of Supervisors to serve as a liaison
- One member of the Planning Commission to serve as a liaison
- One representative from an environmental protection organization
- One representative from the small business community
- One representative from the solid waste commercial hauling industry
- One representative from the Thomas Jefferson Planning District Commission
- One representative from a rural area
- One representative from a major institutional employer
- One representative from the University of Virginia
- Two representatives from the general public

The Board of Supervisors will appoint members based on their qualifications and interest in serving on the Committee. An individual may be appointed to represent more than one of the above referenced groups. The Board will strive to appoint an overall membership that is diverse in age, abilities, experiences, professions, interests, etc.

Member qualifications include:

- Experience working within a consensus-driven decision-making process, and a commitment to such a process in fulfilling the Committee's responsibilities as outlined in the charge statement;
- Willingness to work within established County procedures and processes;

- Ability to be open-minded; to listen and be respectful of the values, views and opinions of other representatives;
- Ability to share information with, and receive information from the community at large;
- Ability to meet twice a month and possibly more often over the next year; and
- Being a resident of Albemarle County (while every effort should be made to include County residents, this may not be appropriate in all cases)

#### **Advisory Committee Organization**

The Committee shall elect a Chair and Vice-chair. County staff and any consultant team shall serve as technical representatives and will support the group by assembling and compiling all information and reports necessary for the Committee's work to progress, including meeting notes.

Meetings will be held approximately twice a month or as otherwise agreed to by the Committee. The date and time of Committee meetings shall be established at the first meeting; additional meetings may be called by the Chair. All meetings will be open work sessions, where the general public is invited to attend to listen and observe, unless public participation is deemed appropriate by the Chair. Active participation will be extended to the general public at open houses, workshops, and public hearings, per the public participation to be established by the committee. In addition to the Advisory Committee, the project will include a public engagement program for the public at large to include active participation at open houses, workshops, and other appropriate venues, per the public participation to be established by the committee.

No quorum shall be necessary to conduct business, but no vote will be taken unless a quorum is present. A majority of the voting members of the Committee shall constitute a quorum. Decisions shall be made, if possible, by an indication of general consensus among the Committee members present. Staff (other than appointed members) will not participate as decision makers. When this method does not serve to establish a clear direction, the chair shall call for a roll-call vote. When an agreement cannot be achieved on an issue, business shall proceed and County staff shall document and present minority positions for future Board of Supervisor consideration.

Facilitation will be provided in those instances when it is considered beneficial in helping the Committee achieve its stated purposes.

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#### **Agenda Item No. 13. Public Defender Salary Supplements.**

The executive summary forwarded to Board members states that the County and the City received a FY 15 funding request from the Albemarle-Charlottesville Public Defender's Office (PDO) in the aggregate amount of \$152,931. This amount was based on an analysis by the PDO, which showed that attorneys employed by the Commonwealth's Attorneys Offices in the County and the City, on average, earn 25% more than the comparable attorneys in the PDO. The amount requested represents the aggregate dollar amount that is the difference in compensation between the attorneys employed by the Commonwealth's Attorneys Offices in the County and the City and the attorneys employed by the PDO. The PDO proposed that the County and the City fund the \$152,931 in compensation differentials proportionately based on the PDO's caseload activity from each of the jurisdictions. In FY 13, the PDO's caseload was composed of 51% of cases tried in the City and 49% of cases tried in the County. Accordingly, the PDO requested \$78,882 from the City and \$74,049 from the County.

Both the County and the City included funding for the PDO in their FY 15 Budgets. The City approved a supplement based on the average pay difference between the PDO and the City's Commonwealth Attorney's Office, rather than utilizing the blended average difference proposed by the PDO. The City's FY 15 Budget includes a supplement of \$44,544 rather than the requested amount of \$78,882. The County's FY 15 Budget includes a contingency for the full requested amount of \$74,049, based on Board direction pending further consideration of this issue.

Staff has identified two options. One option is to proceed with the full funding amount of \$74,049 included in the County's FY 15 Budget, in which case the County would be providing more than its proportionate amount of the supplement, based on caseload, compared to the City's appropriation.

Alternatively, the County could align its approach to the methodology utilized by the City, which is based on the average pay difference between the PDO and the City's Commonwealth Attorney's Office, and pay 49% of the supplement based on caseload. That amount would be \$42,797.

The County's FY 15 Budget includes PDO funding in the amount of \$74,049, which is 49% of the PDO's total requested amount. If the Board determines it wants to fund the PDO in a proportionate amount to the City, which is \$42,797, \$31,252 would become available for alternative uses. Funding the PDO salary supplement utilizing a different methodology from the City's approach would establish a funding ratio percentage that is inconsistent with the approach of funding the supplement based on the County's percentage of the caseload, and the County would provide a significantly larger percentage of funding for the supplement than the City's percentage contribution.

Staff recommends that the Board determine whether it wants to fund the amount of \$74,049 as requested by the PDO or the amount of \$42,797, which is the amount proportionate to the City's contribution based on caseload, and direct staff to bring forward an appropriation to authorize the amount previously appropriated into a contingency account.

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Mr. Bill Letteri, Assistant County Executive, said that the County and City received a request to supplement the salaries of the Public Defender's Office in a way that would bring them in par with the City and County's Commonwealth's Attorney's offices. He said that they based the request on a blended average difference between the Public Defender's Office salaries and those of the Commonwealth's Attorney's offices. Mr. Letteri said that in response to this request, the Board directed the Budget office to include a contingency amount of \$74,000 – which represents the full funding of the County's share for that supplement. He stated that subsequent to that action, the City took up the issue and applied a different methodology – which was to look at the salaries of the Public Defender's Office as compared to those of the City's Commonwealth Attorney, and in applying that methodology they arrived at a lesser supplement amount. Mr. Letteri said that the action today for the Board is to decide to proceed with the full funding amount as requested, or to consider adjusting it to align with the City's methodology. Should the latter option be considered, it should be viewed as whether the Board feels it is important that the County's share of the supplement be proportionate to the County's caseload, handled by the Public Defender's Office.

He said that in summary, staff recommends that the Board determine whether it wants to proceed with the full \$74,000 request, or consider the amount of \$42,797 – which would be proportionate to the City's contribution based on caseloads. Mr. Letteri noted that Mr. Jim Hingley is at the meeting and is available to answer questions.

Ms. Mallek asked if the County's original amount adopted in the budget was based upon their caseload, with salary comparisons made to the Commonwealth's Attorney. Mr. Letteri clarified that the supplement was based on a blended average difference between the Public Defender's Office and the two Commonwealth's Attorney's offices – and it is still based on the County's proportional caseload. Ms. Mallek said she is comfortable with following the Board's recommendation from April.

Mr. Foley said that the direction from the Board was to set it aside for a future decision.

Ms. Dittmar said that she did recall wanting to do the blended, and agreed to go back and ask the City if they wanted to do the blended too – but they are going to stay with their own approach.

Ms. Palmer said that the City made its decision before they knew what the County would do, and hopefully next year they will go along with the blended average.

Mr. Boyd said that he is going to vote against this, not because the public defenders do not deserve it, but because he is sick and tired of picking up the inadequate funding from the state – and as long as the County keeps enabling them, the State will continue to do it. This is something the State should be handling, not local government.

Ms. Mallek **moved** to confirm the contribution of \$74,049 to the Public Defender's Office supplement, with staff bringing it back for formal appropriation.

Mr. Davis stated that staff will work with Mr. Hingley's office on the operational aspects. The first payment may not occur until August, but the County will do a catch-up payment so they will be fully funded.

Ms. McKeel pointed out that this is already in the County budget, so it is not an additional amount.

Mr. Sheffield **seconded** the motion.

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

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

NAYS: Mr. Boyd.

Ms. Mallek said that she agrees that she would like to see the state and federal governments fulfill their obligations, but she cannot solve that right now – and this is important to do.

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Agenda Item No. 14. Board of Supervisors Rules of Procedures and Meeting Process Improvements.

Item No. 14a. Proposed amendments to Rules of Procedures.

The executive summary forwarded to Board members states that the Board of Supervisors annually adopts its Rules of Procedure at the Board's organizational meeting in January. Section G of

the Rules provides that the 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.

The Rules of Procedure currently provide that the final agenda for a Board meeting can be amended to add an action item only if the Board member proposing to add the item has given notice of the intent to do so in writing or by email to all Board members, the Clerk, and the County Executive by 5:00 p.m. two days before the meeting date. Without the required notice, the addition of an action item requires the Board to suspend its rule for prior notice.

In addition, the Rules of Procedure currently do not include a policy regarding a procedure for a Board member to participate in a Board meeting from a remote location in the event of a personal matter, emergency, medical condition or disability that makes such member unable to attend the meeting. The Code of Virginia was amended effective July 1, 2013 to allow such remote participation under limited circumstances. That law was self executing and did not require the Board to adopt a policy. However, the 2014 General Assembly amended that law, effective July 1, 2014, to provide that a public body must have an adopted written policy allowing such remote participation as a pre-condition for such remote participation by a Board member.

1. Rule D(2) of the Board's Rules of Procedure requires that a Board member proposing to add an action item to a final agenda must give notice of the intent to do so in writing or by email to all Board members, the Clerk, and the County Executive by 5:00 p.m. two days before the meeting date. The intent of the rule is to prevent Board members from being surprised by a matter being added to an agenda for action without advance notice. A consequence of this rule, however, is that even matters on which all Board members want to take action can only be added to a final agenda for action by suspending the rule requiring advance notice. A suggested Rules amendment to address this consequence would be to allow matters not otherwise timely noticed to be added to an agenda for action if there is "unanimous consent of all Board members present".

This suggested unanimous consent approach would let the Board members self-police matters that are appropriate to be added to the agenda and any Board member who is not prepared to take action or believes the public should be allowed notice before an action is taken can simply not consent. Matters that are urgent or simply make sense to be added to a Final Agenda can be accommodated by the Board without suspending the Board's current rule requiring advance notice for adding any matter to the agenda for action. The Chair, upon a request by a Board member to add an action item not noticed, would simply ask, "Does any Board member object to adding this matter to the Final Agenda for action?" If there is no objection, it would be added to the agenda as part of the adoption of the Final Agenda without any other procedural requirements.

2. Virginia Code § 2.2-3708.1 allows for a member of the Board to participate in a Board meeting through electronic communication from a remote location that is not open to the public under certain circumstances and requirements. The reason for the remote participation must be due to an emergency, a personal matter, a medical condition, or a disability that prevents the member from physically attending the meeting. Remote participation due to an emergency or personal matter is limited to two meetings each calendar year.

Prior to July 1, 2014, remote participation due to personal matters or an emergency could only occur if it was approved by a majority of the Board members present, and all remote participations required a quorum of the Board to be physically assembled and arrangements to be in place for the remote participant to be heard at the meeting where Board members are assembled. Effective July 1<sup>st</sup>, such participation cannot occur unless the Board has adopted a written policy allowing for and governing remote participation, including the mandated limitations set forth in the statute. The statute specifically mandates that the policy be strictly and uniformly applied without regard to the identity of the Board member requesting remote participation or the matters that will be considered or voted on at the meeting.

Since July 1, 2013, when such remote participation was first authorized, the Board has not had a request from any member to participate remotely because of an emergency, personal matter, medical condition, or disability. Under the new legislation, the Board can establish a policy, including an approval process for such remote participation, or it may take no action and thereby not permit remote participation for the otherwise qualifying absences. If a policy is desired, it could be properly included in the Board's Rules of Procedures.

Virginia Code § 2.2-3708.1, as amended, is attached for your information (Attachment A).

There is no anticipated budget impact from a change in the Board's Rules of Procedures outlined above, assuming that existing equipment could allow for the remote participant to be heard at the meeting where Board members are assembled.

1. Staff recommends that the Board gives notice that it intends to amend Section D.2 of the Board's Rules of Procedure, as set forth in Attachment B, at its July 9, 2014 regular meeting; and
2. Staff recommends that the Board determine whether it wants to allow remote participation of Board members under the provisions of Virginia Code § 2.2-3708.1 and, if so, direct staff to prepare a policy for consideration expeditiously or as part of the next annual adoption of the Board's Rules of Procedure.

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Mr. Davis said that what's before the Board are two rules of procedure – one that the Board has previously discussed, and one that is a result of new legislation from the General Assembly. He said that the first one is an amendment to rule D2 of the Board's Rules of Procedure, which would change the way certain items could be added to the agenda for action. Under the Board's current rules, they are constrained to adding those items only upon giving prior notice to all Board members two days prior to the Board meeting – and if that does not happen and they want to add an item to the agenda at the last minute, they have to suspend their rules in order to add it. Mr. Davis explained that the primary purpose of that rule is so that Board members and the public are not surprised by adding an item to the agenda for action.

He said what is proposed is that an item could be added to the agenda if there is unanimous consent of the Board to do so which allows them to self-police the items they feel are appropriate to be added without prior notice. He stated that this allows for any Board member who feels they did not receive enough notice or that additional discussion should take place at a future meeting before action is taken, to take that position and force the Board to either delay the matter to a future meeting or suspend their rules. Mr. Davis said that what is proposed seems to address the major concerns he has heard about this matter, and staff has laid out the process for the Board to consider amendment of their rules as provided in their Rules of Procedure by giving notice today to make that change.

Mr. Davis stated that the second issue relates to State law enacted in July 2013 that allows for a Board member to participate electronically from a remote location, limited to very specific situations: a personal matter or an emergency. He said that it was self-executing and did not require an adopted policy until yesterday. Because of an incident in another locality where there was some concern about how the Board handled that procedure, Mr. Davis stated that the General Assembly has adopted a law that puts constraints on how that remote participation can be approved. It now requires the Board to adopt a policy – and the policy is constrained in that they cannot discriminate based on subject matter or the person requesting to participate remotely. He said that in order to allow the remote participation, the policy must be reflected in the Board's procedures, and there is a two-incident limitation on the number of times per year a member can participate remotely. Mr. Davis stated that the question is whether to allow remote participation under limited circumstances, and if so, when that policy should come forward. He reiterated that the two matters before the Board are whether they want to give notice to change its rules on how to address adding action items to their agenda, and to give direction as to the remote policy issue.

Ms. Dittmar suggested that the Board discuss the remote policy first, and asked how Board members felt about it.

Ms. Palmer said that it is a very good idea.

Ms. Mallek agreed.

Mr. Boyd said that there was a time when former Supervisor David Slutzky was not able to attend the meeting, and they let him listen in although he did not participate in discussion.

Ms. McKeel asked if the limitation of two meetings per year is for each Board member, not the entire Board. Mr. Davis confirmed that is the case. He added that it is loosely defined as to what is a "personal matter" and "emergency". The Freedom of Information Council has provided some loose guidance on the issue – but it is a matter they are going to need to define a bit more carefully in a policy if they want to get to that level of detail. He said that staff can bring some examples back to the Board if they were interested in moving forward.

Ms. Palmer said there is no reason to wait until next year, but no reason for staff to run out immediately and do that.

Ms. Dittmar asked what technology they would use. Mr. Davis said that it requires the person participating remotely to be able to be heard by all the Board and the public at the meeting, so they would need to have some kind of speaker phone capability that makes it audible to everyone present at the meeting. He said that he hasn't discussed it yet with Ms. Jordan and staff, but a speaker phone system can probably be adapted for that purpose.

Ms. Mallek and Mr. Sheffield stated that Skype works, and Ms. McKeel asked if that would be an option. Mr. Davis said that if there is consensus on that, he will bring it back as soon as they find and develop an appropriate policy for the Board's consideration.

Regarding the last-minute addition of items to the agenda, Ms. Dittmar said that she wants it to be an extreme situation before she would consider suspending rules, and asked Mr. Davis to give an example of how this might work.

Mr. Davis said that there may be an issue in the General Assembly that the Board is unaware of the day before that the Board would want to take a position on. He explained that in that circumstance, after the agenda is finalized and given to the Board and they have passed the Monday deadline, if there is a matter they all want to engage on, the only way they could take action on the item would be to suspend their rules. Mr. Davis said that this change would allow for addition to the agenda if no one objects at that point, but if any Board member felt surprised by it, he or she could object and it would not be added to the agenda by rule. The opportunity would still be present for the Board to suspend its rules to consider it, which would require a majority plus one vote. He said that in most instances, it would be a matter that makes sense for the Board to deal with and they could simply add it for action and go on with their businesses.

Ms. Dittmar said that the threshold would be great – unanimous decision – and asked if this follows all FOIA rules of notice. Mr. Davis assured her that it does.

Ms. Dittmar asked Board members how they feel about it.

Ms. Mallek, Ms. Palmer and Ms. McKeel said they all favor the changes.

Mr. Boyd said that he wants to vote on these items separately. He has no problem with the remote participation. Mr. Boyd added that for the majority of the years he has served on the Board, Supervisors had no such rules and were free and open to bring up issues and discuss them – which has been successful with one exception. He said that the rule was tweaked at the beginning of the year, and now they are tweaking it again. He said that he has no interest in supporting it. Mr. Boyd also commented that what will happen is that if one person objects, they will suspend the rules with four votes.

Ms. Mallek said that for legislative items, the Board will probably just send individual letters, but in this case if they are all in agreement and are hamstrung by their own process – this solves that problem.

Mr. Boyd emphasized that the rule has only been in place for two years, and prior to that there were no rules regarding what could be placed on the agenda.

Ms. Palmer said that it was broken, and now they are fixing it.

Ms. Mallek said that before she came on the Board, there were issues brought up late at night and voted on without being advertised, and it is important for people to know what is going on.

Ms. Dittmar said that it allows for transparency with citizens, and also ensures that they are disciplined about adding things to the agenda.

Mr. Davis clarified that the motion should be to give notice of the Board's intent to amend Section D.2 of the Board's Rule of Procedure at the next meeting. If the motion passes, this item will be added to next week's agenda.

Ms. Mallek **moved** to amend Section D.2 of the Board's Rule of Procedure at its July 9, 2014 regular meeting. Ms. Palmer **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

NAYS: Mr. Boyd.

Ms. Dittmar said that she is hoping that this fall the Board will take a careful look at all of its procedures prior to officially approving them in January 2015. There may be no changes, but this would give Board members an opportunity to review them well in advance of its organization meeting.

Ms. McKeel said she thinks it is a great idea.

Regarding the remote participation, Mr. Davis said he will bring back a policy at a later date for the Board's consideration.

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Item No. 14b. Discussion of Meeting Process Improvements.

The executive summary forwarded to Board members states that recently Board members brought to staff's attention their desire to make some changes to improve the efficiency and effectiveness of Board meetings. Some of those changes are in progress, as noted below.

In a continuing effort to improve the efficiency and effectiveness of Board meetings, and based on feedback from Board members, staff worked with the Chair to develop possible process improvements for the Board's consideration. The following list outlines some of those suggestions, including those that are already in progress:

- Establish a set amount of time for public comment at the beginning of the day meeting (i.e., 15-30 minutes) and create a second opportunity for comment in the afternoon at a specified time (i.e., 3:00 p.m.) to allow for a predictable and manageable schedule at the beginning of the meeting while still allowing ample opportunity for public input and comment.
- Schedule all action items, including public hearings, as the first items on the agenda, followed by discussion items and then presentations. ***In progress***
- Plan a 15 minute break during each morning and afternoon session. During the Comp Plan work sessions, allow a minimum of 45 minutes to one hour break prior to the 5:00 p.m. work session. The Clerk will provide food during the last break. ***In progress***
- Establish dedicated work sessions (3:00 – 7:00 p.m.), depending on topics, for all night meetings. ***In progress***
- Designate work sessions for Board education, background and discussion, with no expectation for decisions, and carry the decisions to a subsequent meeting to allow adequate time for Board consideration.
- Send background information on complex issues out to Board members as far in advance as possible; maybe set up a "background material" folder in the Dropbox. ***In progress***
- Establish procedures for consideration of proclamations and recognitions.
- Schedule closed meeting at the end of agenda.

Staff is looking for Board consensus to continue with those items on the list already in progress and is prepared to move forward to implement any additional items endorsed by a majority of Board members.

There is no budget impact related to this executive summary.

Staff recommends that the Board determine what meeting process changes it wants to implement or continue. If any of those changes require an amendment to the Board's Rules of Procedure, staff recommends that the Board direct staff to bring back a draft amendment of the Board's Rules of Procedure for the Board to consider so that the Board can formally amend its Rules of Procedure.

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Mr. Foley said that the other items before the Board are general improvements to the way meetings are conducted, and are based on input received from individual Board members. He said that staff has discussed them with the Chair to try to talk to things to bring forward for their consideration. Mr. Foley said that there are a number of items listed in their executive summary, several of which have already begun to be implemented – such as scheduling all action items including public hearings as the first items on the agenda, followed by discussion items and then presentations. He noted that the agenda had already evolved to that point. He stated that they are also allowing for more breaks, which has been successful. Staff has made greater use of Dropbox by putting more complicated information well in advance that does not necessarily follow the same schedule as the agenda items coming out but gives a head start on taking a look at those things.

Mr. Foley said that there are two other items that staff needs the Board's input on are how they provide the opportunity for the public to make comment. What has been discussed is creating two opportunities for the public, rather than just one opportunity to speak – with the idea that in the morning the time would be limited to 30 minutes. He said that the idea is to provide public comment time in the morning so the rest of the meeting can move forward, but public comment would be allowed both in the morning and the afternoon. Mr. Foley stated that the other matter is the volume of work before the Board, and the possibility of utilizing afternoons of the night meetings as a normal time to schedule work sessions – which is fairly standard in most localities. He said that may not be a good solution for them, as some of the Supervisors work during the day, and there was a question about adding another day or whether to take advantage more of the days they are already meeting. Mr. Foley stated that the other thought was to make the work sessions a time for review, consideration and discussion without the expectation that they would take action at that time, but would hopefully schedule it for action at the following day meeting. He said that the hope would be to need less discussion about the item at the day meeting since they would have had the work session. Mr. Foley stated that the other two items were to establish procedures related to proclamations and recognitions, and to move closed meetings to the end of the meeting instead of over lunch.

Mr. Sheffield said that he likes the idea of having public comment at the end, but does not like the idea of limiting the amount of time they dedicate to it, especially when there are a large number of people who wish to speak. Mr. Foley said that some localities just schedule it in the afternoon.

Ms. Palmer said that she does not mind scheduling both at the same time, but does not like the prospect of turning away people and telling them to come back in the afternoon. She added that she does not have a problem with shortening the amount of time people are allowed to speak to two minutes when there is a big turnout from the public.

Ms. Dittmar said she agrees; she does not want to turn people away, and tell them they need to come back later in the day.

Mr. Sheffield said that his concern is not the length of time they are allowed to speak, but only offering a half-hour in the morning for public comment. He asked Ms. Mallek and Mr. Boyd if, outside of very controversial issues, there had been a large turnout for public comment.

Mr. Boyd said that it is not typical.

Ms. Mallek said it is very rare, and usually when it happens it is for a good reason – so they should just live with it. She stated that it is up to the Board to stay on schedule, so they should shorten their own conversations instead of having the public limiting theirs.

Ms. McKeel stated that she works in an office, and there are restrictions as to the amount of annual leave time she can take, she would not oppose offering a second opportunity for the public to speak because part of this is just providing that when there is not a night meeting.

Ms. Mallek said that she likes the idea of a scheduled second opportunity for people to speak.

Mr. Sheffield stated that there is an assumption that the Board is ending at 5:00 or 6:00 p.m., and that is not really happening like it used to.

Ms. McKeel said that the reality is if no one's there, it does not cost the Board any time.

Ms. Dittmar said that they would have the evening meeting for the public the following week. As the one managing the agenda she would prefer to give all the time needed in the morning – and all the time needed in the evening the following week; in other words, leaving things pretty much the way they are now. She stated that sometimes they get pushback in moving from three minutes to two, but that allows the Board to contain their agenda.

Mr. Boyd said that this is for items that are not on the agenda, and when people ask him about it they like knowing that it is the first item on the agenda so they won't have to wait all day.

Ms. Dittmar said that she feels they should consider having a second closed meeting at the end of the work day, because sometimes they run out of time and cannot be thoughtful in the middle of the day.

Ms. Mallek said they do not need to change procedures to do that. She said that she feels very strongly that they need to keep the closed meeting discussions in the middle of the day because there are answers that can be obtained in the afternoon that can be dealt with at the end of the day – whereas not starting until late in the day makes it extremely difficult.

Mr. Boyd asked why they had changed from 12:00 to 1:30 p.m. Ms. Jordan explained that they started having extra time and did not have long closed meetings, and so they went back to 1:30 p.m.

Mr. Boyd said that he liked it when there was a two-hour break because it allowed for a little break in the agenda.

Mr. Foley suggested that they could try 2:00 p.m. to see how it works, because if they have a long closed session they will have the time – and if they do not, they would have a little more flexibility in making calls.

Ms. Palmer asked if there was an item they need to discuss and did not need staff information if they could do it at the end of the meeting, because she would rather do it that way.

Ms. Mallek said that they could do that now, and in the day meetings with the work sessions starting at 5:00 p.m., they need to get as much done as possible in that afternoon interval if they are stopping for another break.

Mr. Boyd asked if there was any interest in going to the 2:00 p.m. time.

Mr. Sheffield said that day meetings are day meetings, and it is an all-day event for him regardless.

Ms. McKeel said that what she feels strongest about is that they have the second opportunity for a closed meeting because it is hard to leave people sitting in the room waiting for them and expecting them to return at a certain time. If the Board comes back 45 minutes late from a closed meeting, it throws the entire remainder of the meeting off.

Ms. Dittmar said that if they have a very busy closed meeting, they can start later because the time will be on there. She said that she agrees that there have been five or six meetings that were incredibly tight. She said that they decided to put the dedicated work sessions in placeholders on their calendars, but she hopes they reserve that for specific things that need to be considered – like the Comp Plan – rather than assuming they are starting their afternoon at 3:00 p.m. always.

Ms. McKeel agreed, and said that her understanding is that they would be used for important matters that need to be addressed in a timely manner.

Ms. Mallek said that Board members do not want to have a third meeting in the evening, so they need to either deal with it on the first day meeting or on the afternoon of the public hearing night.

Mr. Foley said that staff does not schedule work sessions unless they are necessary. The most important thing is to not have any Board members surprised if there is one at 3:00 p.m. – but there is a heavy workload at this point.

Ms. McKeel said that if they start having work sessions at 3:00 p.m. routinely, then the Board should discuss it again because it is hard for all of them to accommodate that.

Ms. Dittmar said that things should lighten up after the Comp Plan review which is taking a lot of time.

Ms. Mallek added that the courts discussions are also taking additional times.

Mr. Foley said that after staff reviews the agenda and meets with the Chair so that the Board provides input. The reality is that there is a lot of work and work sessions needed to discuss it. He emphasized that staff does not want to start meetings at 3:00 p.m. either, but staff does not want the Board to be surprised when they were scheduled.

Ms. Dittmar said that it was brought to her attention by a citizens' advisory committee of their frustration that they only have three minutes each, as some of them would rather have one person representing the whole group and speaking a little longer.

Ms. Palmer said that she wants to make sure that there is not one person speaking for five minutes, and then ten more people speaking for three minutes.

Ms. Dittmar clarified that the Rivanna Village Citizens Advisory group Chair, Dennis Odenoff, sent out an inquiry to all citizens' group chairs to find out how they felt about it.

Ms. Mallek said that the response from the Crozet Advisory Council was that they feel more voices are more powerful, and was very concerned that one person would not be representing the group without a carefully thought-out resolution and agreement, or a majority, and felt that ten minutes was too long for one speaker.

Ms. Lee Catlin stated that the Places 29 Council feels similarly to the Crozet Advisory Council – that there was more power in more voices, and unless there was a tightly crafted recommendation, there were different perspectives that might not necessarily come from one person speaking on their behalf.

Ms. Dittmar said she will pass this information on to the council.

Mr. Foley clarified that from this discussion, the Board has consensus to leave the public comment as it is – giving an opportunity at 9:00 a.m. on day meetings and 6:00 p.m. on night meetings; to use the end of the meeting to extend closed meeting as necessary, with a 12:00-2:00 p.m. window; to keep the afternoon work sessions planned for 3:00, with every effort made not to have them unless necessary; and to keep the speaker time allotments the same.

Mr. Sheffield said that his only caveat with the afternoon work sessions would be trying to discuss them ahead of time so they can work out a better plan – and they might feel that a night meeting would provide better public opportunities.

Ms. Palmer said she heard the Board say it is not opposed to the afternoon comment period, however, it is hard to schedule, and the Board would prefer not to do it, since it is scheduled at 6:00 p.m., the following week. She said that she did not hear they were starting back in the afternoon at 2:00 p.m., that they were starting at 1:30 p.m., and then extending the closed meeting if need be.

Mr. Foley said the public has two opportunities to speak during other matters – at the day meeting and at the night meeting. There will be no limit on the number of speakers at each meeting. Mr. Boyd clarified that the night meetings have been starting at 7:00 p.m. because of the Comp Plan.

Ms. Dittmar said when the Board looks at how full the closed meeting is, if the choice is coming back at 1:30 p.m., with no break, her preference would be to add one-half hour in the middle of the day. It will be based on the need of that particular day.

Mr. Boyd reiterated that a lot of times these closed meeting items come up at the last minute and they do not know that it will need to be dealt with.

Ms. Mallek said if it looks like the Board needs to use a lot of time for closed meetings, they can take some in-house items and move them on the agenda.

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Agenda Item No. 15. Innovation Fund Update.

Due to the lateness of the hour, the Board moved this item to the afternoon portion of the meeting.

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Agenda Item No. 16. Courts Project Public Engagement Process and discussion follow-up.

Due to the lateness of the hour, the Board moved this item to the afternoon portion of the meeting.

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Agenda Item No. 17. Closed Meeting.

At 12:18 p.m., Mr. Sheffield **moved** that the Board go into a closed meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions in which there are pending vacancies or requests for reappointments; under Subsection (3) to discuss the acquisition of real property for a park facility because an open meeting discussion would adversely affect the bargaining position of the County; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice related to negotiation of easements on the County Office Building property, and the negotiation of easements for the restoration and maintenance of pipes necessary for a road in Carrsbrook. Ms. Mallek **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. 18. Certify Closed Meeting.

At 1:42 p.m., Mr. Sheffield **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. McKeel **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. 19. Boards and Commissions: Vacancies/Appointments.

Ms. McKeel reported that there were no motions coming out of closed session.

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**(Note: At this time the Board went back to Agenda Items No. 15 and 16.)**

Agenda Item No. 15. Innovation Fund Update.

The executive summary forwarded to the Board states that the Board established the Innovation Fund in the FY 14 budget, dedicating \$166,500 in one-time money to support the start-up of organizational initiatives that reduce costs and improve customer service and productivity. The first round of the Innovation Fund is complete with nine projects selected for funding and currently underway.

A cross-functional team of County employees came together to create the Innovation Fund program following adoption of the FY 14 Budget, which made funding available. The team stressed a

spirit of entrepreneurship in designing the Fund. Program guidelines were developed as outlined below, along with eligibility criteria and an application and review process.

**The “Inventing Albemarle” Innovation Fund supports projects that:**

- a. yield a return on investment, may be measured in new ideas or relationships as well as new dollars
- b. support an “innovation culture” in the organization
- c. reduce operating costs/create capacity by freeing up employee time for more productive work
- d. increase process efficiency, quality, and services that impact staff and/or customers
- e. leverage technology, including automating/standardizing routine processes
- f. improve customer experience – both internal and external
- g. establish a competitive edge

**Accountability/Monitoring**

The applicants of the projects selected for funding were required to 1) provide a cost/benefit analysis, including expected return on investment (ROI); 2) identify savings and/or avoided costs, as well as a means of measuring accountability and performance; and 3) provide an analysis of how the proposed project fits into the mission, values and strategic plan goals of the County and how it supports the County’s “ONE organization committed to excellence” philosophy. Quarterly progress reports are required for all funded projects to ensure that goals are being met.

**Round 1 Summary**

Eighteen applications were submitted for Round 1 of the Innovation Fund. Of those applications, the Team approved nine for funding and determined that four did not meet the criteria, two could be implemented without any funding, and three were of interest but were not ready for funding. Successful applications were submitted by the Police Department (1), the Fire Rescue Department (1), the Human Resources Department (1), the Finance Department (2), the Information Technology Department (2) and the County Executive’s Office (2). The following projects were approved, details on the nine awarded projects are provided in Attachment A.

- **Comprehensive Payables Strategy** - Finance Department
- **Learning Cart @ COB 5<sup>th</sup> Street** - Information Technology Department
- **MindMixer – Inspiring Community Engagement in Albemarle County** - County Executive’s Office
- **Mobile Website for [www.albemarle.org](http://www.albemarle.org)** - County Executive’s Office
- **Technology Training Available Anytime, Anywhere** - Information Technology Department
- **Be Well Through Innovation** - Human Resources Department
- **Building Better Officers – Police Mentorship** - Police Department
- **Fire Rescue Consolidated Fueling Stations**- Fire Rescue Department
- **Surplus Property Website** - Finance/ Purchasing Department

Round 2 of the Innovation Fund program is scheduled to be launched in mid-July. An additional \$50,000 in one-time money is included in the FY 15 Budget.

The FY 14 Budget allocated \$166,500 for the Innovation Fund, and approximately \$76,000 was awarded during Round 1 of the Innovation Fund. Staff will request that any funding not awarded or spent in FY 14 be re-appropriated for use in FY 15.

This executive summary is for information only and no action is required by the Board.

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Ms. Lee Catlin addressed the Board and stated that there was an item for the Innovation Fund that they approved, and staff wanted to provide more detail on the fund. She said that in the FY14 budget, the Board dedicated \$166,000 in one-time money to support the startup of this organizational initiative focused on projects that reduce cost and improve customer service and productivity. Ms. Catlin said that this was the nexus of the Innovation Fund, and it focused on putting some seed money – even at difficult times – to encourage entrepreneurial thinking. She stated that once the budget was adopted and the money was available, they created a cross-functional team to establish what an Innovation Fund would look like and what kind of program it should be. Ms. Catlin said that the Board’s executive summary lists projects that the Innovation Fund is intended to support, and said that they are about yielding a return on investment; supporting an innovation culture; reducing operating costs and creating capacity; increasing process efficiency, quality and services; leveraging technology; improving customer experience both internal and external; and establishing a competitive edge.

She stated that with that being the guiding format or structure, staff developed a selection project and application for encouraging employees to bring these projects forward. Ms. Catlin said they solicited applications from across the organization, putting them out in a variety of ways – including an innovation marketplace, which was an open forum whereby people could come with a good idea and seek help to launch it, or come without an idea but have enthusiasm for helping with an innovation project. She stated that with the first round they had 17 applications that came forward, falling into several different categories and nine eventually approved for funding. Ms. Catlin said that four didn’t meet the criteria, and two could be implemented without any funding, and there were three that were of interest but were still in

the incubation stage. She stated that each of the nine were assigned a mentor from the project team, and they met with department heads and applications to fully vet the projects.

Ms. Catlin said that the Innovation Fund has very definite outcomes, and applicants had to show a cost/benefit analysis as part of their application, including expected return on investment – and the ROI could be more than just dollars, such as new partnerships or relationships, new networking opportunities, etc. She added that each applicant had to explain how the project fit into the mission, values and strategic plan of the County. Ms. Catlin said that the Board's appropriation provided the funding for the projects in round one, and they would have a round two with the remaining funds – what was left over from this round plus an additional \$50,000. She said that round one had taken about \$77,000 of the original \$166,000, so that remainder was added to the new funding for a new sum to work with.

Ms. Catlin reported that there were four projects initially: Technology Training Anytime, which provides online training courses for people who are unable to attend in person; Learning Card, which takes place at COB 5<sup>th</sup> and sets up a mobile cart of laptops to provide training; Electronic Payments to Vendors, which the Finance Department has been working on, allowing the County to move from paper-based to electronic payments for vendors and suppliers; and the Mind Mixer platform, which has been used for Engage Albemarle. She said that in addition to these four, the appropriation the Board made earlier in their meeting would allow the other five of the approved nine to move forward: Be Well Through Innovation, an initiative that would provide exercise equipment, educational materials, and other opportunities to encourage healthier lifestyle choices and teamwork among employees; Building Better Police Officers, a police mentorship program providing training and support to mentor young officers – particularly females – to help with retention; Fire Rescue Consolidated Fueling Stations, providing fuel tanks at select fire-rescue stations in the County so they can take advantage of lower state contract costs for fuel; Mobile Website; and a Surplus Property Website, which puts County property online to save time and costs for departments that are seeking furniture, equipment, etc. Ms. Catlin introduced Kelly Oaken from the Finance Department and Crystal Rejonis from Information Technology.

Ms. Palmer asked staff to send the Board the link to the new surplus property website when it is launched.

Ms. Dittmar said that she would like to learn more about the online training for technology, as she used to take PVCC courses to stay up to date on technology and devices.

Ms. Palmer said that she would like that information also. Mr. Foley said that the important part of this effort is that they are trying to create a culture of innovation, which is one of their values as a County, and staff thanks the Board for their support.

Ms. Mallek said that it was wonderful to see the big poster with the small blocks describing the projects. Ms. Catlin said that you never know what kind of response you're going to get, but to get 17 applications – nine of which were very credible and ready for funding – was excellent.

Ms. Mallek commented that the County-palooza was fantastic, and she hoped they would do it again. Mr. Foley said that there was already discussion about having the second one.

Ms. McKeel asked if the surplus website was just for local government or whether it would also include schools.

Ms. Kelly Okken, Purchasing Agent, addressed the Board and said that they would start with just County government, and if it's successful they would move onto schools.

Mr. Boyd congratulated staff on the great rollout for this program, and he would like to see the cost-benefit analysis information on this.

Ms. Catlin said that some of them have hard savings, whereas others are softer benefits, and they can come back in a year to compare against expectations.

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Agenda Item No. 16. Courts Project Public Engagement Process and discussion follow-up.

The executive summary states that on June 4, 2014, the Board held a follow up discussion regarding the April 9 work session with stakeholders from the Court system to discuss the two basic Courts Project options under consideration by the Board (Downtown Renovation/ Expansion and County Courts Complex Concept). The Board provided direction to staff to continue pursuing both options in parallel, including beginning initial steps to assure that necessary progress continues. One of those steps is to conduct a preliminary citizen outreach effort to inform the public about the need for the Court renovation project and to solicit feedback on the two options, as was done for the Court stakeholders, so that the Board has the benefit of a full range of perspectives in determining whether one or both options should remain under consideration.

The court renovation project will involve the investment of approximately \$43 - \$50 million of County funding over the next seven years, which is the largest capital investment the County is anticipating during this period. The Board has indicated a strong desire to understand the full cost implications and functional impacts associated with the project to ensure a prudent investment which is understood and supported by County taxpayers. This is particularly important given that projections

indicate that a tax increase of at least 2 cents on the real estate rate dedicated to the Capital Improvement Program (CIP) will be necessary over the next three years to fund this project.

Court stakeholders have had several opportunities to provide feedback on the project, most recently at a work session with the Board on April 9, 2014, and have continued to reaffirm their support of remaining Downtown as the preferred option in order to avoid significant disruptions to Court functions and inefficiencies they believe would occur if any portion of the Courts were to be relocated to the County. The Board has not yet had the opportunity to hear input from other Court users and the general public regarding the court development options. Staff suggests the following actions to provide information to and solicit input from the public for the Board's consideration:

- Set up a web page with information on the project, including a fact sheet and FAQ, with the opportunity to email the Board directly from that page – *to be completed by July 30*
- Add a question to the Engage Albemarle community engagement platform and advertise via A-mail, website and social media – *to be completed by July 30*
- Provide materials to support any community meetings/conversations that individual Board members may want to convene – *to be ready for use by July 30*
- Hold a joint meeting of all Community Advisory Committees to provide an overview of the project and an opportunity to provide feedback – *to be held in late August/early September*
- Hold an open information and feedback session for anyone in the public who is interested in attending – *to be held in mid-September*

Staff suggests that these activities be completed in time for staff to present the results to the Board at its October 1 meeting. The County will continue discussions with the City on property acquisition and parking solutions related to the Downtown Renovation/Expansion option. The status of those discussions will also be presented to the Board on October 1<sup>st</sup>. If the Board directs staff to continue to pursue the County Courts Complex Concept at the October meeting after the engagement process, staff will be prepared to recommend a schedule for interim solutions for the current court operations with key milestones and decision points moving forward.

The total amount included in the approved CIP plan for the Courts Project is approximately \$43 million over a 7-year period and is based on the Downtown Renovation/Expansion option. This estimate does not include any additional costs for parking, which could be as high as \$3 million if building structured parking is included.

Staff recommends that the Board direct staff to initiate a citizen outreach effort as described above and to continue initial steps to assure that necessary progress continues in advancing both options.

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Mr. Trevor Henry, Director of the Office of Facilities Development, addressed the Board, stating that this is a follow-up after receiving direction from the Board's June meeting to continue a parallel path assessment of the courts solution – either a stay downtown option or a move to the County. Mr. Henry said that Ms. Catlin would elaborate on the citizen engagement process, but it would essentially involve a three to four-month period of reaching out to citizens and through the advisory councils to present the same level of information presented to court stakeholders in April. He stated that staff would be interested in any feedback from their joint meeting with City Council the previous day.

Ms. Catlin said that staff's understanding was that the Board wanted to keep the parallel possibilities going, but also make sure that County citizens who weren't part of the discussion yet had an ample opportunity to be part of the discussion regardless of where the location ends up being. She said that staff went forward with the understanding that this would be about helping citizens understand the need for the project, the cost implications and the possibilities, to hear how they might react to that, and to provide the Board with that feedback. Ms. Catlin said that staff would use the website to interact with the public, including frequently asked questions and the option to email the Board directly, and would add a question to the Engage Albemarle platform and advertise the availability of that via A-mail, website, social media, etc. She stated that some Supervisors might want to have conversations out in the community, so staff could put together a packet of materials that would support them in any conversations they might have. Ms. Catlin said that the Community Advisory Councils were an already identified group that could be pulled together or joined at their regular meetings to get their input, and staff also suggests having an open information and feedback session for anyone who might be interested in attending in order to find out more. She said that the intent of this was to bring people up to speed in terms of education and awareness, and at the Board's discretion have them discuss the two location options and then bring feedback back to the Board in October.

Mr. Boyd said that another important piece to him is the cost analysis, as discussed at their meeting with City Council because his decision will be based largely on that information. He said that he also heard from Council that the City wasn't sure if there was any kind of economic impact to leaving it downtown or taking it out. Mr. Boyd said that Dede Smith had mentioned that the Martha Jefferson move turned out to be very positive for the City, even though the doctors had expressed concern about the move, and the City got another employer to move into the old facility.

Ms. Mallek said that it's not really apples to apples with the historic courthouse, but perhaps the similarity is that the lawyers would get used to it.

Mr. Boyd said that Steven Meeks had indicated that expanding the courthouse would destroy the historic character of the building.

Ms. Mallek said that his primary concern was covering up the north wall.

Mr. Sheffield said that he would like to get more economic analysis information from the City, and the County could do their own impact assessment on moving it to a site in the County, but he would like to partner with them in that evaluation.

Ms. Dittmar said that she would like to have more details prior to involving the public, because it is challenging to present citizens with too many "ifs" and different options and variables.

Mr. Foley asked if that would also apply to staff going out with a more general discussion of the courts project. He said that what he heard at their meeting the previous day was that the prospect of a joint General District Court might be back on the table, and the committee might be looking at that too. Mr. Foley stated that the whole point is when they engage with the public, what's the right information to share, whether the timing is right for this or if the committee should do more work first.

Ms. Mallek said she was concerned with staff doing a lot more work on this, and she would like to see if the committee would convene and address anything substantive. She stated that she learned from a City Councilor about 10 days earlier that they had not been fully briefed by the City Manager on the items that Mr. Foley had shared with him, and were completely surprised that the Board had concerns about various things in the last discussion they had. Ms. Mallek said that she hoped this committee would push that along, although she didn't have a lot of optimism.

Ms. McKeel agreed that before they take it out to citizens they should get more information themselves, and said that if they built their own court facility it wouldn't take the six or seven or eight years required for renovation of an historic building.

Ms. Dittmar said that she really didn't want a year-long committee process on this, but wanted them to figure out what was possible, get some final concrete answers, and then the Board could make some final decisions.

Ms. Palmer said that the committee should find out whether the City wants to participate in a joint General District Court, and should recognize that they do need parking downtown – because the conversation with City Council seemed to leave that debate open, as some Councilors don't seem to recognize that the County needs parking for the court.

Ms. McKeel said that the City was doing a parking study downtown, and asked if that could be sped up a bit to help inform the County's courts decision.

Ms. Palmer emphasized that they need more definitive answers before staff spends any more time on it.

Ms. Dittmar stated that the mayor said he would bring it up to City Council the next week, and asked if the Board wanted to discuss who they want to have on the committee.

Ms. Palmer said that Ms. Dittmar was an obvious choice, as she works in the courts and is the Board Chair. Ms. Mallek also said she would nominate Ms. Dittmar, and said that she would agree to serve if no other Supervisors were eager to do so.

Mr. Davis asked if they wanted this to be a public body subject to FOIA requirements, because if they want it to be a non-public body, they should direct the County Executive and the City Manager to put together a committee that would not be subject to FOIA. He said that if a committee is appointed by this body of Board members, it would be subject to FOIA.

Ms. Palmer said that they may need a few more discussions before deciding that, so they can see who the City plans to appoint.

Mr. Foley said that he and City Manager Maurice Jones had agreed to get together with Bill Letteri and Aubrey Watts to get together and discuss what they had heard and what a charge and purpose for the committee would be, and that could come back to the Board and Council for discussion. He stated that there was a suggestion to have someone from historic preservation serve on the committee, but the charge and timeline would drive some of the other public engagement pieces.

Ms. Dittmar said that regardless of the FOIA requirements, it would be important for the Board to share their information when they come together – and the bottom line would be whether they have a partner with the City.

Ms. Mallek suggested that perhaps the stakeholder engagement process would be more appropriate for the second phase, instead of right now when they are deciding what to do.

Ms. Palmer said that it's misleading to have judges and people from the legal community on the committee now, because given their perspective it gives the public the idea that there is an assumption to already stay downtown. She stated that this is about money and it's a huge investment for the community, and their decision would be based partially on the historic value of the downtown and making

it more convenient for the legal community as a whole, which is extremely important – but it's also about the taxpayer money. Ms. Palmer said that she didn't want to give the legal community the impression that they had already made up their minds.

Mr. Boyd said that the consultants hadn't considered the possibility of joining the General District Courts, and certainly the capacity and court spaces would be impacted. He emphasized that this would be the very first decision to make. Mr. Foley said that it would be a whole new project.

Ms. Dittmar said that she wasn't sure it would be a whole new project, because when Mr. Henry was discussing the use of the Levy building he was starting out with two and said that they might need three – and she sees it as the same project, but just with or without a partner.

Mr. Henry stated that the reason they ended up doing their study a few years ago was from a prior study on the Levy building, which was a joint study that looked at it as a joint General District Court – and the conclusion of that study was that the City didn't need it, which is what set them on this course today. He said that it's a sea change for the City if that's the case.

Ms. Mallek said she didn't know if it really was, or just another six months of spinning their wheels.

Mr. Foley said that's an important question to get to immediately – with the City saying they are or aren't interested in a joint court, and it seemed the Councilors didn't have enough information about their projections for caseloads. He stated that this is one of the factors that makes the committee process more complex and involved than a quick few months' effort, and he wasn't sure the City could even make that decision without some new cost estimates and evaluation of whether the County's design would work for them.

Mr. Davis pointed out that it's not really a "joint" court system, but is a "shared" court facility – as the juvenile court is, as there are two separate courts there. He stated that the idea for the General District Court was for a shared court facility, with one clerk serving both functions. He said that James City and Williamsburg have a combined court system, but that's not what they have in Charlottesville and Albemarle.

Ms. Dittmar said that they don't want to rush and be imprudent, but they do want to emphasize the need to move forward fairly quickly. Mr. Foley said that staff would get together with the City's staff to package something that both bodies can react to, and said that the topic of public engagement should be delayed.

Mr. Sheffield said that he had still planned to go out to the community in August to talk about capital projects in general – the courts, the library, and possible developments going on. Ms. Catlin and Mr. Foley agreed to provide him with whatever information was available at that time and help define it for the public.

Ms. Mallek said that she would be disappointed if they hadn't made progress by the end of August, because staff had been moving along well up to this point – and she hoped City Council will have met and discussed it by then. Mr. Foley said that the City would probably have a similar discussion to what the Board had, and hopefully by August staff would have a charge for them.

Mr. Henry said that the economic impact was not part of the original scope, but the consultant had provided an estimate for that.

Mr. Foley said that staff should take a look at that, and the consultants may be able to help them shape something.

Mr. Sheffield said it would likely be contingent on what the City was going to put together. Mr. Henry said that staff's analysis was for a downtown renovation addition option, a green field site owned by the County option, and the third option was to build the General District Court on the McIntire property – but they didn't have an urban infill development model. He said that the area they would need more information on would be a public/private partnership.

Mr. Boyd said that it was difficult for the Board to understand why it would be cheaper one way than the other, and they hadn't really factored in the need for temporary housing for the downtown courts, etc. Mr. Henry said that the staging helps with that because it allows elements of the courts to be moved in separate steps.

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#### Agenda Item No. 20. Public Review Process for County Projects.

The executive summary forwarded to Board members states that the Board requested staff to provide information regarding the review process for County projects and how it may differ from those of a private developer. Staff from the Office of Facilities Development (OFD) and the Community Development Department (CDD) jointly reviewed the processes and determined that County projects generally mirror the same processes any private entity would be required to follow for public engagement as well as review and approval.

All County Capital Improvement (CIP) projects follow the Site Plan submittal, review and approval process as delineated in Section 32 of the Zoning Ordinance. Depending on the unique requirements of the project (i.e., location and type of project), an Architectural Review Board, Planning Commission and Board of Supervisors review may be required. The site plan process for both County CIP projects and private developer projects is the same.

The area where a County CIP project process currently differs slightly from a private developer is that County CIP projects require a Compliance with the Comprehensive Plan Review under Virginia Code § 15.2-2232 ("2232 review") but do not require rezonings. This 2232 review is unique to public projects and is legislative in nature. The most analogous process for private development is the process for rezonings and special use permits, which also is legislative in nature. Public uses and structures are allowed by right in all zoning districts and, therefore, neither a rezoning nor a special use permit is required for County CIP projects. The 2232 review provides an opportunity for the Planning Commission to hold a public hearing to confirm that a County CIP project's intended use and location is in substantial accord with the Comprehensive Plan and allows for public input in the review process. The County's established approach is to develop comprehensive citizen engagement plans for County CIP projects that are determined to have significant public interest and/or impact to adjoining neighbors or the broader community. Based on past practice, however, the more comprehensive citizen engagement process for County CIP projects requiring 2232 review typically has not commenced until the 2232 review is complete.

In order to better align County CIP project and private developer processes, staff proposes to treat the 2232 review similar to a rezoning or special use permit application. The County would notify the public and hold a community meeting in advance of the Planning Commission's 2232 review as part of the formal citizen engagement plan. This formal notification is the only substantive difference between the processes that County CIP projects and private developers' applications that require a rezoning or special use permit currently follow. Attached is the design to construction lifecycle that County CIP projects follow (Attachment A). Also attached is a workflow document that outlines the general process for legislative reviews such as a rezoning for a private developer and County CIP projects subject to 2232 review (Attachment B). Staff will be prepared to discuss these processes at the July 2, 2014 Board meeting.

The budget impact of adding a formal notification to the County project process would be minimal.

Staff recommends that the County enhance its current process for review of public projects by establishing a new requirement that formal notification and a community meeting be held prior to The Planning Commissions' 2232 review as part of the established citizen engagement plan.

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Mr. Trevor Henry stated that there have been questions arising over the past year regarding management of capital projects, including how this would differ from what a private developer would do. He said that Mr. Cilimberg would walk through the legislative process first, and he would then cover the workflow aspects.

Mr. Wayne Cilimberg, Director of Planning, addressed the Board and said that this is a refresher in what they adopted within the last year regarding how the County reviews special use permits and rezonings, and what staff has found is that the process for evaluating capital projects that need compliance with the Comp Plan review – which is a state code requirements for certain capital projects – falls into the same flow of submittal and review by staff. He noted that what Mr. Henry had showed them on screen was a flow diagram presented last year in the context of legislative review, and it begins with the County working with any applicant in a pre-application process, guiding them towards making an application and staff then reviewing it for its ability to proceed. Mr. Cilimberg said that ultimately that review would go to the Planning Commission, and a component of this that was really important to the Board was the community meeting piece. He explained that for most special use permits and rezonings, there is a community meeting held on the project within the first 46 days – and occasionally those meetings happen before submittal is made; in those cases, they've subsequently waived the community meeting during review. Mr. Cilimberg said that the most important component in the review is to have that meeting built in, so they're assured of at least one meeting in the review of the particular project being proposed that the community can provide their input. He said that as the Planning Commission begins considering whether a project is compliant, it determines whether the community has had a chance to weigh in outside of the public hearing the Commission holds.

Mr. Cilimberg said that beyond that, it's been the same process for how a public project is reviewed as compared to a private project, and a site plan is essentially the next step – and is the same for any project. He stated that the expectations under the ordinance are the same, and the place to establish equity between private and public projects is in the public input phase. He referenced a flowchart showing how all of that would happen, not only for rezonings and special use permits but also how they would look at the public projects that would go through compliance with the Comp Plan review. Mr. Cilimberg said that under the state code section that applies 15.2-22.32, the compliance with the Comp Plan is a Planning Commission review, and does not necessitate the Board also holding a public hearing. He stated that the Board gets a report of those findings and can choose to review those findings, but doesn't have to have a hearing. Mr. Cilimberg emphasized that this is really focused on the process from the project being identified, an application coming into the County, and the Planning

Commission holding a public hearing. He said that there are some public projects that don't require compliance with the Comp Plan review because they've been specifically identified in the plan already, so those could theoretically go straight to a site plan. Mr. Cilimberg said that there could also be a community input process as part of developing the project, but that is an option for the County. He stated that when there is a need for compliance to be provided by the Planning Commission, they need to ensure community input.

Mr. Henry said that input prior to the Planning Commission review would represent a change for at least some of the recent projects that have gone through a Comp Plan review, and he feels that it's a positive change over what they've done in the past.

Ms. Mallek said at the pre-meetings started about a year ago. Mr. Cilimberg confirmed that was started within the last year and applied to rezonings and special use permits.

Ms. Mallek said that she considers the firing range at Keene as an example of what they don't want to repeat – and they did not have a pre-meeting for that project, but had an expedited “forced march” down that path.

Ms. Palmer said that she wasn't on the Board when they did the siting for the different convenience centers, and that's probably one of the biggest complaints she's had from constituents about this type of process.

Ms. Mallek said that her recollection was that it was handled similarly to the Keene firing range – it was the County's property, and all public facilities are allowed by right in all zonings, so there weren't those requirements.

Mr. Henry explained that a site selection process may be its own discussion, and staff's recommendation would be that depending on the type of project they may want to bring together a public engagement plan that's unique to that event. He said that the Crozet Library had a specific plan that was followed, which included both design and site selection. He said that the Board's direction with the Ivy landfill situation, because of an extremely accelerated timeline, was that the County needed to get a convenience center up and running and had nine months to do it. He said that it really forced staff into what sites the County owned that could easily accommodate this kind of thing, and it was not put out in the public domain or site selection.

Mr. Boyd said that they had planned to close down the Ivy transfer station, so they were working in a very tight timeframe. He said that regardless of where they decide to put a convenience center, someone in the neighborhood is going to say they don't want it there.

Ms. Palmer agreed, and said that she was just trying to superimpose that process on top of that experience to provide some historical perspective.

Mr. Cilimberg said that if they look at the top of the flow diagram, there's a box that says, “Exploratory information gathering meeting, site selection, community meetings,” and that's the process the convenience centers were in. He stated that they're hadn't been a decision on one or more sites that would go through the compliance review process as of yet; it was more of a discussion as to whether they would have sites and where they would be. Mr. Cilimberg said that once they got to that point, it would start through the compliance review process – and it could have a community meeting for one or more sites.

Ms. Dittmar said that the community had been totally disengaged from the convenience center process, and during her campaign she never heard any feedback from the public. She stated that the word “optional” made her nervous, and her perception is that the developers go out in the neighborhoods and are trying to garner support – and if the County isn't doing that, the residents are uninformed. Ms. Dittmar said that to the extent they can behave like a private developer, the better off they will be although some projects will still be unpopular. She asked who would deem a community meeting “unnecessary and waived,” as the language in staff's proposal indicates.

Mr. Cilimberg said that the additional review process can be a determination of the planning director based on prior meetings that have been held already, and they do see developers out in the community once they make an application – but also before making an application, which is why staff had identified that as something the County could be doing as its own applicant. He emphasized that this is set up from the perspective of reviewing the project, and Mr. Henry has some information from the side of being the developer – as they are really playing both sides as a County. He stated that there are some instances where they don't have the need to have a community meeting before the process starts – but they wanted to ensure that there would always be a community meeting during the review process.

Ms. Dittmar asked why the Planning Commission work session was optional, and why they wouldn't want them to be a part of the process. Mr. Cilimberg said that they would be part of the process, as they are the determining group on the compliance – and the optional piece is if an applicant wants to have their input on the primary aspects on a project, and they may choose to do a work session.

Ms. Mallek said that that's what is happening with J.B. Barnes Lumber currently, as they started at the Planning Commission and then pulled back to get more community input, and then would go back for a work session at the end of July.

Ms. Dittmar asked how early a Supervisor could be made aware of a project coming through. Mr. Cilimberg said that for private projects, the Board is notified by staff on all the applications received, and Supervisors can follow up with staff or the Planning Commission.

Mr. Henry noted that for public projects they have the CIP review process, so that allows for information with the Board approving what moves forward; staff also does a quarterly capital project report.

Ms. Dittmar said that she'd like to see the CIP information noted in the flowchart, because that allows the Board to know the process has started.

Mr. Foley said that one of the things going on is a transition from old Board to new Board, and the landfill convenience sites were in front of the old Board a lot – and they decided to go about them a certain way. He stated that they have also had public engagement plans that were approved before the projects even started, and staff is proposing to have a very specific community meeting process before it even gets to the Planning Commission. Mr. Foley said that these would need to be approved by the Board to begin with, and as they do a capital projects report staff may need to address them specifically on the need to identify a site. He stated that this may be the place to insert another review step, and if it does go to the Planning Commission staff is suggesting that there must be a community engagement process developed before it gets to that step. Mr. Foley said that if it's not scheduled to go to the Commission for a compliance review, there still should be something in place that brings it to the Board. He noted that the site selection process is usually the most difficult part, and the general feeling here is that it probably needs its own community engagement plan. Mr. Foley added they would have to work through the sensitivity of landowner negotiations, and some of that would be in closed session, but in general staff can be more absolute in what it brings to the Board.

Ms. Dittmar asked if the ARB gets a review step for their projects. Mr. Henry said they would if it is called for as part of the site plan and the project is in the Entrance Corridor.

Ms. Dittmar asked if staff had asked the Planning Commission how they felt about a ramped up engagement process for public projects. Mr. Cilimberg said that he looked at it as using the same process that already exists for rezonings and special use permits, and just applying it to themselves. He said that the process has been successful, although it doesn't eliminate public concern over project specifics.

Ms. Dittmar said that sometimes people will be unhappy about decisions, but when they're unhappy because they were left out of the process, that's not a good place for the County to be. Mr. Foley said that staff has learned that it doesn't always matter whether an item has been on a Board agenda multiple times, because the public doesn't always have time to pay attention to it.

Mr. Cilimberg said that in looking back at the Keene item, staff sent a notice out to adjacent owners and got very little input at the Planning Commission's compliance review meeting. He stated that what probably would have changed things was going out in a community meeting prior to that.

Mr. Foley said that's the specific recommendation.

Ms. Palmer said that during the water supply plan discussions, they held 12 meetings that were all advertised, articles in the paper, significant public input, etc. – and five years into the process, after deciding to expand Ragged Mountain, people were saying that was the first they'd heard of it. She stated that you can't get to everyone, but you can at least point to the paper trail and the many opportunities offered for public input.

Ms. Mallek said that the structure and the process provides protection for all the effort, because it lays out what people could and should expect. She stated that the strict procedure to identify only the adjacent landowner may not provide enough notice – and they should discuss a way to give broader notification.

Mr. Cilimberg said that for community meetings they are notifying a much wider area, because it's not always the adjacent landowners who are impacted.

Ms. Dittmar said that mistakes can be a learning experience if you embrace them, and in her district there wasn't consistent leadership on the Board to ensure that constituents knew what was going on.

Ms. Mallek said that with home occupations and perhaps other items, there is only a five-day notice period given for response – and it's not really enough time for people to respond, especially given mail delivery times to the rural areas.

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Agenda Item No. 21. Business Assistance Program During Road Construction (continued from June 11, 2014).

Ms. Lee Catlin reported that there have been several developments since their last discussion, and there is an advisory panel being appointed with the first meeting to take place on July 10. She said that the group would initially provide input into the RFP process, and would have an ongoing role to provide input and consultation as the projects progress. Ms. Catlin said that she had spoken with Joel

DeNunzio at VDOT, and he has provided information on the steps they are taking – including hiring a full-time program manager who would have day to day oversight of the projects as they move forward; there will also be a dedicated project team meeting weekly, and VDOT Culpeper District Communications Director Lou Hatter would be relocated to the Charlottesville office for the duration of the program to manage the communications effort. Ms. Catlin stated that Mr. Hatter has ensured there would be a proactive and collaborative approach to communications, with a joint City/County strategy and plan envisioned. She said that he and other VDOT officials are looking at modeling the project team and their communications approach after a Northern Virginia project group – the Mega Project Program – which brought together projects including I-95 and I-495 express lanes, Metro-Rail, and a lot of big projects happening at one time. She said that while that's beyond the scope of what's being done locally, there's similarity in the complexity and multiple projects happening at once, so Mr. Hatter and others are going up to NoVa to see how those projects were done and share those strategies.

Ms. Catlin said that the next steps would need to include strategies that pertain to the residents of the area, the businesses that would be impacted by construction, and the through-commuters who use the area – so any program must weave all those strands together. After the July 10 advisory council meeting, and after Mr. Hatter meets in NoVa, she said it would be advisable to pull together VDOT, City, County and TJPDC communications people to assess the strategies and identify any gaps that can be addressed with a comprehensive communications and business assistance strategy. She stated that there would be several business representatives on the advisory panels, but that's not enough representation to understand what all the businesses need.

Mr. Foley said that he's had conversations with Tim Hulbert of the Chamber of Commerce, City Manager Maurice Jones, and Chip Boyles of TJPDC about an organized effort – beginning with them pulling VDOT in and talking about organizing a business assistance program, which would need to go on in parallel to Philip Shucet's design and sequencing work. He stated that the goal would be to get the business community at the table to indicate what would help them during construction, but they would also need to be educated on other initiatives around the country. Mr. Foley said that business assistance is really its own program, but VDOT also needed to be at the table for those discussions.

Ms. Dittmar stated that the panel would be very active during the design and sequencing phase, but this can be parallel and can be thought out before any dirt is moved – with the focus being both business and neighborhood assistance.

Ms. McKeel said that Ms. Catlin had shared an article with her about the I-95 project, which came in months early, under budget, and included great communication among stakeholders.

Mr. Foley said that staff has seen that plan, and it is a very elaborate and sophisticated plan.

Ms. Mallek asked what the RFP was for. Ms. Catlin said that the early work of the panel is to help shape how the projects would be put together and put out for RFP. She referenced a press release from VDOT that said survey and geotechnical crews would be out doing initial assessments along Route 29 and other areas as early as the following week.

Ms. Mallek asked which advisory panel would have the business representatives. Mr. Foley said that it's the group that includes the Chamber and TJPDC, and they're going to pull the business community in to discuss how the business assistance program should work – and the clarification to include neighborhoods is also important.

Ms. Mallek emphasized that she wanted to ensure that all voices from businesses were included, not just those from the Chamber.

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Agenda Item No. 21a. Route 29 Project Delivery Advisory Panel Appointments.

Ms. Dittmar stated that the Board has been asked by Philip Shucet – who has been retained by Secretary of Transportation, Aubrey Layne to see the work of the Project Delivery Advisory Panel thru to fruition – to appoint someone from staff and the elected body to serve on the advisory panel.

Ms. Dittmar said that the Board needs to nominate a Supervisor and a staff member to be included on the advisory panel.

Ms. Mallek nominated Mr. Sheffield, and Ms. Dittmar seconded the nomination. Ms. McKeel said that she agreed with that selection.

Ms. McKeel and Ms. Mallek offered to sit in if he had to miss meetings.

Mr. Foley said that on the staff side, he would recommend Mark Graham as the best qualified person to serve, and would be a good counterpart to Jim Tolbert from the City.

Board members agreed with both appointments.

Mr. Boyd suggested that the meeting be moved to a more convenient location, with ample parking and seating, as they are holding it in such a small room.

Mr. Sheffield asked if the meetings are going to be held at the same place. Ms. Catlin said that it was scheduled to be held at the Transportation Research Council.

Ms. Mallek said that there were plenty of seats last time.

Mr. Sheffield agreed to mention the meeting location when the panel convened.

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Agenda Item No. 22. Review of Feedback on FY15 Budget Process and Discussion of Ideas for Joint Meeting with the School Board.

The executive summary forwarded to Board members states that the County adopted its FY 15 Operating and Capital Budgets on May 7, 2014. In an effort to continuously improve the County's operations, the Director of the Office of Management and Budget interviewed all Board members after the annual budget process was substantially complete to receive their feedback and suggestions on ways to improve the budget processes in the future.

Overall, Board members expressed their appreciation for the work of County staff during the budget development process, and stated that they benefited from the work sessions and appreciated staff answering their questions throughout the process in a timely and thorough manner. Board members also noted that they were pleased with staff support during the town hall meetings.

Board members also provided helpful suggestions on ways to improve the County's budget processes going forward. All Board members expressed a desire to improve coordination between General Government and the School Division. Board members also provided helpful feedback regarding ways to improve the long-range and annual budget development processes.

Staff appreciates this feedback, as it will guide staff efforts in drafting the Budget Development schedule and planning for the Five Year Financial Planning process, the FY 16 – FY 21 Capital Improvement Plan process, and the FY 16 annual budget process.

The County's budgeting processes connect County resources to community priorities and Board aspirations.

Attached is a summary of Board members' reflections regarding the past budget cycle and suggestions for future budget cycles (Attachment A). Staff is researching and planning improvements to the upcoming budget processes based on this feedback. In the meantime, staff believes the attached summary will be useful for Board members to review prior to their summer work sessions with the School Board. This agenda item was scheduled to allow that discussion by the Board prior to finalizing plans for the joint meeting.

Staff will present a Recommended FY 16 Budget Development Calendar to the Board in August, as well as a summary of their planned process improvements.

Staff recommends that the Board review the attached summary and provide any additional feedback to staff regarding budget process suggestions.

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Ms. Lori Allshouse, Director of the Office of Management and Budget, addressed the Board, stating that the County had adopted a budget on May 7 and around that time she interviewed all the Supervisors individually to solicit their feedback on the process. She stated that all Board members wanted to make sure that school division coordination on the budget was improved, including the funding allocation and funding expectations, and for joint communications to the public as they move forward. Ms. Allshouse said that the Board wanted the County to do more press releases, to use technology as wisely as possible, to improve the CIP process, improve understanding of the issues surrounding the CIP, to help set expectations, and to involve the Board earlier in that process. She stated that the other area of focus for the Board was agency funding, specifically cultural agency funding to make the criteria clear and see how that process might be improved for the next cycle.

Ms. Mallek asked if Board members had wanted to attend the CIP meetings.

Ms. Palmer said that Mr. Boyd had mentioned the need to get involved in that process earlier.

Mr. Boyd said that he would like to have some information before the final decisions brought forward by staff, but didn't envision them needing the Board to be involved in the meetings. He stated that they were not kept informed of the discussions in the CIP review committee meetings, and he wasn't sure if they kept minutes of those meetings or not.

Ms. Allshouse said that staff had talked about including minutes and also changing the process to bring the CIP to the joint boards between the Technical Review Team and the Oversight Committee processes, to provide information about the scoring and project details. She said that staff would also provide minutes from the Oversight Committee.

Ms. McKeel said that it might be a good idea at some point to have the Board and the School Board talk about the infrastructure needs, so that they have a better understanding of what the schools see as their upcoming demands and what they mean.

Ms. Mallek said that the article that went out in the paper referenced "\$70 million in classroom renovations and furniture."

Ms. McKeel said that the Board could ask questions and have them answered as far as what those projects are for.

Ms. Mallek stated that the Board didn't even get anything in writing about this before it went out to the paper, and apparently what was discussed a few weeks earlier with the Board didn't sink in.

Ms. McKeel said that the schools had gotten a report from their long-range planning committee, which was looking at the CIP, and this seems like a good opportunity to have some dialogue and minimize future misunderstandings. She emphasized that it's another opportunity to improve communication. Mr. Foley said that Ms. Allshouse had something to share in that regard.

Ms. Allshouse said they had talked about setting up some work sessions soon for schools and local government, and they are looking at the schedule to see where additional joint meetings might fit in.

Ms. Dittmar said that perhaps the Board could forward these ideas to the School Board before meeting together, and these could be used as talking points to get the discussion going.

Ms. Palmer mentioned that Mr. Gallaway was present at the meeting.

Ms. McKeel said that their meeting with City Council the previous day was a reminder that both school boards could also benefit from meeting together.

Ms. Dittmar asked where they should go from here, now that they see these ideas, because they can't implement all of them immediately. Ms. Allshouse explained that staff has already started thinking about the Board's calendar, and usually builds a calendar that they would bring to them in August. She said that they would see some changes that reflect the process improvements they've discussed and would also include suggestions from staff for the new fiscal year.

Mr. Boyd said that he wanted to add to the comments made by Ms. Dittmar regarding getting information to the School Board sooner rather than later – and after reading that all the Supervisors were concerned about their coordination with the County, he thinks they should consider combining the offices of budget and management, as that was successfully done with their finance departments. He stated that it would provide some consistency and commonality between the two budgets if they had the same organization within the County preparing the budgets for the two systems.

Ms. Dittmar mentioned that the County Attorney's office and Human Resources department were also combined. Mr. Foley noted that capital projects are also joint, so that makes four major areas already combined in operation.

Ms. Mallek said that the complexity and the presentation of the School Board budget is impossible for her to understand, and other Supervisors have said the same, but the County government budget is presented in a way that is comprehensible. She stated that they need to find a way where they can get the information they need in order to do the process, or not do it at all and just give the schools a lump of money – which she doesn't want to do. Ms. Mallek emphasized said that the most important thing to her out of all of these suggestions is an improved information presentation so they're not having to run back and forth to track down programs and trying to identify where new hires are.

Mr. Boyd said that combining departments could provide some efficiencies in that regard.

Mr. Foley stated that a decision about combining the two budget offices is bigger than a staff thing, and worth a discussion with the School Board – and perhaps Mr. Gallaway would want to comment on that now.

Ms. Allshouse added that Dean Tistadt and Jackson Zimmerman are working with two School Board members to look at the format of their budget document and improve it, and staff is considering inclusion of a summary document within the budget the Board reviews.

Ms. McKeel asked if that would be for the coming year's budget. Ms. Allshouse confirmed that it was.

Ms. McKeel said that the discussion of merging budgeting offices would be a bigger issue.

Ms. Dittmar said that they could add that to the list of items for further consideration.

Mr. Foley said that the schools are working on their budget format, and it should be brought together with local government to ensure that it's meeting Board expectations – so they want to do it early enough rather than right on top of the process. He stated that they have been successful doing this with other areas in the past.

Ms. Allshouse said that her plan was to bring back the calendar on August 6.

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Agenda Item No. 24. Board-to-Board, *Communications Report from School Board.*

Mr. Ned Gallaway, Chairman of the School Board, addressed the Board, stating that the schools have already moved ahead on some items they know they can run with – and were specifically looking at the format and presentation of budget information and documents. He said that the long-range planning advisory committee's final report was presented to the School Board, and that wasn't their information – it was the committee's information. Mr. Gallaway said the School Board would discuss it further in July and make its final determinations after staff recommendations in August, so what's out there now isn't the final piece.

Mr. Gallaway said that he hoped the Board members would observe the summer programs currently taking place around the County, including the leadership academy, Coder Dojo program, fine arts academy, and mathematics program for minority students. He reported that they are searching for a principal for Sutherland Middle School, as longtime educator Dave Rogers has retired. Mr. Gallaway said that they are moving to digital communications next year, which should bring efficiencies to the system, and there is a way for people to opt out and receive information through other means. He stated that two Destination Imagination teams from the County placed within the top five teams in the world. He said that there would be a donation of tennis courts coming to Crozet Elementary School as a donation, with assistance from Quick Start Tennis, and there would be youth-size tennis courts for both school and community use. Mr. Gallaway stated that their curriculum and assessment institute was completed in early June, whereby teachers from around the County work on curriculum and assessment, and the goal is to move away from standardized testing and more toward project-based learning and project-based assessment. He said that all 13,000 students in the division received a project-based assessment, and teachers have now gone back through and ranked them. Mr. Gallaway said that there were some visitors from Fairfax who listened in and watched this, and it is hoped that SOL innovation would continue around the state. He said that Dr. Steven Saunders was appointed as the new principal of Baker-Butler Elementary School, having most recently served as assistant principal at Henley Middle School and Jack Jouett Elementary.

Ms. Dittmar congratulated him for the students' performance in Destination Imagination. She explained that their comments earlier were related to the joint meeting with the City held the previous day, with objectives clarified as to how they might work together in the future – and what would be the catalyst for doing so. Ms. Dittmar said that one criteria was whether a project was financially feasible, and whether it initiated savings for taxpayers. She said that there had been some discussions on the School Board about City schools being under capacity while County schools were over capacity, and those types of joint conversations might be helpful as a parallel to what the Board and City Council were doing.

Mr. Gallaway said that the long-range planning committee had mentioned that same idea in their report, and he has met with City School Board Chair Juan Wade about the prospect of more productive joint board meetings.

Ms. McKeel noted that the Public Education Foundation (PEF) came out of that process many years earlier, so it can be a very beneficial effort. Mr. Gallaway agreed, stating that it's mostly a matter of making sure it can happen given other schedules and the timing of joint meetings.

Ms. Mallek said that one of the issues that have arisen is the future of CATEC and the possibility of using the old property as a startup incubator facility. Mr. Gallaway said that there is a lot of excitement surrounding the new strategic plan for CATEC and the possibility of a new facility in conjunction with PVCC, and it's the detail related to use of the other space that is more involved. He stated that the merger of CATEC with PVCC is not in anyone's current capital improvement plan, so from the County's perspective this would be a special instance – taking advantage of something now that wasn't considered five years earlier, so there would have to be some discussion as to how that would work.

Ms. Dittmar said that there are a lot of possibilities with the old building, and the financial model of building a new facility might require capital from the sale of the old one. Mr. Gallaway noted that the property was joint-owned, so that would need to be worked out.

Ms. Mallek thanked him for stepping in and dealing with the Quick Start Tennis Program for Crozet, which ended up being more complex than initially thought when the offer was made. Mr. Gallaway said that they had someone who was persistent about making this happen, but they encountered some bureaucracy when they attempted to make the donation – and it helped move the County toward establishing a cleaner policy that would make it easier to accept gifts in the future.

Ms. Mallek said that having the steps provided in a list at the beginning would be really helpful.

Ms. Dittmar asked if the School Board might be interested in having a stakeholders meeting prior to the School Board and Board of Supervisors meeting to hear the CATEC report and the Bright Starts program. Mr. Gallaway said that they might be interested in that, and the schools have also been interested in going to the PTOs to find out what they'd learned from the budget process – and just hearing suggestions is helpful.

Ms. Palmer asked if the School Board had considered going to a more formal public hearing process. Mr. Gallaway said that they were working another public hearing into their calendar so they

would have one for the School Board's budget request as they do now, but would also work in another chance for public input before making any cuts

Ms. Dittmar noted that they were still planning to meet with legislators, so they could team up on that with the School Board also.

Ms. Palmer asked for a brief explanation of who had SOLs and who didn't. Mr. Gallaway said that there would still be math and reading SOLs in grades 3 and 5, but additional subject areas – science and social studies – that formerly had SOL testing would no longer exist at the elementary school level. He stated that there have been a total of five tests removed from the 3<sup>rd</sup> and 5<sup>th</sup> graders, with a previous total of 34 tests for the entire system now reduced to 29 tests.

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Agenda Item No. 24a. Highway Trust Fund, Letter of Support.

Mr. Foley said that staff sent a letter out for everyone to review, with one comment received from Supervisor Palmer that seemed like a good adjustment, so if there is consensus to send it out no action is required.

Board members agreed that it was acceptable to send with Ms. Palmer's change.

"Dear Senate Finance Committee Members:

The members of the Albemarle County Board of Supervisors urge you to take immediate action to preserve federal highway and transit investment for the remainder of 2014.

The Highway Trust Fund's Highway Account is projected to reach a zero balance this August and will fall below the level the U.S. Department of Transportation claims is necessary for operational purposes in a matter of weeks. At that point, the Department will begin slowing reimbursements to state departments of transportation for already ongoing and completed highway and bridge projects. Furthermore, the Trust Fund will be unable to support any new highway or transit spending beginning October 1. This outcome would result in a one-time investment cut of nearly \$50 billion that would threaten the safety of countless citizens and impact hundreds of thousands of jobs in 2015.

Both transit agencies and state departments of transportation depend on timely distributions from the U.S. Department of Transportation (USDOT) to fund crucial projects. The USDOT estimates that the nation has an \$87 billion backlog of bus and rail projects that require funding, along with one in four bridges in need of repair or replacement, and simple road deterioration costing drivers, on average, an extra \$324 annually. These, along with many other examples, are the types of projects that will slow down or halt without a solution. If the problem continues into next year, the revenue shortfall could also lead to reductions of service, for those agencies that use significant Federal funding for operations and preventive maintenance. The consequences of failed action, however, would be felt in all states. These investments not only support jobs, but they deliver the long-term assets needed to keep the U.S. economy functioning and provide mobility to all Americans.

USDOT Secretary Anthony Foxx, in a letter to transit agencies, laid out the beginning of the Administration's plan to curtail reimbursements to agencies. The Administration, in its budget request and GROW AMERICA Act proposal, sought increased funding for public transportation over a four-year authorization. However, it is urgent that Congress address the short term HTF revenue problem now, to ensure that there is no slow down or reduction in reimbursements of transit and highway obligations in the near term. At this time it is critical for Congress to take the necessary steps to pass a revenue solution that can secure bipartisan, bicameral support and provide financial relief immediately.

Lastly, once this short-term Highway Trust Fund crisis is resolved, we urge all Finance Committee members to work with their colleagues in the Senate and House of Representatives to establish a permanent solution to stabilize and grow federal highway and public transportation investment this year. America's transportation infrastructure network requires a long-term federal commitment and this cannot be achieved with a Highway Trust Fund that can only function in the short-term. This issue is of the utmost importance to the future of the public transportation industry and the riders who use and depend upon buses and trains. We ask that you take action immediately."

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Agenda Item No. 25. Albemarle County Service Authority (ACSA) Update.

Albemarle County Service Authority Executive Director Mr. Gary O'Connell addressed the Board, stating that the ACSA is in the process of finishing their budget process and have a major rate review underway – with two meetings with their Board and a third at the end of the month. He stated that it's likely they will have a rate increase, which they've not had in several years, and are in the process of figuring out how to spread it out to minimize its impact on customers. Mr. O'Connell said that the financing for the granular-activated carbon comes into next year's budget, which also drives up the need for increased cost. He stated that he had put the latest water quality report in the Board's packets, noting that there had been community concerns about discoloration in the water. Mr. O'Connell said that water

is the most monitored product that anyone consumes, with the ACSA testing hourly, daily, weekly, monthly, annually, and does all kinds of testing. He stated that they do everything in partnership with the Rivanna Water & Sewer Authority to make sure that the water is safe to drink, doing field testing in the event of citizen concern.

Mr. O'Connell reported that there are 27 capital projects underway with about \$5 million in capital projects done every year, with the focus for the next few years being waterline replacements. He said that there are several big line projects planned and scheduled, and some projects are planned to interconnect in loop systems for emergency redundancy purposes, but in most cases the system is just getting older and they're having to replace pipes that have breaks in them or a propensity for breakage.

Mr. Boyd asked if there was a cost-sharing agreement in place yet with the City of Charlottesville. Mr. O'Connell stated that City Council was in discussion that day, and also has a public hearing and vote scheduled for March 17.

Mr. Boyd commented that it's something they've been working on for two years now.

Ms. Palmer said that thought there might be agreement on it soon.

Ms. Mallek asked about the status of addressing the capacity issues in Crozet and possible pump booster for Mechum's River. Mr. O'Connell responded that they are looking into capacity in Crozet and have a study in the Rivanna projects to analyze development and its impact on the sewer system, including the possibility of capacity constraints. He said that if they would suddenly have a big development that would occur all at once, it could be a fairly major issue, but their position over time has been to evaluate it overall and consider a major capital project in the future.

Ms. Mallek asked what the threshold was between a small and a large development. Mr. O'Connell said that they usually see 30-40 units at a time and those are often phased, with every one of those generating a capacity study.

Ms. Mallek said that there are a lot of approved units sitting on the shelf since the economic downturn, and the community is only "halfway there on their 4,000 units." Mr. O'Connell responded that they are looking at that as part of their overall evaluation, and what would immediately create an impact would be a very large development that's not already known – not the smaller residential developments.

Ms. Palmer thanked him for bringing up the point of how highly tested the local water is, stating that it's more regulated than bottled water you can buy.

Ms. Mallek commented that it's going to get even better with the GAC.

Mr. Boyd said that he had already seen some of the materials for the City Council agenda for March 17, but stated that other Board members may have not and the draft of the cost-sharing agreement would be part of the public information for that meeting agenda.

Mr. O'Connell stated that the ACSA Board would meet on March 20 and it would be out for that as well, adding that it's basically a "user pay" type of agreement that includes a metering project to better assess City and County uses and more clearly define the costs.

Mr. Boyd said that the need for this was prompted by the Rivanna Pump Station, which is in Woolen Mills, and the previous Board took exception to that because of the additional cost being added for the odor control in that neighborhood.

Mr. O'Connell stated that the ACSA Board took the angle that a user-pay approach, which is engineering-based and looks at all of the wastewater projects – now totaling \$80 million – and try to bring that together into one agreement, and that includes the Rivanna Pump Station. He mentioned that Rivanna has a vote scheduled on a bond at the end of the month, so all of these facets are coming together at once to be in place for that.

Ms. Palmer said that the community's predominate objection was having the pump station enlarged rather than the odor, and the tunnel was the project element they had to pay a portion of – and they exchanged that for the hope they could have an agreement that covered all future sewer projects.

Mr. O'Connell pointed out that the ACSA's rates are below the state average by about 6%, so even with a rate increase the will be at the state average or close to it – and they are also 10% less than the City when comparing bills for an average residential user.

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**Non-Agenda Item.** Closed Meeting.

At 3:43 p.m., Mr. Sheffield **moved** that the Board go into a closed meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions in which there are pending vacancies or requests for reappointments; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice related to negotiation of easements on the County Office Building property. 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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**Non-Agenda Item. Certify Closed Meeting.**

At 5:04 p.m., Mr. Sheffield **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. 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. 25. CPA-2013-01. Comprehensive Plan Update/Amendment, to begin with public comments and possible Board direction.

Ms. Elaine Echols, Principal Planner, addressed the Board, stating that she would like to get through the chapter on Historic, Cultural and Scenic Resources and the chapter on Economic Development with them. She said that the process as proposed was to stop at this point and let the Board take public comment, and then review the chapters with them, including the Planning Commission's input.

The Chair opened the public comment period.

Mr. John Lowry addressed the Board, stating that he is a resident of Samuel Miller District and stating that until the present Comp Plan there has not been a chapter on economic development – with the most recent Comp Plan being the 1998 version. After that version, he said, an economic policy was added to the plan, and prior plans had neither policy nor chapter, and he is happy to see its inclusion. Mr. Lowry said that economic growth is a slightly different subject within the larger topic of development, and when planning they are anticipating things like population growth and more economic activity. He said that the chapter seeks to mold how they know what will happen into the shape that best suits, for general wellbeing. Mr. Lowry stated that as Ms. Echols' executive summary notes, Chapter 6, objective 5, in the first bullet point should now be rewritten to include the Office of Economic Development. He said that Community Development, strategic partnerships and the new office would shoulder progress on quality jobs, capital investment, and expansion of the tax base. He said that this was their new strategic plan, and all of the above was constructive work to get Albemarle to a level to leverage strengths to become hip, historic and hyper-friendly to all – including business. Mr. Lowry stated that broadening the tax base has a specific purpose: to pay off current debt with future business activity; the whole premise of borrowing money with their AAA rating is to do things now for citizens, and planning for more business activity they will be able to pay off debt without raising tax rates in the future. He said that debt is essentially future tax revenue, and he encouraged them to have the County be smart and let business work for them and their future. Mr. Lowry said that the Shops at Stonefield had come to the Equalization Board and said they should have been assessed for \$64 million – but the assessor had them at \$68 million, so they settled somewhere in between. He stated that the point is that in two years' time, there is over \$60 million in value that will be generating tax revenue, and if you use a little lead time you can put resources to work and create tax revenues to pay off debts.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board, stating that it is an historic day as it is the first time that economic development has had a chapter in the County's Comp Plan. He said that the question is what they would have as a top priority in this plan for economic development; should it be that Albemarle County is open for business, perhaps it should be creating an environment that produces jobs, or reducing regulatory hurdles that prevent enterprise development. Mr. Williamson said that in Albemarle, the first priority is "an apology," as objective 1 states, "ensure economic development efforts are supportive of the County's growth policy and consistent with other Comprehensive Plan goals," and that's in stark contrast to the Natural Resources mega-chapter "that reads like a naturalist's handbook." He stated that no other chapter reads as the Economic Development chapter does or begins with such a statement, and the "business apologist treatment" continues in strategy 5A and 5C. Mr. Williamson said that the Free Enterprise Forum has noted that this is the shortest chapter in the plan, and feels it should actually be shorter – and suggested that the first objective be removed with objective 2 becoming the first objective. He stated that the "offending language" in strategy 5A and 5G should be dropped, and while there are significant benefits to being environmentally responsible, they question the appropriateness of strategy 1D – "encourage all businesses to adopt environmentally sensible business practices." Mr. Williamson said that while the objective is laudable, it is not directly in support of economic development. He stated that the new Economic Development chapter is a positive step, and they hope with these changes they will assist in making Albemarle "open for business."

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board, and stated that he has heard from the business community that Albemarle has been this horrible place to try to work within – and that's just not the case. Mr. Werner urged the Board to look at the big picture of what's important in the community, and asked them to consider what attracts business to the community, because it really is the character of the area. He said that Loudoun County is open for business, and their tax rate and debt

have skyrocketed. Mr. Werner also encouraged them to look at places around the country that are attracting businesses, as they are creative communities with sustainability and green infrastructure. He stated that in the last version of the Economic Development chapter, there was discussion of understanding the rural economy and the businesses that are ancillary to agricultural uses, and sometimes they require something that's missing. Mr. Werner said that their focus on agriculture as an economic development category must go beyond wineries and weddings.

Mr. Steven Meeks addressed the Board, stating that he was from Scottsville and had read through the chapter on Historic, Cultural and Scenic Resources. He said that as a member of the Historic Preservation Committee, they feel somewhat hampered because there are no teeth in the plan to do anything: there is no historic preservation ordinance, nor is there even a strong legal right to even document buildings that are to be destroyed or recourse if they are demolished. Mr. Meeks encouraged the Board to provide some tools so that they can at least document the properties before they are removed.

Ms. Catlin said that she would convey public comment to them, and stated that the Engage Albemarle website had two questions regarding the Comp Plan – with a report on the comments received thus far provided to the Board at their places.

There being no further public comment, the Chair closed the public comment period.

Ms. Echols reported that there was tremendous overlap with the Historic, Cultural and Scenic Resources and the Natural Resources chapter of the plan, where that information was currently included, and staff felt it was important to give Historic, Cultural and Scenic Resources its own chapter.

The Board offered no comment.

Ms. Echols said that within the objectives, staff identifies the importance of historic buildings and sites and the importance of pursuing additional protection measures, educating the community, regional heritage tourism – including Journey Through Hallowed Ground, which also overlaps with some things in the Parks and Recreation Chapter of the plan. She said that scenic resources are addressed with Entrance Corridor protection, along with the visual quality of roadways; and they also have scenic streams that have overlap with natural resources and recreation. Ms. Echols added that views were important to tourism, and recreation, and in the last Comp Plan version there were more recommendations related to dark skies provisions.

She said that the Planning Commission spent a little bit of time on this, but the only topic on which they made recommended policy changes had to do with the regional heritage tourism as it relates to Monticello. She noted that Margaret Maliszewski was present to answer specific questions about the historic preservation plan, which is appended to the Comp Plan and is in need of updating. Ms. Echols said that the Planning Commission felt it was important that the details of historic preservation come from that the historic preservation plan, as it is a stronger plan with more detailed strategies. She stated that the Commission recommended a policy change for Monticello, and currently the Comp Plan recommends the Monticello viewshed be protected – which is reflected in several of the master plans where there is land that is potentially in their viewshed. She said that the current plan suggests that staff notify the Thomas Jefferson Foundation whenever there is a project in the viewshed, and staff asks applicants to coordinate with the foundation. Ms. Echols said that staff also sends out the notice of projects to many people, including the foundation, which looks to see if something might be visible; if it is going to be visible, the foundation lets staff or the applicant know and staff works with the applicant to coordinate with Monticello. If they don't, she said, staff hears from Monticello or the Commission hears from them and then makes recommendations with consideration for Monticello.

Ms. Echols said that several things happened, and they finally reached agreement on a change for the proposed plan. She explained that they had a viewshed map Monticello asked them to adopt, and the Planning Commission felt that was going a bit too far – and recommended that staff take out the explicit language recommending protection of the viewshed. Ms. Echols said that the Planning Commission said it wasn't staff's job "to protect Monticello from Monticello," but felt that the County should have a vistas map on their GIS web that shows parcels and properties that may be visible from the top of Monticello mountain. She stated that they would continue to send notification of new projects to the Thomas Jefferson Foundation and in their description of the projects would say whether or not it was in the area visible from the mountain top. Ms. Echols emphasized that these are the recommendations in the current plan.

Mr. Boyd asked if they were referring to just Monticello or also Mount Alto. Ms. Echols said that point was debated, but the Planning Commission felt it should just be from Monticello.

Mr. Boyd asked for staff's interpretation of the language, because that's what would really be important. Ms. Echols said that the first thing that needs to happen is getting the map up on the GIS web, so all of their planners can go to that, and in their description of the project will note if it's in the vistas map – which means it might be visible. She said that they would then send out to everyone the information about new projects, and when they speak to applicants, staff will note its location, and encourage them to contact Monticello to see if it's visible. Ms. Echols said that when Monticello does their work, they will come to the Planning commission and state their position, and the Commission will consider it as an historic resource and weigh that against other aspects of the Comp Plan. She stated that when staff does their reports, they will not be saying "is visible from the Monticello viewshed" or that the applicant hasn't

done anything to address it. She emphasized that the onus is on Monticello to make those statements to the Commission, who then will evaluate and make recommendations to the Board.

Mr. Boyd said that it really just makes Monticello like any neighbor, to come and speak before the Planning Commission. Ms. Echols said that Ann Taylor of the Thomas Jefferson Foundation had sent a letter indicating they are in agreement with this change of policy.

Ms. Mallek said that they were simply stating that they agreed with the voluntary applicant contact. She asked what else was being lost in this process, because she likes the current approach in combination with the vistas map.

Ms. Echols explained that currently this is a criterion for review in the Comp Plan, and under this scenario staff would strongly encourage applicants to contact the Thomas Jefferson Foundation – and if the foundation told the County there had been no contact, or there were things being done on a property that would impact the viewshed, staff would report that to the Planning Commission and say it wasn't meeting a recommendation of the Comp Plan. She said that as a UNESCO World Heritage site, Monticello is an important resource along with the grounds at UVA and is elevated in the current plan – but would not be quite as elevated in the proposed plan. Ms. Echols suggested that Margaret Maliszewski deals with historic resources and is often the person and applicant will speak to.

Ms. Mallek said that she's only heard positive comments from businesses, and when they toured the new Martha Jefferson Hospital, Jim Haden talked about the wonderful working relationship they'd developed with Monticello and how they'd chosen the colors of the sides of the building and the roofs in order to protect this international resource. She stated that she is very reluctant to water this down, and said that they should be focused on bringing things back rather than getting rid of them.

Ms. Palmer asked if all of that was still all voluntary. Ms. Echols confirmed that it was. Ms. Palmer said that in that case, she wasn't interested in watering it down.

Mr. Boyd asked how this was watering it down. Ms. Mallek said that it takes it out of the staff report process.

Mr. Boyd asked if it was part of the staff report's process to get Monticello's approval before moving forward. Ms. Mallek said that the step is that the notification has happened and there's been a discussion, in the same way they require applicants to have a pre-application meeting with neighbors – and she felt this was really important in this case, for an asset that brings in 450,000 people a year.

Mr. Boyd said he thought Ms. Echols had said they would create a map so they know if a project being proposed is in the viewshed, and Monticello would be notified.

Ms. Mallek said that it wouldn't be in the staff report any longer, and that's what's important because things get lost in the shuffle when they're not included.

Mr. Boyd asked if Ash Lawn should be part of the project review also, and wondered where they would stop at this. Ms. Mallek stated that much of the area is viewable from Monticello, and the foundation has worked very hard to preserve the view to the east – with the west and north not possible at this point – and the Board can do the best job they can to support that effort. She said that the view to the east looks the same as it did 200 years ago, and international visitors comment frequently that they feel like they've gone back in time, which is so important to them.

Mr. Sheffield asked if his opposition was related to them being notified, or that it's part of the staff report. Mr. Boyd said it's the inclusion in the staff report, and he's not opposed to them being contacted.

Ms. McKeel said that what they're doing now is very reasonable, and she agreed with Ms. Mallek and Ms. Palmer.

Ms. Mallek said that they should blend the two columns of the current and the new.

Ms. Echols presented a slide highlighting the provisions in the current Comp Plan, noting that the two important pieces of that are: protect Monticello viewshed, consider impact of future use on the viewshed, and require protection of the viewshed with SPs and ZMAs. She stated that those are the three things that would not happen, in the sense that staff wouldn't be reporting on how an applicant is addressing these particular items.

Ms. Dittmar asked why the Planning Commission removed those provisions. Ms. Mallek said that it was a different Planning Commission, and there was a lot of discussion in the community that this was a takeover by Monticello.

Mr. Boyd said that the people at Monticello are not an elected body that should have some sort of say over personal property rights.

Ms. Mallek said they're providing advice in the same way that any other citizen is, but they have a bigger stake.

Mr. Boyd said that this requires protection of the viewshed through SPs and ZMAs.

Ms. Mallek said that they're voluntary elements that should be discussed.

Ms. McKeel reiterated that they were voluntary measures.

Mr. Boyd said they're not voluntary when it says you're required to protect the viewshed.

Ms. Mallek said that these are goals of the Comp Plan, and the way the protection is achieved is through voluntary means of communication – and what's important to her is having staff have it as part of their protocol, because that's how the Board finds out.

Ms. Palmer asked Ms. Echols to comment on the protection of the viewshed through SPs and ZMAs.

Ms. Echols explained that when they get an SP or a ZMA application and do a staff report, they ask, "Have you addressed viewshed protection," and Monticello has some viewshed guidelines. She said that often they are proffered items with rezonings, if an applicant voluntarily says they're OK with that, or conditions of a special use permit, that's how the requirement gets applied – and it is the mechanism that is used to ensure there has been a conversation and consideration. Ms. Echols said she wasn't aware of an instance where someone has not been able to work with Monticello, but if they felt they were being strong-armed, they would come to the Commission – who in turn would look at what is reasonable. She stated that the guidelines are things like having dark colors on the roofs, made of non-reflective materials, and breaking up the massing of buildings. Ms. Echols said that her understanding is that this stemmed from one of the large buildings in the Pantops area that is white, and when viewed from Monticello it elicits a lot of comment – so there were concerns about people looking down from the mountain and wondering what it was. She stated that this was the beginning of the guidelines on which Monticello wanted to work with developers to request that they make changes that wouldn't interfere with their development, but would have less of a visual impact on visitors.

Ms. Echols pointed out that the section in the Comp Plan draft that's under review has to do with natural heritage, and it's objective 4 – which is found on page 5.10 and 5.11 – strategy 4C, the recommendation the Planning Commission made that is in the recommended draft.

Ms. Palmer asked if "require" was in the old version, and if it's not the appropriate word could they change it. She said that her other question was related to roofs that were allowed.

Ms. Margaret Maliszewski addressed the Board, stating that the old actual language is, "Require protection measures as appropriate on discretionary land use proposals," and "Carefully review by-right development plans with suggestions for voluntary protection measures."

Ms. Palmer said that it's all voluntary and "require as appropriate." She also asked if things such as white roofs or solar panels on roofs would be discouraged, as people may want to do those things to lower their energy costs. Ms. Maliszewski said those are good examples of what might come up, and it would depend on how visible the building would be, how big it is, where trees are located near the building, etc.

Ms. Palmer said that it still would be voluntary.

Mr. Cilimberg explained that for special use permits and rezonings where there has been potential of visibility from Monticello, staff has always made sure to connect the foundation with the applicant, but whether that worked out or not depended on the situation. He said that when they got into the analysis and reporting for the SP or ZMA, staff would let the Commission and the Board how the visibility has been addressed, and most of the time there would end up being a proffer. He stated that with the 5<sup>th</sup> Street/Avon project staff didn't know there was a visibility issue and Monticello expressed concern late in the game, and the applicant when coming before the Board of Supervisors offered a proffer. Mr. Cilimberg said that's how this process has worked, and staff notes it in the report because the existence of development in the viewshed was considered to be a factor to be of relevance when deciding on a rezoning – although it is not the only reason to approve or deny it. He said that for site plans and subdivisions, which are ministerial, if there hasn't been a proffer to address visibility, it can only be in fact voluntarily provided for by the applicant at the site plan stage. Mr. Cilimberg emphasized that it can't be required by anybody, although it can be an Entrance Corridor consideration – but not because of its visibility from Monticello. He said that in the case of site plans and subdivisions, it could only be a voluntary measure provided for by the applicant after talking to Monticello, and if someone's just getting a building permit or painting their house, or putting a new roof on a house, staff doesn't inform Monticello of that. Mr. Cilimberg said that the only exception would be if the improvements were in a place where there was a proffer for some kind of protection measure that was part of a zoning action, because then it would be a zoning violation. He stated that the challenge for the Planning Commission was that they were looking at maps that were being produced at the time that showed viewsheds they thought may be more extensive than they were willing to accept, and perhaps premature in terms of how much was addressed in the mapping. Mr. Cilimberg said that they deferred to letting applicants work it out with Monticello with staff staying out of it, because most of the time it gets resolved that way anyway.

Ms. Mallek said that it's the expectation of having staff report on the progress of the conversation that creates the atmosphere for the work to happen. Mr. Cilimberg said that there were also guidelines that the Planning Commission didn't want to include in the plan, because they could be subject to change or part of what Monticello tried to develop for themselves to use when they talked to applicants.

Ms. Echols said that early on, Monticello asked the County to adopt the guidelines into the Comp Plan and make them requirements, and that concerned the Commission – so Monticello backed off and said they'd like to have the guidelines available in the Comp Plan, but also wanted to include the area visible from Mont Alto, which the Commission also felt uncomfortable with. She said that the current language is what the Commission was agreeable to, but there was a lot of conversation back and forth about it with the Thomas Jefferson Foundation, the PEC, etc. – and what they got out of it was a map that's going to be very useful in identifying what properties are potentially in the viewshed. Ms. Echols said that the only real way to know is for someone at Monticello to look and see.

Ms. Dittmar said that she liked the idea of people talking with each other about projects that have impact, and suggested that they fix the contradictory language of “voluntary” and “required.”

Ms. Echols asked if they wanted to re-include the statement that “it's important for the County to help protect Monticello's viewshed.” Ms. Palmer and Ms. McKeel said they felt that was reasonable.

Ms. Palmer said that was reasonable, and Monticello was just trying to make sure they knew what was going on.

Ms. Echols said that the notification process would not change at all – it's about whether the staff reports include reference as to whether or not they're aware that the applicant has addressed that particular item.

Board members agreed that they were OK with including the staff notification.

Mr. Boyd said that he didn't think it was necessary and felt that it gave special privileges to the Thomas Jefferson Foundation, and what the Planning Commission worked out was sufficient. He stated that they only impact when it's a special use permit or a zoning map amendment, and those are the only times they can dictate to anyone what they can do. Mr. Boyd said that he knows a landowner who contacted Monticello on his own when he wanted to paint his barn, and they worked it out. He stated that when they try to overregulate people and make it part of the staff reports, it's going too far.

Ms. Dittmar said that there were five Supervisors in favor of including that provision. Ms. Echols agreed to add something about protecting the Monticello viewshed and modify the language about “requiring” protection so it's clear that is voluntary. Ms. Echols said they would have a note in the staff report regarding what they know about whether or not an applicant is helping to protect Monticello's viewshed.

Ms. Dittmar said she thought they were just making sure that an applicant had a conversation with Monticello, and whatever comes of it comes of it.

Ms. Mallek said that the Boards that are deciding need to be notified of what happened

Ms. Dittmar said that the notice is that the applicant and Monticello have had the conversation.

Mr. Boyd asked Ms. Mallek why the Board needed to know that, and asked what would happen if there was a dispute – and whether she would choose a side. Ms. Mallek said that these decisions are a blend of lots of different things they're trying to accomplish, which often are tugging against each other – so the more information they have is important to her. She said that it's worked really well for the last several years, and she would like to see it continue.

Ms. Palmer asked why they shouldn't know. Mr. Boyd said that they're going to interject themselves into a neighbor on neighbor dispute, and they're giving that advantage to the Thomas Jefferson Foundation.

Mr. Sheffield said that he understood Mr. Boyd's position, but the Commission and Board step in when a new development comes in and the existing neighborhood adjacent to that is impacted – and this is a 30,000 foot level approach.

Mr. Cilimberg said that a simple way of comparing is that the visibility from Monticello is a factor in their decision-making – just one of many – and the visibility of a development from an adjacent development in the County is not a factor for consideration when staff is reporting to the Board. He emphasized that Monticello has some standing because of its status, and staff reports that to the Board.

Ms. Mallek said that they do deal with this same thing with the ARB, and they need information so they don't make a mistake based upon not having it.

Mr. Boyd asked how many acres fall under the Monticello viewshed. Ms. Echols said that the potential viewshed is very large, but that doesn't mean that everything within it is visible.

Mr. Sheffield asked if there were instances where there was a development that adversely impacted the viewshed. Mr. Cilimberg said that there have been a few exemplary cases.

Mr. Sheffield said that to him it just comes with the territory of developing here, and he doesn't see any bright white rooftops other than Scott Stadium.

Ms. Echols said that staff would put some things back in the plan and call the Board's attention to it at the next review. She reported that a few other things came up at the last meeting, one of which pertained to the request to update items for consistency with the Virginia Outdoors Plan. She said that the plan is a very large document dealing with a number of different things, and there's a section addressing recommendations for this particular area. Ms. Echols said that the County needs to update its information so that it's accurate, and recommendations pertain to potential scenic streams and byways. She stated that staff has taken the recommendations and put them in the strategy, and they are using the plan as the basis for those – with a link in the Comp Plan reference document as to why it's being recommended.

Ms. Palmer read a written comment she'd received from a constituent stating that they felt the Virginia Outdoors Plan should have higher standing than a reference document.

Ms. Echols said that there's the Comp Plan, the appendix – which has multiple items having the same strength as the plan itself, and reference documents providing background information, back-up information, or additional information – and if this had a higher standing, the plan would have the same standing as the entire Comp Plan. She explained that since the Comp Plan calls out elements of the Virginia Outdoors Plan, the strength resides in the plan because they've called it out. Ms. Echols pointed out that the plan was referenced in other areas of the Comp Plan, such as Parks and Recreation and discussion of natural heritage.

Mr. Cilimberg said that staff has identified the need to include references to the 2013 plan, because they weren't in the version the Board has received to this point.

Ms. Echols said there was also a suggestion to add a rationale for relationships of things such as preserving the visual quality of roadways, how their growth management strategy relates to scenic resources, and how Entrance Corridor guidelines help with scenic protection – and this was basically enhancing the language to provide the rationale to make those links.

Ms. McKeel asked where she could find a list of Entrance Corridors. Ms. Echols said that it's in the Zoning Ordinance, but staff could put one into the Comp Plan. She stated that there was a request to add items back into the Comp Plan that were in the historic preservation plan, and that was something staff felt was going to make it longer so they didn't add it to the bulk of the plan.

Ms. Mallek said that statements related to the weight of the appendices as part of the Comp Plan make it very easy for people to make that association. Ms. Echols stated that they had a comment about taking out the recommended strategy that says the County should continue to practice good stewardship, a request to take the word "continue" out, which changes the meaning of the sentence. She said that there are people who believe the County's stewardship of historic resources is not as good as it should be, but it's a subjective matter and it didn't come out at the Commission discussion.

Ms. Mallek said that she agreed with taking it out because it implies they are doing enough already, adding that it also fits in better with the format of the other recommendations. Ms. Echols said that there is a lot of information in the Virginia Outdoors Plan regarding regional heritage trails, and it's in the Parks and Recreation chapter so they would make those links. She stated that there was a suggestion to add something about the importance of air and water quality to scenic quality, but most of the information they have about air and water is in the Natural Resources chapter – so they could make a link.

Ms. Palmer said that air quality was important as it related to viewshed, and felt that it should be included. Ms. Echols said that she would include the links and add a few sentences to explain those relationships. She reported that there was a suggestion to consult local residents if there was a request for a state scenic road, but staff felt that the Board was going to do that anyway and thus didn't need a reference to it here.

Ms. Echols said that there was a suggestion to consider appointment of a scenic river advisory committee, but they weren't really ready to do that at this point.

Ms. Dittmar asked if the Comp Plan was where they wanted it to be in terms of looking at the Rivanna River.

Ms. Palmer said that she agreed with Ms. Echols about not including it, because it was more of a planning matter and there were a lot of groups already focusing on this.

Ms. Mallek asked where the recommendations went relating to the joint Comp Plan and joint Planning Commissions' work. Ms. Echols said that it was in the development areas section of the plan and also in the Parks and Recreation chapter. She stated that there were other comments, including a suggestion to delete the reference to potential adoption of an historic preservation ordinance. Ms. Echols said that the Planning Commission felt that the historic preservation plan was referenced as "consider adoption," and didn't feel it was important to take it out, but it leaves the door open for inclusion in the Comp Plan as a tool for preservation.

Ms. Palmer asked about Mr. Meeks' comment regarding documentation of historic sites before they are demolished, and if they would need a historic preservation ordinance in order to do something like that. Mr. Cilimberg said that demolition permits are currently being forwarded to the County.

Mr. Davis said that it could be a requirement of an historic preservation ordinance, and previously they've notified the applicant and the historic preservation committee when demolition is happening – and for the most part have been getting cooperation. He stated that if they were to identify all of the historic structures that were protected in the County, part of the process could be identifying them and documenting them as part of a longer process that could be in an ordinance, which could include offering them for sale to the County or a third party before demolition. Mr. Davis said that there's a large range of regulatory requirements that could be included in such an ordinance, and at the minimum they could require documentation if the structure was identified as historic.

Ms. Mallek said that could be a standalone ordinance request that could be incorporated into the demolition permit now, because the simplest highest priority thing now is the documentation. Mr. Davis said that it wouldn't be quite that simple because they would have to have criteria as to how something would be identified as an historic structure, within an historic district or some other methodology.

Ms. Mallek said that what's in the historic preservation plan now and all the listings done in GIS now are all the pre-work underway. Ms. Maliszewski said that currently they get notified of all buildings that are 50 years or older.

Ms. Palmer said that she's not interested in imposing an ordinance that keeps people from using their property because it has an old building on it, but she is in favor of something that requires documentation.

Ms. Mallek said that was listed in the old Comp Plan, and asked if it was still included in the current one.

Ms. Echols said that it was, and it didn't commit anyone to anything at this point – it was just language referencing "consideration of regulatory methods for historic preservation."

Mr. Cilimberg said they could continue to leave it in the plan as it is now, and then they can make the decision.

Ms. Echols said there was a suggestion about adding the word voluntarily comply with Monticello viewshed guidelines, which they've already talked about. She said that there was a suggestion to delete references to a "tourist enhancement overlay zoning district," which has been in the County's legislative program for a number of years. Ms. Echols said that the last Board was supportive of this as part of the legislative program.

Ms. Mallek said that they should at least leave it in until they've had a chance to discuss it. Mr. Cilimberg noted that it is only the level of enabling legislation, and doesn't say they have to enact a particular ordinance.

Ms. Echols said that the last one has to do with a section in the plan that talks about potential Entrance Corridors, and it calls out several roads as being considered for Entrance Corridors, but they have to meet certain criteria before they get to that point. She said there was concern about overreach by including it in the plan, but like the regulatory methods it is a recommendation to consider.

Mr. Boyd asked where the definition is now for qualification as an Entrance Corridor, because there are 22 or 23 of them now. Ms. Maliszewski said that if you count 29 North and 29 South separately, there are 22 or 23, and the requirements are for the roads to be "a route of tourist access" and to be an arterial highway – and the new ones to be considered don't yet meet those standards.

Ms. McKeel said that she wouldn't mind taking it out, and didn't see any negatives to deleting it.

Ms. Mallek said this is one person's suggestion. Ms. Echols said that staff's recommendation is to leave it in.

Ms. McKeel agreed to just leave it alone.

Ms. Dittmar said that in her efforts along with Ms. Palmer's to work on the Southern Neighborhood development area, there are some Entrance Corridors going through and that should be highlighted at the meeting. She said that both Planning Commissions met together in the past and came up with some strategies for Entrance Corridors that go through the jurisdictions – and she would like to review what she said about 5<sup>th</sup> Street and Avon, and Route 20, in the section that leaves the City and goes through the development area.

Ms. Echols emphasized that they weren't specific as to particular corridors and just said "City and County," and that they wanted them better coordinated – but they didn't make any specific recommendations for specific corridors.

Ms. Dittmar said that City Planning Commission Chair Dan Rosensweig said to definitely look at it because it has a whole concept as to how to take Avon Street from City to County.

Ms. Echols said that wasn't part of their joint deliberations, but had to do with the Southern and Western Neighborhoods master plans and what the streetscape would look like, so staff would bring it to their neighborhood meeting.

Ms. Palmer asked if staff always commented on the impact of development on historic resources. Ms. Echols said that they did.

Ms. Echols presented the economic development goal as the Planning Commission recommended, and said that it emphasizes how important it is in the community – especially with existing businesses and the variety of opportunities.

She stated that the objectives for the Economic Development chapter came out of the existing economic development policy, so staff updated strategies and added text that explained what it was about. Ms. Echols said that there is a statement regarding efforts that support other Comp Plan goals, and the reason why it is included is that the County was very cautious as to how it entered into economic development activities and wanted to make sure that economic development was not the main reason why decisions were made, and those decisions needed to be made within the context of growth management plan – which would mean that if someone was asking for a rezoning for a business or industry, they would be doing it in the development areas and not the rural areas. She stated that if it's a business or industry that requires a lot of water, it would need to be served by public water and sewer, which means it needs to be in the development areas. Ms. Echols said that it also talks about the importance of natural resource preservation as another reason why you wouldn't have large development activities that had no relation to the rural area located there.

Ms. Palmer asked for clarification that a comprehensive plan was a land use document. Mr. Cilimberg said that it's more than that, and Comp Plan enabling legislation speaks to a variety of considerations that can range even into human services, and land use is a primary element that a lot of comprehensive plans center around.

Ms. Mallek said that the statement is important, and it was the main part of the debate for the economic vitality plan.

Mr. Boyd said he takes some exception to that because economic development can be connected to a lot of other aspects of the Comp Plan, and a good vibrant economy impacts a lot of things in the community.

Ms. Dittmar said that it's been a long thoughtful process to establish an economic development effort in the County, and having this as objective 1 in this category but not others sends the message that it doesn't have to relate to those. Ms. Echols clarified that what the actual objective says is, "Ensure that economic development efforts are supportive of the County's growth management policy and consistent with other Comprehensive Plan goals." She said that strategy 1 talks about promoting new employment activities in the development areas and encouraging developers to build projects that meet the intent of the Neighborhood Model, and both of those things come straight from the existing Comp Plan. Ms. Echols said that they could work with the language to convey why the development areas are important, without being "unbalanced," and that they are the intended places for new economic development.

Mr. Boyd said that she was on the right track with the wordsmithing of the original objective.

Mr. Cilimberg suggested expanding beyond just the land use aspects and also talking about the interrelationship of the other aspects of the Comp Plan and the community's interest, and the economic vitality piece reflects how people are able to afford to live here and have jobs that pay enough to sustain a lifestyle the community can offer.

Ms. McKeel said that recently she had met with a group of business people and environmental representatives to talk about economic development, and one of the things she heard clearly from them was that they'd like to see more education of the community regarding economic development. She said that she wasn't sure where to embed that, but fostering some education about what economic development can bring to the community would be helpful as there is a lot of misconception about things like "manufacturing."

Ms. Echols said that she would find a place for it.

Mr. Sheffield suggested mentioning the economic vitality plan in objective 1, in relation to the Comp Plan, because it's not really referenced in the Comp Plan.

Ms. Echols said that it is referenced, but it has already been achieved.

Mr. Foley stated that it had specific timelines for goals that have been achieved, and the last one was to figure out the program going forward and consider an economic development office – which will promote a lot of new things.

Mr. Boyd suggested that it be put in the back of the Comp Plan book as an historical reference. Ms. Echols agreed that they could do that.

Mr. Sheffield suggested referencing it in a way such as, "Leading off of the economic vitality plan..."

Mr. Foley suggested, "In keeping with..."

Mr. Cilimberg said they could clarify that the economic development policy now was building from the results of that work.

Ms. Echols said that a lot of this had to do with context, and setting up the discussion and modernizing it – bringing them forward from where they were the last time this was done.

Ms. Echols stated that diversity was very important, and sufficient land area and infrastructure come out a little bit in the Development Areas section of the Comp Plan – but those are important things if they are going to provide opportunities for growth for local businesses and industries. She said that regional relationships were also important, and this recognizes the relationship with the City, UVA and the Central Virginia Partnership for Economic Development. Ms. Echols said that scenic resources play closely into tourism, and the activities going on with the Office of Economic Development will focus on increased business development. She stated that workforce development pertained to helping people train to get the good jobs that allow them to live here and afford housing, and there are references in the plan to helping people access the skills and education to do those jobs. Ms. Echols said that there are a lot of people who commute in here, and one goal is to have residents grow into jobs.

Mr. Boyd said that he had recently spoken with Ridge Schuyler about the Orange Dot report, and one of the things they're working on now is to try to match the skill sets with the jobs that are coming down the pike.

Ms. McKeel said that the CATEC merger with PVCC would be one way to address that issue.

Mr. Boyd said that's possibly an outreach to the big employers coming into the community and finding out what they're looking for.

Ms. Mallek said that the Piedmont Workforce Network and One-Stop Center are doing that with COSTCO, and she wanted to make sure they were mentioned as regional partners.

Ms. Echols stated that staff would be sure to include it, and said there was an objective related to increasing support for initiatives that foster career planning and workforce readiness.

Mr. Sheffield asked if it was possible to have a strategy to have the new Office of Economic Development review and make modifications to this section, and said that he wanted to include a strategy that they're supporting the office as it's getting off the ground.

Ms. McKeel asked if there were references to redevelopment of old shopping centers, as that is an issue for the urban ring. Ms. Echols said that it's referenced in the Development Areas section, and could be cross-referenced in Economic Development.

Ms. Dittmar asked if they wanted to include anything that referenced cross-jurisdictional infrastructure.

Mr. Sheffield said that an economic development zone would be a longer discussion than the Comp Plan.

Ms. Mallek said that it is what the Workforce Investment Board and Workforce Network work on, all nine counties working together to be competitive as a group. Ms. Echols said that staff could include something in there, and it would also be supported by the joint Planning Commission's recommendations along the Rivanna River at Pantops and the Woolen Mills area. She said that there are geographical areas where the City and County working together can make a better plan together than they could individually on each side of the boundary, and they can include a reference to working with the City.

Ms. Mallek suggested referencing "regional partners" instead of just the City, because there may be opportunities on the border with other counties. Mr. Foley said that the plan makes references in 4A to "other jurisdictions in the region" for partnerships, but it could be emphasized.

Mr. Cilimberg stated that there's a bullet list within that strategy, so they could make sure it included some of the thing mentioned.

Mr. Foley said that regional workforce development is also included there.

Ms. Echols said that the biggest differences between their existing economic development policy and the proposed Comp Plan items are a greater emphasis on tourism and the Target Industry Study as a major component of how they do business development.

Ms. Mallek noted that the reference to the rural area only talks about tourism and agri-business, and they need to find a way to talk about the farms and all the accessory agricultural businesses – which comprise the economy from 95% of the County's land. She emphasized that she didn't want Albemarle to become "wedding central" and forget about the historical agriculture that's been going on for such a long time.

Ms. Echols said that staff has a lot of that in the Rural Areas section.

Ms. Palmer commented that one concern she has is that they can come up with some serious traffic issues, and she wasn't sure that "help the rural areas stay rural" was elaborative enough. Ms.

Echols said that there was lots of information about that in the Rural Areas section, and they could definitely cross-reference it here.

Ms. Mallek said that they needed to include it here, based on the bills passed in the last legislative session that were called "agriculture" even though they were entertainment, because they really pertain to business. She stated that the need to reference the presence of these activities and find ways to do them while respecting the quality of life of all residents there – as it would be a major headache going forward.

Ms. Palmer agreed that the language needed to be expanded in this section.

Mr. Boyd asked if they were going to expand the references to "public/private partnerships," because he and Bill Letteri had attended several meetings with Fort Belvoir pertaining to what they're calling "public/public partnerships."

Ms. Mallek asked if there were also references to Rivanna Station, and Ms. Echols confirmed that there were. Mr. Cilimberg indicated that staff would provide them with a red-line version of what's been done thus far with the plan.

Ms. Mallek suggested that after the Rural Areas discussion would be a good time.

Board members thanked staff for their work.

Ms. Echols stated that their next chapter for review would be the Rural Areas section, and there would be a lot of reading – but it is one of the most important sections, and where the most policy changes have been recommended.

Ms. McKeel commented that "lifelong learning" used to be included as a quality of life goal in the Comp Plan, but it seems to have disappeared.

Mr. Foley said that it was in the strategic plan as a goal, but not in the Comp Plan.

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Agenda Item No. 26. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Sheffield asked staff if the Board could get information on the number of spouses that are now on the County and school plan because of the UVA decision, and the dollar amount.

Mr. Foley said that they have a work team in the schools currently and it's in their monthly report, and staff would make sure that the Board gets it.

Mr. Sheffield said that he would like to see what kind of impact it would have on the community if the County took the same position as UVA did, and he'd like the public to know that the County provides coverage to families and spouses.

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Ms. Palmer said that over the next few months she would be doing a lot of work on solid waste, and she was very happy to have the committee sanctioned – but given the vote today, she would like to ask Mr. Boyd if he felt he wanted to stay on the RSWA Board and effectively represent the County on there.

Mr. Boyd said that he felt he could continue to serve on that board and he didn't have any problem at all with solid waste, but he didn't like the way the committee was put together with a self-defining charge and direction. He said that he didn't feel they need a long-range plan for solid waste because the technology is changing so rapidly, and he didn't feel there was a placeholder for anyone on the committee who's actually in the disposal and transfer business – and a number of people on the committee don't feel that what Van der Linde does is "true recycling" because it's single stream. Mr. Boyd said that they had a plan put together by the previous Board, which called for three different convenience centers – one of which could have remained at Ivy, and staff did an excellent job of analyzing the options and costs. He stated that they presented it to the Board, and he is concerned about continuing to kick the can down the road – and they needed to go ahead and make a decision. Mr. Boyd said that technology is changing, and they didn't need a long-range solid waste plan given that.

Ms. Palmer said that when they do have the discussion on the Comp Plan for solid waste, and if the Board decides they want a more serious recycling effort in the community, she would appreciate it if Mr. Boyd would represent the Board's feelings when they decide what they want.

Mr. Boyd said that he supports the highest standards of recycling, and always has.

Ms. Palmer said what the County has now are the low standards of recycling, and she hoped that Mr. Boyd would keep an open mind when they have a discussion of the Comp Plan.

Ms. Dittmar stated that whatever body they are serving on, Supervisors are obligated to represent the majority opinion of the Board.

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Ms. Mallek said that in their packets there is an envelope with a map of Joan Alboston's designs for landscaping at New Hope Church.

Mr. Foley stated that the Board should have that in their Dropbox, and there is a recommendation for approval because the applicant met all the requests that were made.

Ms. Mallek said that the measurements are included in the plan, and she met with Ms. Alboston and learned a lot about her plan.

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Ms. Dittmar asked when the Board wanted to meet with legislators, and asked what kind of preparation they would need. Mr. Foley said that staff had planned it for the first meeting in August, when they would come with the results from the General Assembly and the Board's legislative program – plus a list of things they wanted to meet with legislators on. He stated that they have some time if they talk about it in August, but they need to move quickly and are trying to coordinate with the schools. Mr. Foley said that he was going to talk to Dr. Moran about that, so they don't miss an opportunity to meet, and he would also talk with David Blount to talk about preparation for the legislative meeting including a possible regional approach. He said that the City may not have as much emphasis on equal taxing authority, but all the other counties certainly will.

Ms. McKeel commented that there are some issues the City would agree with the County on, and the more they can speak with one voice, the more powerful they become.

Ms. Dittmar asked for clarification that staff would be coming back to the Board in August with short-term solid waste options. Mr. Foley said that they would have a comprehensive report ready on short-term alternatives for the Board at their first meeting in August, and staff is still working with Rivanna to ensure the information is complete.

Ms. Dittmar asked if they had followed up with Chief Preston Gentry on the volunteer firefighter issue.

Ms. Mallek noted that Senator Tim Kaine had asked for a copy of the Department of Labor letter as a reference point.

Mr. Davis said he had followed up with Senator Kaine with a summary and background information a week ago.

Ms. Dittmar reported that Farmville had recently landed a large grant from the tobacco settlement money to help underwrite the cost of their flash-freezing plant for local food, and asked staff if they had pursued that funding.

Mr. Foley said that he would follow up, and wasn't aware of that opportunity.

Board members discussed attendance at a Turkish dinner, and Mr. Foley said that Ms. Catlin had already followed up.

Ms. Dittmar asked about the progress with the strategic plan.

Mr. Foley said that staff would come to the Board on August 6 with a report on the strategic plan, including first-year benchmarks.

Ms. McKeel stated that the schools were very pleased about the Board's support of the video cameras on school buses.

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Agenda Item No. 27. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley said he would like to follow up on Ms. Mallek's comment about the Finance Department earlier in the meeting.

Ms. Mallek clarified that she wanted people to get something in writing, not just verbally, so there is a mutual understanding of information and expectation.

Mr. Foley said that there would be a work session on August 13 to discuss the establishment of the Office of Economic Development, including the vision and parameters developed with the community – as well as a workplan. He said that yesterday at the joint meeting, he had made a comment about localities coming together to talk about an industrial park – with sites and buildings being the bigger issue, as Ms. Palmer had mentioned. Mr. Foley said that staff also planned to hold a work session with the Board on September 10 related to community engagement, including further discussion on video streaming. He stated that they've also asked for a discussion on rural rustic roads, which was planned for later in the fall – perhaps October – and as they get into November, they have typically used those work session times for five-year financial planning. Mr. Foley said that in December, they have usually held a joint meeting with the School Board on the CIP, but they would also need to find another time to meet with them on some other issues.

Mr. Foley said that the Board had agreed on the need to follow up with the Route 29 advisory panel when it completes its work, to ensure action is taken regarding the buyback of right of way for the Western Bypass, and he'd like to know if the Board wanted to take further action.

Ms. Mallek suggested sending a letter from the Board directly to the Secretary of Transportation saying now that the CTB has taken action, it was time to take the next step. She said that at the last CTB meeting, nothing was said about it.

Ms. Dittmar suggested that they follow up by phone to find out where they are.

Mr. Foley said that he would follow up with John Lynch and bring a report back to the Board.

Ms. Palmer said that they didn't want to encumber that land in any way, and have talked to Rivanna about the pipeline easement, but they don't have the staff right now to design that route and figure out where the easements would go. She asked if there was a way they could find out where the easements would need to go, and said she didn't understand how that would work.

Ms. Mallek suggested that Mr. Foley ask John Lynch, because she was told by VDOT that the land had to go back intact in order to be sold.

Mr. Foley said that he was sure it was set by state regulations, but he would clarify the process.

Ms. Dittmar stated that once the rural rustic road meeting was set, she would like to see some extra effort put to inform people of the meeting.

Ms. Mallek asked what that meeting would be about, because one of the things she wanted to ask David Benish about was the roads that needed to get off the list – and except for small safety sections, the roads wouldn't be paved. She said that realtors are telling homebuyers that the roads will be paved, and people get angry when it doesn't get done.

Mr. Foley said that would be part of their work session on it.

Ms. Palmer said that the transportation planner the County used to have kept track of all of the road projects, and now that's not being followed up on.

Ms. Mallek responded that Mr. Benish has those files, but is doing numerous jobs and can't always be available to constituents.

Mr. Foley said that staff is feeling a bit overwhelmed with trying to manage transportation, and would be coming back to the Board with some strategies for getting more support in that area – at a minimum, for the five-year plan.

Ms. Dittmar said they needed to take a good look at that, as there are numerous issues.

Mr. Foley said that transportation is a big part of their future, in a different way than they've had before, and Mark Graham is clearly the right person to be involved with that – so staff would bring back some organizational suggestions.

Ms. Dittmar said that it might dovetail with the need for the 29 solutions project manager.

Regarding the economic development work session, Mr. Boyd said that he didn't have the expertise in how to put together an Economic Development Office and didn't want to corral a new person with those ideas.

Mr. Foley said that was a good point, but one of the things staff needed direction on was how much time the Board wanted the new person to spend on existing business versus seeking new industries – so the goal for that meeting was really seeking broad direction.

Ms. Mallek said that it needs to be made clear that the director doesn't just go to trade shows all the time, and agreed that she didn't have the expertise either.

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Agenda Item No. 28. Adjourn to July 8, 2014 at 5:00 p.m.

Ms. Mallek **moved** to adjourn the Board meeting to July 8, 2014 at 5:00 p.m. with the Planning Commission. Ms. 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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Chairman

Approved by Board
Date: 05/06/2015
Initials: EWJ