

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 3, 2014, at 1:00 p.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 (arrived at 1:25 p.m.).

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 1:03 p.m., by the Chair, Ms. Dittmar. Ms. Dittmar announced that the Board has implemented a new meeting schedule in order to accommodate working people who wishes to attend.

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

Ms. Dittmar then introduced staff present.

Agenda Item No. 4. Adoption of Final Agenda.

Ms. McKeel **moved** to adopt the final agenda as presented. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

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

Ms. Mallek reported that she substituted for Ms. Dittmar at the Mayors and Chairs meeting on August 22, and said that it was encouraging to hear discussion and support from other jurisdictions regarding equalizing taxing ability between cities and counties. She said that the Thomas Jefferson Planning District Commission will be able to work with this, and work with other PDCs across the state in development of a greater sense of support for that legislation. Ms. Mallek stated that the roundtable discussion was about broadband, so they heard an update as to what surrounding counties have been doing – and all of that information will be available through the TJPDC website.

She said that she attended the VACO summit in Richmond, in August, with seminars held on a variety of topics from transportation to federal issues and economic development. Ms. Mallek said that it was a very worthwhile event, and she has a lot of notes to share. She added that her agricultural steering committee also met during the event.

Ms. Mallek reported that she and Ms. Dittmar both serve on the Courts Committee, and thus far have reviewed the histories, and looked at the surveys and studies. The City is in the process of evaluating the possible joint location of General District Court as well as provision of parking downtown.

Ms. Dittmar reported that two weeks ago she met with the last descendant of Chief Winnebegana. Winnebeg is interested in expanding its partnership with the City of Charlottesville to include Albemarle County. She said that Winnebeg is a net importer of wines from Europe, and they are interested in Albemarle County wines. Ms. Dittmar stated that she also learned of a partnership that former Supervisor Sally Thomas forged with a sister city in Italy.

Ms. Dittmar said that she and Mr. Sheffield recently attended a meeting with the southern representative of Amtrak. The train line reported that they are very pleased with the growth in travel from Lynchburg and Charlottesville, and cited that in FY 2009 there were approximately 53,000 passengers; in FY 2013, there were 136,000 passengers. She stated that the Route 29 Solutions package has a third train set to come through Charlottesville.

Ms. Dittmar reported that she recently met with Mr. Bob Willingham, the County Tax Assessor, and was astounded to learn that the County reassesses 45,000 lots per year.

She reported that at her roads roundtable meeting in Southern Albemarle, she had a lot of questions regarding the six-year plan for roads, and she will be holding another meeting hosted by Mr. David Benish and attended by Mr. Joel DeNunzio.

Ms. Dittmar stated that the Albemarle County Service Authority and Rivanna Water and Sewer Authority quarterly reports are listed on the consent agenda for information. She is trying out a new process by putting annual presentations from major partners on the regular agenda, and quarterly updates in writing. If a Board member wants someone to come more frequently, that member can speak to her, the Clerk or Mr. Foley, as this is an attempt to possibly free up some time for work sessions.

She added that she spoke to Ms. Lee Catlin about two website ideas. One idea is for the Route 29 Solutions project which is in the works. The other idea is a "Who's My Supervisor" function, so that people can type in their address and find out who their representative is.

Ms. Palmer said that the Rivanna Water and Sewer Authority and Albemarle County Service Authority reports were put into the Consent Agenda, and she would like to talk about going back to regular visits from those individuals.

Mr. Boyd agreed.

Ms. Palmer said that the Long Range Solid Waste Advisory Committee has continued to meet, and things were going along quite well. The Board will be discussing solid waste during its Comp Plan discussion the following week, and she would like to encourage anyone from the public who has an option to let Board members know.

Mr. Boyd said that he and Mr. Sheffield will be holding a joint discussion at Baker-Butler Elementary on September 15, 6:30 p.m., to talk about the whole Route 29 Solutions package, the widening of Route 29, and how it impacts that particular part of the County – as well as the possible extension of Ashwood Boulevard over to Berkmar Drive Extended.

Agenda Item No. 6. Recognitions.

a. Introduction of Courthouse Service Dog.

Ms. Denise Lunsford, Commonwealth's Attorney, addressed the Board and introduced Theo, a service dog who joined their office to work with the victim/witness program. Ms. Lunsford said that Theo lives with Mr. Matthew Quatrara and his family, and he and Ms. Susan Painter are the trained handlers. She stated that Service Dogs of Virginia provided the dog, who was paid for with drug forfeiture funds. Ms. Lunsford then introduced Mr. Quatrara.

Mr. Quatrara said that Theo the "courthouse dog" has been utilized in ways they never thought possible when they brought him on board, including work with child witnesses to crimes, elderly victims of crimes and interviews with criminal defendants who want to provide information on crimes.

Mr. Boyd said that Mark Columbus, who runs Little Keswick School, is a neighbor and friend of his – and the school has a service dog on campus who has been wonderful with the kids there. He asked Mr. Quatrara if he had to go through the challenging process required in order to have a service dog – leaving home and living with the animal in another location for a while. Mr. Quatrara said that Service Dogs provided him with an abbreviated training, and the adjustment has been seamless. In fact, he had to go to school to learn to live with the dog.

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

Dr. Charles Battig said that he is a resident of the White Hall District. Dr. Battig presented a slide presentation entitled "Science Education vs. indoctrination?" Dr. Battig said that Charlottesville Tomorrow recently ran an article on the importance of learning in the science subjects, and featured a quote related to a grant award about how to reduce carbon footprint. In the past 17 years there have been no change in global temperatures; CO2 has increased by about 10 percent. He added that there is a disconnect as no school child has experienced global warning. He said that the National Center of Science Education encourages hiring of science teachers that do not deny climate change, and said that a half-million birds are killed each year by windmills, and birds get burned by solar farms. He stated that solar energy plants do not cut down on fossil fuel plants. The California Energy Commission recently announced that they want to use more natural gas because solar does not cover it on its own. Dr. Battig said that carbon dioxide in the lungs is 5% - 50,000 parts per million; carbon dioxide in the atmosphere is 400 parts per million. Carbon dioxide is not a pollutant; it is a normal part of everyone's body at 100 times the climate scare levels of environmental extremists.

(Note: Mr. Sheffield joined the meeting at 1:24 p.m.)

Mr. Neil Williamson, of the Free Enterprise Forum, said that later this afternoon the Board will be discussing the direction it provides to the Fiscal Impact Advisory Committee regarding proffers. Staff will

be recommending provision of credits to the priority areas within the development areas. In many ways it is clear that proffers hinder develop where you want development to happen. He said that he does not understand why the Board would not offer those credits throughout the development areas which is where it wants development to occur. Mr. Williamson said that it seems to be a half step. He has written extensively about this issue and has provided the Board with a previous report on the fact that cash proffers have a negative impact on the economies of homebuilding – which creates pressure elsewhere and hurts the development plan and the goals of the Comp Plan. He stated that the County received approximately \$855,000 in revenue from this, and perhaps the Board should consider offering credits across the entire development areas not just priority areas.

Agenda Item No. 8. Consent Agenda.

Ms. Dittmar mentioned that the Board will discuss the merits of moving the quarterly reports from the Rivanna Water and Sewer Authority and Albemarle County Service Authority to the consent agenda during matters from the Board, at the end of the meeting.

Ms. Palmer said that she would like to discuss Items 8.4 and 8.6. She asked where the other dams not mentioned are located. She said she cannot understand if the money for the sidewalk is covered under the money that was already appropriated.

Ms. Dittmar mentioned that the Consent Agenda now has staff names listed beside each item so that there is a contact for each. She asked if Mr. Greg Harper could provide an answer for the dam item.

Ms. Palmer said that he could just send it to her. Mr. Foley said that staff can provide a response.

Mr. Trevor Henry, Director of the Office of Facilities Development, said the request is funded under the existing appropriation and is also subject to revenue-sharing with VDOT.

Mr. Boyd said that he would like to talk about the direction on cash proffers to the Fiscal Impact Committee. Mr. Foley said that is a regular agenda item.

Mr. Boyd reiterated that he also wants to talk about the RWSA and ACSA quarterly reports, Items 8.14 and 8.15. He said that he was on the Board before they were providing reports in person. He said that the Board decided a few years ago to have them come so there could be some interaction.

Ms. Dittmar confirmed that the item will be discussed at the end of the meeting.

Ms. Mallek **moved** to approve Items 8.1, as read, through 8.9 on the consent agenda and to accept the remaining items as information. Ms. Palmer **seconded** the motion.

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

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

Item No. 8.1. Approval of Minutes: August 14, August 21(A), November 13, and December 11, 2013; and February 24, February 28, March 4, April 8, April 9, May 8, May 27 and June 5, 2014.

Ms. Dittmar had not read the minutes of November 13, 2013 and pulled them to carry forward to the next meeting.

Ms. Palmer had not read the minutes of February 24, 2014 and pulled them to carry forward to the next meeting.

Ms. Mallek had read the minutes of August 14, 2013, pages 14–end, and August 21(A), 2013, and found them to be in order.

Mr. Boyd had read the minutes of December 11, 2013 and found them to be in order.

Ms. McKeel had read the minutes of February 28 and April 9, 2014 and found them to be in order.

Mr. Sheffield had read the minutes of March 4, April 8, May 8 and June 5, 2014 and found them to be in order.

Ms. Palmer had read the minutes of May 27, 2014 and with the exception of a typographical error found them to be in order.

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

Item No. 8.2. FY 2014 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 14 budget due to the appropriation itemized below is \$10,476.73. 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 three (3) appropriations as follows:

- One (1) appropriation (#2014101) to appropriate \$2,500,000.00 for a transfer from the General Fund fund balance to the FY14 Capital Improvement Program Funds pursuant to Board direction during the FY 15 budget process. This appropriation does not increase the total County budget;
- One (1) appropriation (#2014116) to reconcile FY 14 accounts by appropriating (\$576.07) for FY 14 adjustments related to the Voluntary Early Retirement Incentive Program, the Albemarle Charlottesville Regional Jail, Project Management Services, and the Clerk of the Circuit Court System Upgrade capital project;
- One (1) appropriation (#2014117) to appropriate \$11,052.80 in grant funds that were received in FY 14 for the Police Department bulletproof vest needs.

Staff recommends approval of appropriations #2014101, #2014116, and #2014117 for general government and school division programs and projects as described in Attachment A.

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| Appropriation #2014101 | | \$0.00 |
| This appropriation will not increase the County budget. | | |
| Source: General Fund fund Balance | \$ | 2,500,000.00 |
| School Capital Fund fund Balance | \$ | (2,500,000.00) |

This request is to transfer \$2,500,000.00 of FY 13 General Fund fund balance (excess revenues over expenditures) from the General Fund fund balance to the Capital Improvement Program funds to support capital projects pursuant to the Board's direction during the FY 15 budget development process. In addition, this request also reduces the use of School Division CIP fund balance by \$2,500,000.00, and therefore it does not increase the County's FY 14 budget.

This use of General Fund fund balance appropriation will be budgeted in the School Division's Capital Program Fund for "pay as you go" capital projects and to support the cash management requirements for School Division projects which will eventually be supported by loan proceeds.

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| Appropriation #2014116 | | (\$576.07) |
| Source: Reserve for Contingencies* | \$ | 59,423.19 |
| General Govt Capital Fund fund Balance | | \$ (576.07) |

*This portion of the appropriation will not increase the total FY 14 County Budget.

This request is to reconcile FY 14 revenues and expenditures by appropriating:

- \$3,941.00 from the FY 14 Reserve for Contingencies to the Voluntary Early Retirement Incentive Program (VERIP). The budget for VERIP is based on a combination of current as well as projected program recipients. FY14 program expenditures were \$3,941.00, or one-half of one percent (0.5%) greater than budgeted due to a variance in the projected number of recipients to the actual number.
- \$54,861.12 from the Reserve for Contingencies to the Albemarle Charlottesville Regional Jail (ACRJ). Due to a delay in ACRJ billing the County for FY13 expenditures, expenses for the month of June 2013 were not able to be charged to FY13, where these expense were budgeted. Therefore, ACRJ's June 2013 expenses were charged to FY 14 resulting in a need for this appropriation.
- Funding to reconcile the Capital Improvement Program Project Management Services FY 14 amounts. Program Management Services funding provides supporting revenues of the Office of Facilities Development. This request is to:
 - a) appropriate \$621.07 from the County's FY 14 Reserve for Contingencies to the General Fund's Project Management Services for the project management efforts on the Belvedere Project and the Lewis and Clark project, as well as other

- b) administrative costs that were not project-specific. This portion of the appropriation does not increase the County Budget;
 re-allocate \$83,757.35 for project management services within the School Capital Program fund to reconcile revenues and expenses within the Fund. This portion of the appropriation does not increase the County Budget;
 - c) re-allocate \$27,002.48 for project management services within the Stormwater Capital Program fund to reconcile revenues and expenses within the Fund. This portion of the appropriation does not increase the County Budget;
 - d) re-allocate \$115,945.69 for project management services within the General Government Capital Program fund to reconcile revenues and expenses within the Fund. This portion of the appropriation does not increase the County Budget; and
 - e) reduce the appropriated use of General Government Capital Program Fund fund balance by \$621.07 for a reduction in OFD's General Government Project Management Services in FY 14.
- \$45.00 from the General Government Capital Program Fund fund balance to support the Clerk of the Circuit Court's System Upgrade capital project. The FY 14 project costs were \$45.00 more than budgeted. The budget was based on an estimate provided by the vendor.

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| Appropriation #2014117 | \$11,052.80 |
| Source: Federal Revenue | \$ 11,052.80 |
| Police Department – Uniforms & Apparel | \$ 11,052.80 |

This request is to appropriate \$11,052.80 in reimbursable grant funds that were received by the Police Department in FY 14 from the Department of Justice to purchase bulletproof vests. This is a reimbursable grant that has been received annually by the Police Department. It required a 50% match, which was incorporated in the Department's FY 14 budget.

By the above-recorded vote, the Board approved appropriations #2014101, #2014116, and #2014117 for general government and school division programs as set out below:

| COUNTY OF ALBEMARLE APPROPRIATION SUMMARY | | | |
|--|---------------------------------|---------------|--|
| APP# | ACCOUNT | AMOUNT | DESCRIPTION |
| 2014101 | 3-1000-51000-351000-510100-9999 | 2,500,000.00 | SA2014101 FY 13 GF Year-end Savings to CIP |
| 2014101 | 4-1000-93010-493010-930004-9999 | 2,500,000.00 | SA2014101 FY 13 GF Year-end Savings to CIP-School |
| 2014101 | 3-9000-69000-351000-510103-6599 | 2,500,000.00 | SA2014101 FY 13 GF Year-end Savings to CIP-Sch |
| 2014101 | 3-9000-69000-351000-510100-6599 | -2,500,000.00 | SA2014101 FY 13 GF Year-end Savings to CIP-Sch |
| 2014116 | 4-1000-43100-443100-312366-1004 | 621.07 | SA2014116 PM Services Reconcile |
| 2014116 | 4-1000-33020-433020-700002-1003 | 54,861.12 | SA2014116 ACRJ |
| 2014116 | 4-1000-99900-499000-223000-9999 | 3,941.00 | SA2014116 Early Retirement |
| 2014116 | 4-1000-99900-499000-999990-9999 | -59,423.19 | SA2014116 Reserve for Contingencies-Multiple Adjustments |
| 2014116 | 3-9010-51000-351000-510100-9999 | -576.07 | SA2014116 Multiple App Adjustments |
| 2014116 | 4-9010-21060-421005-800714-2150 | 45.00 | SA2014116 CIP Clerk of the Circuit Court System Upgrade |
| 2014116 | 4-9010-12142-412140-312366-1150 | 43,564.57 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-21005-421005-312366-2180 | 14,732.08 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-31029-431010-312366-3110 | 1,942.04 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-32021-432010-312366-3140 | 1,661.50 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-32022-432020-312366-3140 | 13,317.03 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-41020-441200-312366-9999 | -25,512.38 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-41023-441200-312366-9999 | 1,378.02 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-41350-441200-312366-9999 | -30,000.00 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-42042-442040-312366-1210 | 15,037.72 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-43100-443200-312366-9999 | -5,798.06 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-71020-471010-312366-9999 | -2,157.62 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-71020-471020-312366-7100 | 2,157.62 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-73025-473010-312366-7140 | -8,641.45 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-73030-473010-312366-9999 | -16,606.01 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-81110-481020-312366-9999 | -15,000.00 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-91046-443100-312366-9999 | -12,851.25 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9010-94160-494070-312366-7140 | 22,155.12 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9000-69000-464600-312366-6599 | -83,757.35 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9000-69980-464600-312366-6599 | 64,302.51 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9000-69985-466730-312366-6104 | 3,382.47 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9000-69985-466730-312366-6116 | 11,840.29 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9000-69985-466730-312366-6303 | 4,232.08 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9100-82040-482040-312366-9999 | -5,571.48 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9100-82066-482040-312366-9999 | 757.78 | SA2014116 PM Services Reconcile |

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|--------------|---------------------------------|---------------------|-----------------------------------|
| 2014116 | 4-9100-82067-482040-312366-9999 | 7,172.46 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9100-82068-482040-312366-9999 | 19,072.23 | SA2014116 PM Services Reconcile |
| 2014116 | 4-9100-91046-482040-312366-9999 | -21,430.99 | SA2014116 PM Services Reconcile |
| 2014117 | 3-1241-33000-333000-330001-9999 | 11,052.80 | SA2014117 Grant Revenue - Federal |
| 2014117 | 4-1241-31013-431010-601100-1003 | 11,052.80 | SA2014117 Uniforms & Apparel |
| | | | |
| TOTAL | | 5,020,953.46 | |

Item No. 8.3. Request to Sell County Property in Keene (TMP 121-82A1).

The executive summary states that the County owns a seven-acre undeveloped parcel in Keene identified as Tax Map Parcel 121-82A2. An adjoining property owner has contacted the County and expressed an interest in purchasing this parcel from the County. The property is currently part of the County's "land-banked" properties and was originally purchased for use as a possible transfer station in anticipation of closing the Keene Landfill but was never developed for that purpose. Most recently, this parcel was one of two sites staff was evaluating as a potential convenience center site for the southern part of the County before the Board directed staff in January, 2014 to discontinue its consideration of this site and initiated a County evaluation of long-term strategies for solid waste management services.

This property is 7 acres of primarily wooded land located on Esmont Road (SR715), south and east of the intersection of Scottsville Road (SR 20) and Plank Road (SR712) (see Attachment B). The parcel is centrally located between Scottsville and County Development Areas.

The Office of Facilities Development took the lead in assessing the request for the County to sell this parcel and approached several departments (Community Development, General Services, Schools Building Services, Parks & Recreation, Police, and Fire/Rescue) to solicit feedback and input on the potential sale of this property. The consensus was that the property should be retained as a land-banked property, as it may serve the County in some potential future use related to public works, public safety, or some other public use.

The County's Property Committee met on August 6, 2014 to review the request for the County to sell this property. The Committee consists of two Board members and the County Executive. The Committee was provided the attached GIS parcel information (Attachment A) and parcel map (Attachment B) as background prior to the meeting. Staff's recommendation to the Committee was to retain the property because the property location has strong potential for a future County use and similar property would likely be more costly to acquire in the future. Staff was unable to identify any compelling benefit to the County in selling the property. There was consensus among the Committee members that the property should remain land-banked at this time. A copy of the Committee meeting minutes are attached (Attachment C).

The property has an assessed value of \$114,000.00. There are no significant costs to maintain the property under County ownership.

The Property Committee recommends that the Board retain this parcel in the land-banked properties and not dispose of the property at this time.

By the above-recorded vote, the Board approved the Property Committee's recommendation to retain the Keene parcel of land in the land-banked properties and not dispose of it at this time.

Item No. 8.4. Dam Safety Grant Resolution.

The executive summary states that Albemarle County, through its Departments of General Services and Parks and Recreation, operates six dams regulated by the Virginia Department of Conservation and Recreation (DCR) Dam Safety Division. New regulations require that dam owners complete dam break analyses and map flood inundation zones. The County hired an engineering consultant to complete these requirements for three of the six dams. The three remaining dams were historically considered to be low hazard and were eligible for a simplified and inexpensive analysis performed by DCR. However, the DCR has concluded that all three dams should be categorized in higher hazard classifications. Therefore, the dams now require formal analyses by an engineering consultant.

Based on the engineering contract for the already-completed dam analyses, staff estimates the required work would cost approximately \$24,000 for each additional dam, or \$72,000 in total. Staff applied for funding assistance through the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund, which is administered by DCR in cooperation with the Virginia Resources Authority, and the County has been offered three grants totaling up to \$33,600. The grants cannot exceed 50% of the project costs.

The grant requires that funding recipients adopt a resolution requesting assistance from the fund. A Resolution has been prepared by the County Attorney and is attached (Attachment A) for the Board's consideration.

The County must complete the dam break analyses for these three dams as part of its dam safety permit requirements. Funding for the studies has already been appropriated in the Capital Improvements Fund. The grants will reduce the cost to the County by up to \$33,600.

Staff recommends that the Board adopt the attached Resolution Requesting Grant Assistance from the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund (Attachment A).

By the above-recorded vote, the Board adopted the following Resolution Requesting Grant Assistance from the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund:

**RESOLUTION REQUESTING GRANT ASSISTANCE
FROM THE VIRGINIA DAM SAFETY, FLOOD PREVENTION
AND PROTECTION ASSISTANCE FUND**

WHEREAS, the County of Albemarle, Virginia, through its Department of General Services and Department of Parks and Recreation, owns and operates six earthen dams in the County of Albemarle for the purposes of recreation, stormwater management, and water supply; and

WHEREAS, dam safety regulations have changed to require certain analyses and, in some case, improvements to be made to these six earthen dams to help prevent possible damage or dam failure; and

WHEREAS, the Virginia Department of Conservation and Recreation and the Virginia Resources Authority administer the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund, which provides grants to defray engineering and design costs for analyses and improvements needed to meet current dam safety regulations; and

WHEREAS, the County has been awarded three grants from this Fund in the total amount of \$33,600.00 to defray the estimated engineering and design costs of \$72,000.00 for three of the six dams; and

WHEREAS, the Grant Manual for the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund ("Grant Manual") requires the Board of Supervisors to adopt a resolution requesting assistance before any grant monies can be awarded and released; and

WHEREAS, the balance of the costs have been appropriated in the FY 2014 – 2015 Capital Improvements Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Albemarle, Virginia hereby requests a grant to assist in defraying the cost of meeting current dam safety regulations in accordance with the Grant Manual and authorizes the County Executive to execute grant agreements with the Virginia Resources Authority and/or the Virginia Department of Conservation and Recreation and to take such additional actions as may be required to secure said grant funds.

Item No. 8.5. WPO-2013-00030. Westel Waste Area - Request to extend the deadlines for installing permanent vegetation.

The executive summary states that County Code § 17-808(A) requires that permanent vegetation be installed on all denuded areas within nine (9) months after the date the land disturbing activity commenced. County Code § 17-808(B)(1) allows the Program Administrator to extend the deadline for up to six months, and County Code § 17-808(B)(2) allows the Board to extend the deadline for a period it determines to be appropriate thereafter.

The waste area at issue is being used by the contractor constructing the 250 Bypass Interchange at McIntire Road. The borrow area is situated next to Rio Road near its intersection with the John Warner Parkway. A waste area is a location at which soil or inert materials is placed, which is a site other than where the materials were excavated or removed. A borrow area is a location from which such materials are removed for transportation to another site.

Below are the relevant dates for the permit issued for the project:

- May 10, 2013 Permit issued
- Jan 10, 2014 Original 9-month deadline
- July 10, 2014 Administrative 6-month extension deadline

The Board may grant an extension under County Code § 17-808(B)(2) if it finds: (1) the additional time is necessary due to factors beyond the control of the owner; (2) the owner had made good faith efforts to comply with the time limit; and (3) the owner has plans to effectively control or has effectively controlled erosion and sedimentation on the property during the land disturbing activity. In

granting an extension, the Board must set a new time limit and may impose other reasonable conditions.

The 250 Bypass Interchange project is proceeding ahead of schedule. As explained by the contractor in its request for an extension (Attachment A), the contractor is attempting to complete the project by the end of this year. The City, which is administering the project, and the contractor would like to continue using this waste area until the project is completed, and have no plans to find another. Permanent seeding would necessitate closure of the waste site. The City would have to find another suitable area, which may cause delays and additional costs to the project.

In considering an extension to the Erosion and Sediment Control Permit, County Code § 17-808(B)(2) provides that the Board must make three findings. Those findings and staff's analysis of those findings are as follows:

(i) the additional time is necessary due to factors beyond the control of the owner;

This site is tied closely to the City's 250 Interchange project. It has been treated as an extension of that project, rather than an independent site with different time constraints. The additional time is required because of the magnitude of the 250 Interchange project.

(ii) the owner had made good faith efforts to comply with the time limit; and

Some areas of the site next to the road have been stabilized. Because of the magnitude of the 250 Interchange project and the ongoing need to haul soil to and from the Wetsel Property, there has been no effort at finishing grades and seeding for the majority of the fill area on the site where activities are ongoing.

(iii) the owner has plans to effectively control or has effectively controlled erosion and sedimentation on the property during the land disturbing activity.

The owner has measures in place that effectively control erosion and sedimentation from leaving the property. Most of the site drains to a sediment trap beyond the fill area away from Rio Road.

Based on the County's interest in seeing the 250 Bypass Interchange project substantially completed in December of this year without additional delays, staff recommends that the Board extend the deadline to install permanent vegetation.

County Code § 17-808(B)(2) requires that the Board set a time limit on an approved extension and may include reasonable conditions as part of granting the extension. Staff recommends that the Board extend the deadline to December 31, 2014. Staff does not recommend any other conditions.

The Water Protection Ordinance requires yearly renewal fees of \$100 per disturbed acre. No changes to funding or staff resources are anticipated as a result of this request.

Staff recommends approval of this request with the following conditions:

1. Permanent stabilization shall be installed by December 31, 2014.

By the above-recorded vote, the Board approved WPO-2013-00030, the request to extend the deadlines for installing permanent vegetation at the Wetsel Waste Area, subject to the following condition:

1. **Permanent stabilization shall be installed by December 31, 2014.**

Item No. 8.6. Crozet Avenue North Sidewalk Improvements.

The executive summary states that the Office of Facilities Development is working on the completion of the Crozet Avenue North Sidewalk Improvements Project. This project is partially funded by the Virginia Department of Transportation (VDOT)'s Revenue Sharing Program, and will provide for pedestrian safety by replacing or constructing approximately 1100 feet of sidewalk and drainage improvements along the west side of Crozet Avenue from Saint George Avenue to Crozet Elementary School. The acquisitions of a permanent right-of-way, a permanent drainage easement, and temporary construction easements across Parcels 56A1-1-74, 56A1-1-74C and 56A1-1-74D belonging to John H. Hilker, Jr. and Jennifer B. Hilker are necessary to construct this project.

The costs of acquiring the right-of-way and the easements are subject to a state match from VDOT's Revenue Sharing Program. As a condition of the Revenue Sharing Program, VDOT required the County to obtain an independent appraisal to establish the fair market value of the right-of-way and the easements to be acquired, and to offer just compensation to the property owners. The appraisal determined the property value to be \$41,817. This information was shared with the property owners as required by the Revenue Sharing Program agreement. The property owners agreed to sell the right-of-way and the easements to the County for \$41,817, based upon the appraisal, and have signed the Deed of Dedication (Attachment A) and the Plat (Attachment B).

Funds in the amount of \$735,787 were previously appropriated for the project to include the project design, right-of-way and easement acquisitions, and construction. The cost of this acquisition is \$41,817, 50% of which is expected to be reimbursed to the County from VDOT's Revenue Sharing Program.

Staff recommends that the Board approve the purchase of the right-of-way and easements on property identified as Parcels 56A1-1-74, 56A1-1-74C and 56A1-1-74D at the agreed price of \$41,817, and authorize the County Executive to sign, in a form approved by the County Attorney, all documents necessary for the purchase of the property and the recordation of the Deed.

By the above-recorded vote, the Board approved the purchase of the right-of-way and easements on property identified as Parcels 56A1-1-74, 56A1-1-74C and 56A1-1-74D at the agreed price of \$41,817, and authorized the County Executive to sign, in a form approved by the County Attorney, all documents necessary for the purchase of the property and the recordation of the Deed:

This document was prepared by:
Albemarle County Attorney
County of Albemarle
401 McIntire Road, Suite 325
Charlottesville, Virginia 22902

Parcel ID Numbers 056A1-01-07400, 056A1-01-074C0 and 056A1-01-074D0

This deed is exempt from taxation under *Virginia Code* § 58.1-811(A)(3) and from the Circuit Court Clerk's fees under *Virginia Code* § 17.1-266.

DEED OF DEDICATION

THIS DEED OF DEDICATION is made this _____ day of _____, 2014 by and between **JOHN H. HILKER, JR.**, and **JENNIFER B. HILKER**, husband and wife, (hereinafter "Grantors"), and the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, Grantee.

WITNESSETH:

WHEREAS, the Grantors are the owners in fee simple of the real property located in Albemarle County that is described below and hereinafter referred to as the "Property;"

WHEREAS, the Grantors offer to grant, convey and dedicate the Property to the County in fee simple for public use, namely, a public right-of-way and other public purposes; and

WHEREAS, the Grantee is willing to accept the Grantors' offer of dedication.

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, receipt of all of which is hereby acknowledged, the Grantors do hereby GRANT and CONVEY with GENERAL WARRANTY of TITLE to the Grantee, its successors and assigns, the following real property, to wit:

PARCELS X AND Y: All that certain lot or parcel of land situated in the County of Albemarle, Virginia, located on Crozet Avenue, containing 0.179 acres, more or less, shown as Parcel "X" and all that certain lot or parcel of land situated in the County of Albemarle, Virginia, located on Crozet Avenue, containing 0.123 acres, more or less, shown as Parcel "Y" on a plat by Lincoln Surveying, dated June 13, 2012 and last revised March 26, 2014, titled "Subdivision Plat Showing Parcels 'X' and 'Y' Being Portions of Tax Map 56A(1) Parcels 1-74 and 1-74C Hereby Dedicated to Public Use, Located on Crozet Avenue, White Hall District, Albemarle County, Virginia," a copy of which is attached hereto and to be recorded with this deed (the "Parcels X and Y Plat"). Reference is made to said plat for a more particular description of the location of the described lands.

Parcel "X" is a portion of Albemarle County Parcel ID 056A1-01-00-07400, containing 1.363 acres, more or less, conveyed to the Grantors herein by deed dated May 9, 1994, recorded in the Clerk's Office of the Circuit Court of the County of Albemarle, Virginia, in Deed Book 1402, page 561.

Parcel "Y" is a portion of Albemarle County Parcel ID 056A1-01-00-074C0, containing 1.014 acres, more or less, conveyed to the Grantors herein by deed dated May 9, 1994, recorded in the Clerk's Office of the Circuit Court of the County of Albemarle, Virginia, in Deed Book 1402, page 561.

FURTHER, in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, receipt of all of which is hereby acknowledged, the Grantors do hereby GRANT and CONVEY with SPECIAL WARRANTY of TITLE to the Grantee, its successors and assigns, the following real property, to wit:

PARCEL Z: All that certain lot or parcel of land situated in the County of Albemarle, Virginia, located on Crozet Avenue, containing 0.034 acres, more or less, shown as Parcel "Z" on a plat by Lincoln Surveying, dated June 13, 2012 and last revised March 26, 2014, titled "Subdivision Plat Showing Parcel 'Z' Being a Portion of Tax Map 56A(1) Parcel 1-74D Hereby Dedicated to Public Use, Located on Crozet Avenue, White Hall District, Albemarle County, Virginia," a copy of which is attached hereto and to be recorded with this deed (the "Parcel Z Plat"). Reference is made to said plat for a more particular description of the location of the described lands.

Parcel "Z" is a portion of Albemarle County Parcel ID 056A1-01-00-074D0, containing 0.55 acres, more or less, conveyed to the Grantors herein by deed dated December 15, 2013, recorded in the Clerk's Office of the Circuit Court of the County of Albemarle, Virginia, in Deed Book 4461, page 84.

FURTHER, in consideration of the premises and TEN DOLLARS (\$10), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantors do hereby GRANT, CONVEY, and DEDICATE to public use with SPECIAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the Grantee, its successors and assigns, a perpetual exclusive easement as shown on the Parcel Z Plat and as referred to herein as the "Easement" over the following property:

DRAINAGE EASEMENT: All that certain lot or parcel of land situated in the County of Albemarle, Virginia, located on Crozet Avenue, containing 0.022 acres, more or less, shown as "New Drainage Easement" on the above-described Parcel Z Plat, a copy of which is attached hereto and to be recorded with this deed. Reference is made to said plat for a more particular description of the location of the described lands.

FURTHER, pursuant to the consideration described herein, the Grantors do hereby GRANT, CONVEY, and DEDICATE to public use all ditches, pipes and other improvements and appurtenances within the Easement established for the purpose of conveying stormwater (hereinafter collectively referred to as the "Improvements," whether referring to existing Improvements or those to be established in the future by the Grantee).

The Easement shall be subject to the following:

1. Right to construct, reconstruct, install, maintain, repair, change, alter and replace the Improvements. The Grantee shall have the right to construct, reconstruct, install, maintain, repair, change, alter, and replace present or future Improvements (hereinafter referred to as "inspecting, maintaining and operating" or derivations thereof) for the purposes of collecting and transmitting storm water, protecting property from flooding, protecting water quality, and otherwise controlling stormwater runoff.
2. Ownership of the Improvements. All Improvements within the Easement, whether they were installed by the Grantee or any predecessor in interest, shall be and remain the property of the Grantee.
3. Right of ingress and egress. The Grantee shall have the right and easement of ingress and egress over any lands of the Grantors adjacent to the Easement between any public or private roads and the Easement, to inspect, maintain and operate the Improvements.
4. Right to inspect, maintain and operate the Improvements. The Grantee may enter the Easement to inspect, maintain and operate the Improvements.
5. Right of Grantee to disturb and maintain the Easement premises. The Grantee shall have the right within the Easement to trim, cut or remove any trees, brush or shrubbery, remove fences, structures or other obstructions, and take other similar action reasonably necessary to provide adequate and fully functioning Improvements; provided, however, that the Grantee, at its own expense, shall restore as nearly as possible, the premises to their original condition. This restoration shall include the backfilling of trenches, the replacement of fences and shrubbery, the reseeding or resodding of lawns or pasture areas, and the repair or replacement of structures and other facilities located outside of the Easement that were damaged or destroyed by the Grantee. However, the Grantee shall not be required to repair or replace any structures, trees, or other facilities located within the Easement, but be required only to repair or replace groundcover within the Easement that was disturbed, damaged or removed as a result of installing or maintaining any of the Improvements. In addition, the Grantee shall remove from the Easement all trash and other debris resulting from the installation, maintenance or operation of an Improvement, and shall restore the surface thereof to its original condition as nearly as reasonably possible. Notwithstanding the foregoing, the Grantee shall not be required to repair or replace anything identified in this paragraph if to do so would be inconsistent with the proper maintenance or operation of the Improvements. In addition, neither the Grantee nor any other public agency, including the Virginia Department of Transportation, shall be responsible for conducting routine maintenance as described in paragraph 6 except as expressly provided in this paragraph.
6. Right of Grantors to maintain the Easement premises. The Grantors shall have the right to perform routine maintenance of the Easement premises, including the removal of trash and landscaping debris, mowing and manicuring lawns and groundcovers, and making any other aesthetic improvements

desired by the Grantors that are not inconsistent with the rights herein conveyed, and which do not adversely affect the proper operation of any Improvement. The right to maintain the Easement premises does not include the right to maintain the Improvements.

7. Temporary construction easements. The Grantors further convey to the Grantee the temporary construction easements shown on the Plats as "Temporary Construction Easement," in order to construct, install, maintain, repair, change, alter, or replace public Improvements. The conveyance of these temporary construction easements and rights-of-way includes the right of ingress and egress for the above-mentioned purpose. The temporary construction easements shall expire upon completion of construction, but no later than June 30, 2016. The public improvements within the property conveyed herein shall be the property of the Grantee.

8. Exclusivity; restrictions. The Easement conveyed herein is an exclusive easement. Neither the Grantors nor any person acting under the Grantors' express or implied consent shall modify, alter, reconstruct, interfere with, disturb or otherwise change in any way the land within the Easement or any Improvement located within the Easement; and further provided that such persons shall not construct or maintain any roadway, or erect any building, fence, retaining wall or other structure within the Easement.

9. Grantee's right to assign. The Grantee shall have the right to assign this Easement as its interests may require.

10. Binding effect. The Easement and the rights and obligations established herein shall run with the land in perpetuity, and shall be binding upon the Grantors, the Grantee, and their successors and assigns. All references herein to the "Grantors" and the "Grantee" include their respective successors and assigns. All references to the "Grantee," when exercising any right or obligation herein, includes the Grantee's officers, employees and agents.

The improvements constructed within the public rights-of-way shall be the property of the Grantee.

This conveyance is made subject to all easements, reservations, restrictions and conditions, if any, contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the above-described property which have not expired by a time limitation contained therein or have otherwise not become ineffective.

The Grantee, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts the conveyance of this property pursuant to *Virginia Code* § 15.2-1803, as evidenced by the County Executive's signature hereto and the recordation of this Deed.

Consent of trustees and beneficiaries to subordinate liens.

A. By deed of trust dated May 9, 1994, of record in said Clerk's Office in Deed Book 1402, page 565, the Grantors conveyed the subject Property to Nicholas E. Munger, Trustee, to secure an outstanding obligation owed to Polly Ashby Sheets, Beneficiary. Pursuant to the authorization of the Beneficiary, as evidenced by its signature hereto, the Trustee joins in this deed to subordinate the lien of such deed of trust to the property interests conveyed hereby.

B. By deed of trust dated September 29, 2008, of record in said Clerk's Office in Deed Book 3654, page 43, the Grantors conveyed the subject Property to Stewart Title & Escrow, Inc., Trustee, to secure an outstanding obligation owed to JP Morgan Chase Bank NA, Beneficiary. Pursuant to the authorization of the Beneficiary, as evidenced by its signature hereto, the Trustee joins in this deed to subordinate the lien of such deed of trust to the property interests conveyed hereby.

Item. No. 8.7. SUB-2014-00120. Briarwood Commercial Lots Final Subdivision Plat and SDP-2014-47. Briarwood Gas Station Final Site Plan – Special Exceptions for two (2) waivers and one (1) variation.

The executive summary states that the applicant proposes to subdivide two vacant commercially zoned parcels fronting Route 29 North into five (5) commercial lots. Associated with the subdivision are two private streets extending from Briarwood Drive to the proposed commercial lots: a new section of Elm Tree Court serving the lots north of Briarwood Drive and Boulderview Road serving the lots south of Briarwood Drive. The applicant has also submitted a final site plan for an automobile service station on one of the southern lots. During the design of the private streets it was determined by the applicant, in consultation with VDOT and the County Engineer, that: 1) the new section of Elm Tree Court should be aligned to intersect Briarwood Drive at the existing Elm Tree Court intersection; and, 2) Boulderview Road should be shifted west so that its intersection with Briarwood Drive will meet the required minimum VDOT spacing requirement from Route 29 (Attachment B).

The following summarizes findings for each request. The attached staff report (Attachment A) provides details for each request.

As part of the final subdivision plat application the applicant is requesting two special exceptions:

- **Buffer Zone Disturbance Waiver** – to disturb the 20 foot buffer zone adjacent to residential districts to facilitate construction of Boulderview Road and Elm Tree Court. Portions of each street are to be located within the 20 foot buffer, as well as grading and landscaping associated with a landscape mitigation plan to remedy a site plan violation on the property.
- **Variation to Briarwood PRD application plan (ZMA2005-09)** – to vary the application plan to construct Elm Tree Court on a portion of open space associated with the Briarwood PRD.

As part of the site plan application the applicant is requesting one special exception:

- **Setbacks for Fuel Storage Tank Waiver** – to locate the gas station's underground storage tanks and loading facilities closer than 100 feet from any property line.

There is no budget impact.

Staff recommends approval of special exceptions for the buffer zone waiver, variation to the application plan and waiver of the fuel storage tank setback as noted in the attached Staff Report (Attachment A).

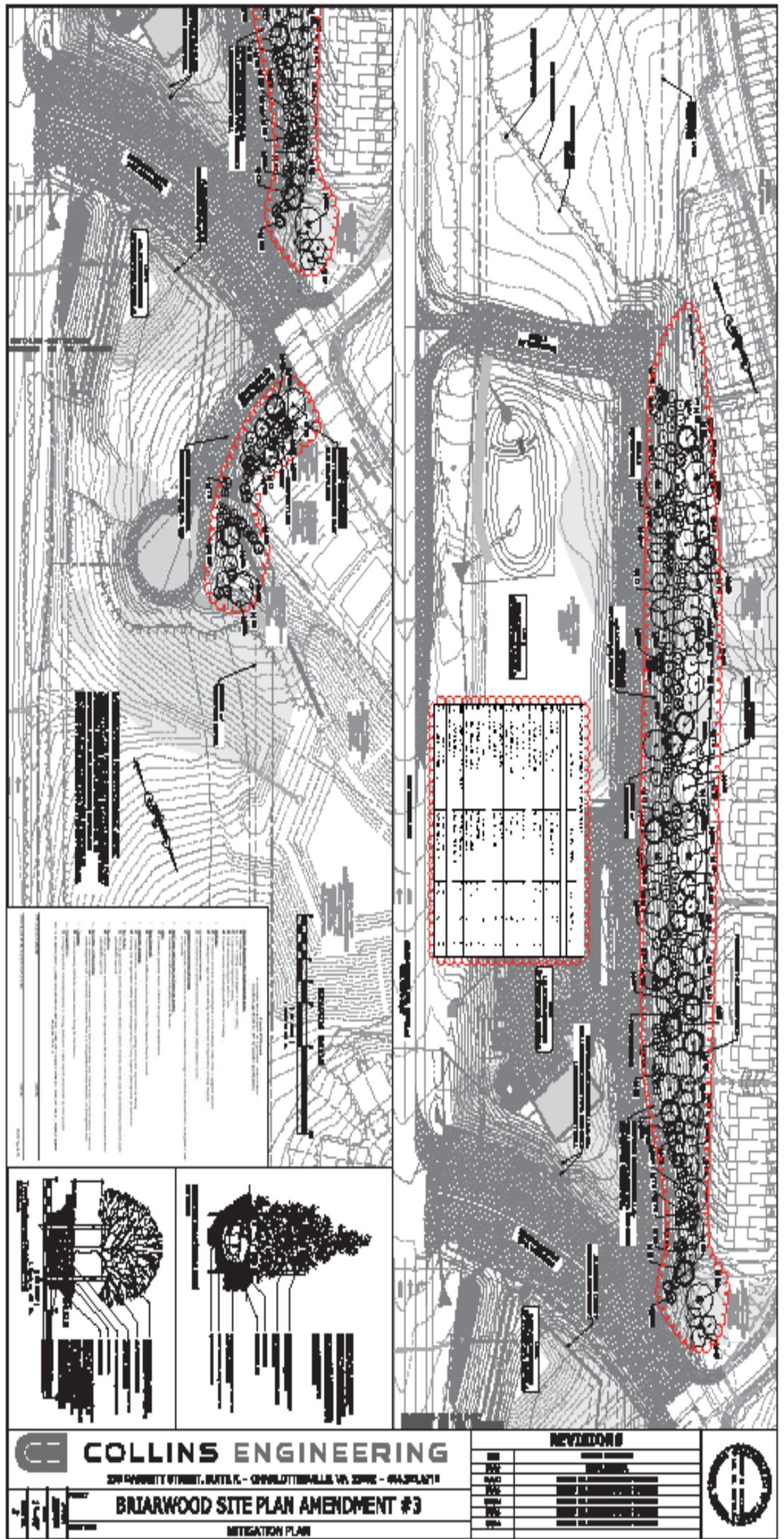
By the above-recorded vote, the Board approved the special exceptions for the buffer zone waiver and variation to the application plan subject to the following condition recommended by staff; and approved the waiver of Section 5.1.20(b) of the Zoning Ordinance; setbacks for storage tanks and loading facilities for this site to meet the requirements of Section 5.1.20(a), which allows the gas station's underground storage tanks and loading facilities closer than 100 feet from any property line:

BUFFER ZONE DISTURBANCE WAIVER

1. Landscaping shall be installed as depicted on SDP-2013-35 Landscape Mitigation Plan (Attachment D-below).

VARIATION FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENT – BRIARWOOD PRD APPLICATION PLAN (ZMA2005-09)

1. Landscaping shall be installed as depicted on SDP-2013-35 Landscape Mitigation Plan. (Attachment D-below).



Item No. 8.8. Proposed Deferred Compensation Ordinance Amendment

The executive summary states that as a benefit to employees, the County offers a voluntary Deferred Compensation Program by which employees can contribute portions of their earnings into 457(b) retirement savings accounts. Unlike the mandatory Virginia Retirement System (VRS) defined benefit program, to which both the County and the employee are required to contribute, the Deferred Compensation Program is funded solely by employees' voluntary pre-tax contributions. The 457(b) retirement savings accounts held by County employees are similar to 401(k) accounts available to private sector employees.

The County first established a Deferred Compensation Program in 1983, and by ordinance, adopted the National Association of Counties (NACo) Deferred Compensation Program. The 1983 ordinance also created a deferred compensation committee appointed by the county executive. The ordinance granted the committee the power to do all things by way of supervision, administration and implementation of a plan of deferred compensation. See *County Code* §§ 2-1108 to 2-1110. After decades of inactivity, the committee has recently been revived and is reviewing the County's existing plan.

When the County's Deferred Compensation program was first established in 1983, deferred compensation programs were in their infancy. At that time, it made sense for the County to pool its resources with other localities in offering this benefit. However, over time, the County's Deferred Compensation Program has grown to over \$26 million in employee retirement contributions and earnings. At the same time, many more options exist to serve these growing savings, often with lower fees and expenses. Very few Virginia localities of Albemarle's size still use the NACo Deferred Compensation Program. While many smaller localities still do, most larger localities have moved on to high quality programs with lower expenses that allow employees to keep more of their retirement savings.

The County's Deferred Compensation provider is specifically designated in *County Code* § 2-1108 as the NACo Deferred Compensation Program and can be changed only by amending this 1983 ordinance. Regardless of whether the County ultimately chooses to remain with NACo's Program, the Deferred Compensation Committee believes that opening the County's Program to competition from other investment providers would have a positive effect on Program costs, again allowing County employees to keep more of their retirement savings.

The proposed ordinance would simply remove the exclusive designation of the National Association of Counties Deferred Compensation Program from *County Code* § 2-1108, and allow the County to at least consider other investment providers, either in addition to or instead of the existing NACo program. The rest of the *County Code* provisions regarding deferred compensation would remain the same.

Because the County's Deferred Compensation Program is funded by voluntary employee contributions, no impact is expected on the County's budget.

Staff recommends that the Board authorize the advertisement of the proposed ordinance amendment for a public hearing.

By the above-recorded vote, the Board authorized the advertisement of the proposed ordinance amendment for a public hearing.

Item No. 8.9. FY 13/14 ACE Easement Appraisals and Purchases.

The executive summary states that on November 13, 2013, the Board approved the Acquisition of Conservation Easement (ACE) Committee's request to have the top five ranked properties from the FY 2013-14 applicant pool appraised. The properties were the Henley Forest, Inc., Caldwell, Campbell, Woodson, and Stargell properties (see Attachment A). Based on estimated easement values for these properties prior to the official appraisals, the ACE Committee believed that the ACE Program fund balance would be enough to purchase some or all of the easements. Even if it were not, the Committee believed it was prudent to obtain appraisals on lower ranked properties in the event that higher ranked application(s) were withdrawn. Since the Board's November approval, the Caldwell application has been withdrawn.

The Board of Supervisors determines which easements are to be purchased in the ACE Program. *County Code* § A.1-111(A) provides in part: "From the list of applications received under section A.1-110(D), the board of supervisors shall designate the initial pool of parcels identified for conservation easements to be purchased. The size of the pool shall be based upon the funds available for easement purchases in the current fiscal year and the purchase price of each conservation easement in the pool established under section A.1-111(B)." Because it is possible that not every invited applicant will submit an actual offer to sell, if one or more applicants were to drop out of the pool other applicants would be substituted until the eligible applicants or available funding were exhausted.

Through the first ten rounds of the ACE program, the County has acquired easements on 41 properties and protected 7,555 acres and other open space resources at a 23% discount to net easement value because of grants, donations & adjusted values from the income grid (see Attachment D). Strategic Plan Goal 4 is to protect the County's parks and its natural, scenic and historic resources in accordance with the County's established growth management policies.

The appraisal for the first and highest ranked applicant, Henley Forest, Inc., was completed and submitted to the Appraisal Review Committee (ARC) in May, 2014. On June 3, the ARC met to review this one appraisal and had several comments for the appraiser. This resulted in a significant revision to the appraisal. In the meantime, the other three appraisals were submitted for ARC review. When the ARC met again in August, it reviewed and approved two of the four appraisals, including the revised Henley Forest appraisal. Because questions remain about the development potential of Woodson and the comparables used for Stargell, the ARC has asked the appraiser to review and possibly revise those appraisals. In an effort to expedite the acquisition process, staff recommends the approval of the Henley Forest and Campbell appraisals, the easement appraisals that have been officially approved by the ARC. If the Woodson and Stargell appraisals are approved by the ARC, staff would then submit those for later Board approval. Though the total easement value for the two approved properties is \$661,000, the net ACE payment would be reduced to \$539,140 based on adjustments from the income grid (Attachments B & C). This grid is used to determine the ACE payment and is based on the average adjusted gross income of the applicant.

Currently, the County has \$751,454.60 of reappropriated funds from FY 2013-14 for acquiring easements plus another \$310,394.11 in grants from the Office of Farmland Preservation (OFP): \$149,678.46 that was awarded in March, 2014 and \$160,715.64 that was awarded in February, 2013. These grant funds must be used within two years of the award date and are held by OFP in a restricted account until the County submits a Reimbursement Claim Form for 50% of the total acquisition costs. Therefore, the total funds available for the acquisition of all easements in this class of applicants is \$1,061,848.70. After the acquisition of the Henley Forest and Campbell easements, \$520,000 will be left to acquire the Woodson and Stargell easements.

Funding for the purchase of these conservation easements would be paid for from existing funds in the CIP-Planning-Conservation budget (line-item 9010-81010-580409) and grants from the Office of Farmland Preservation (OFP).

The ACE Committee and staff recommend that the Board:

- 1) Approve the Henley Forest, Inc. and Campbell appraisals from the FY 2013-14 applicant pool (see Attachment A);
- 2) Authorize staff to invite Henley Forest, Inc. and Campbell to make written offers to sell conservation easements to the County for the amounts approved by the ARC (see Attachment C).

By the above-recorded vote, the Board approved the Henley Forest, Inc. and Campbell appraisals from the FY 2013-14 applicant pool, and authorized staff to invite Henley Forest, Inc. and Campbell to make written offers to sell conservation easements to the County for the amounts approved by the ARC.

Item No. 8.10. VDOT Culpeper District, Albemarle County Monthly Report, September 2014, **was received for information.**

Item No. 8.11. Board-to-Board, August 2014, *a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors*, **was received for information.**

Item No. 8.12. 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. Grant awards provide funding to support a variety of projects supporting the Board's Aspirations statements and the County's Mission 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.

The attached Grants Report provides a brief description of two grant applications that were approved for submittal during the time period of July 18, 2014 through August 13, 2014.

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

This report is for information only.

GRANT REPORT ACTIVITY from July 18, 2014 through August 13, 2014

Applications were made for the following grants:

| Granting Entity | Grant | Type | Amount Requested | Match Required | Match Source | Department | Purpose |
|---|---------------------------------------|------------|------------------|----------------|--------------|-------------------------------------|--|
| National Association of Victim of Crimes Act (VOCA) Assistance Administrators | Community Awareness Project | Foundation | \$5,000.00 | 0 | N/A | Commonwealth's Attorney | This grant would partially fund advertising and marketing for a "Community Day" in which information would be provided on services available for the victims of all types of crimes and to promote public awareness of the rights of victims. |
| Charlottesville Area Community Foundation | BAMA Works Fund of Dave Matthews Band | Foundation | \$2,500.00 | 0 | N/A | Department of Social Services (DSS) | This grant would fund Family Support Workers to purchase summer kits in 2015 for the families of children on the Family Support Workers' caseloads. Families will receive an age appropriate summer kit containing a variety of activities to improve family engagement. |

Awards were received for the following grants:

No awards were received during this time period.

Item No. 8.13. Copy of letter dated August 19, 2014, to Mr. Roger W. Ray, Roger W. Ray and Assoc., Inc., from Mr. Francis H. MacCall, Principal Planner, *re*; LOD-2014-00008 – OFFICIAL DETERMINATION OF PARCELS OF RECORD & DEVELOPMENT RIGHTS – Tax Map 57, Parcel 3 (property of Charles E. Shiflett) White Hall Magisterial District, **was received for information**.

Item No. 8.14. Albemarle County Service Authority (ACSA) Quarterly Update, from Mr. Gary O'Connell, Executive Director, **was received for information**.

1. **Budget and Rates** – The ACSA Board approved the new FY 2015 Budget at the June 19th meeting. The Budget totals \$28.5 million and is increasing 4.8%, primarily driven by the increased costs for the Rivanna Water and Sewer Authority (RWSA) advanced water filtering process (GAC – granular activated carbon) at the water treatment plants.

Also approved were the rates effective July 1st. The ACSA average residential customer using 4,000 gallons a month saw a water and sewer bill increase of \$4.31 per month. The ACSA has actually had small rate decreases for two of the past five years, with a five year average increase of less than one percent per year.

2. **Debt Formula Agreement** – A long standing issue to resolve has been the debt formula that RWSA uses for monthly water and wastewater billing to the ACSA and the City. The Four Party Agreement (ACSA, County, City, RWSA) currently provides that the monthly billings be on a monthly flow basis. This does not create much of an issue for water, but for wastewater the monthly flows can vary dramatically due to wet weather rains (infiltration/inflow that gets into the lines) or drought. The proposed agreement would use a twelve month average. This change would be fair for all parties and stabilize the budgets. Discussion is underway on the agreement language.

3. **Water Utility Trends** – A recent Washington Post story highlighted utility issues in the Washington area, and the financial dilemma they are facing by seeing no growth in new customers (or in decline), and an average monthly residential use decrease through water conservation.

The ACSA continues to see some growth in our overall system (about 300 new customers annually has been the trend, and that is continuing). We do see average monthly residential use continuing to decline. Our growth though has offset the average use decline; that is not the case for many other utilities across the country.

The other major issue water utilities are facing is not keeping up with infrastructure needs (plants, pipes, pump stations), and consequently having a huge future financial hole developing. Fortunately, the ACSA (and for that matter our treatment provider RWSA) has kept up with infrastructure needs, with some major projects over the past 5 years. Yet our monthly user rates continue to be below the statewide average.

The article discussed what is a national dilemma for many utilities, including in the Washington area: rising fixed costs and reducing use that require very large customer rate increases. We at the ACSA have avoided that dilemma. Our recent rate study verifies we are in a strong financial position and are adequately addressing our infrastructure needs, while at the same time having below average rates.

4. **Capital Projects Update**

- **Western Ridge – Foxchase (Crozet) Water Connection** – This project is to create a looped system, which now dead-ends. This will improve water quality

- and provide an emergency backup. The project has been delayed, but a new directional drilling contractor is in place to advance the project forward.
- **Key West Water Main Replacement** – All easements have been obtained now, readying to go to bid. This waterline project replaces an existing waterline that was constructed for what was once a large well system converted to a public water supplied system. The waterlines are old and in need of replacement. Additionally, fire hydrants will be added that will increase the fire protection in Key West.
 - **Ashcroft Water Improvements** – A new tank has been installed and the pump station upgraded. A second upper pump station is being planned for replacement.
 - **Michie Tavern Water Main Replacement** – A new waterline is being designed that would connect near PVCC on Route 20. The current waterline is over 70 years old and badly deteriorating.
 - **Crozet Water Main Replacement Phase 2** – A phased waterline replacement program is underway to replace some of the older and less reliable parts of our system. Work is currently underway.
 - **Berkeley Water Main Replacement** – Fifty six year old waterline deteriorating with failures and leaks. We have begun design and field surveying.
 - **Glenmore Water Tank Project** – Glenmore has a single line serving the Village of Rivanna area, and is in need of an emergency backup system through water tank storage. Project designed, community meetings held, awaiting final approvals to bid soon.
 - **Ivy Road-Flordon Water Connection** – Another of the emergency redundancy projects, located near Ivy Nursery to connect to the West Leigh area for water system and fire protection improvements. Project being bid.
 - **Sewer System Rehabilitation** – Work is underway and near completion in Ednam and around the PVCC area.
 - **West Leigh Water Main Replacement Phase 3** – Underway, on Devonshire Road by ACSA crews, and when complete a new waterline will be installed on Wendover. Current waterline is 41 years old and failing, and is undersized, especially for fire protection purposes. Additional fire hydrants are being added.
 - **Hollymead Water Main Replacement** – Work has been completed with the last work on Derby Lane and Maiden Lane.
 - **SCADA (Supervisory and Data Control Acquisition)** – A new computerized control system to monitor continuously our system at water and wastewater pump stations, water storage tanks, and PRV (pressure reducing valve) stations. First of two phases has been completed and is on-line.

Item No. 8.15. Rivanna Water and Sewer Authority (RWSA) Quarterly Update, from Mr. Thomas L. Frederick, Executive Director, ***was received for information.***

1. **Director of Operations:** On August 11, 2014, RWSA's new Director of Operations began work. His name is Richard Gullick, and he came to us from the position of Chief of Water Quality for the Passaic Valley Water Commission in Totowa, NJ. He has served in both the public and private sectors and has accumulated more than twenty-five years of experience in utility, consulting, research and education in the water supply, wastewater, environmental and pollution prevention fields.

Rich received a B.S. in Environmental Science from Michigan State University in 1980; his M.S.P.H. in Environmental Management and Protection for the University of North Carolina at Chapel Hill in 1983; and his Ph.D. in Environmental Engineering from the University of Michigan in 1998. Rich has also been involved at the national level with the American Water Works Association (A WWA) with numerous publications, to include co-author of A WWA's best practice guide on source water protection.

2. **Schenks Branch Interceptor Easements:** I am informed that the City and County are very close to a resolution of negotiations regarding the need for easements for this project, and our counsel, Mr. Kurt Krueger, is assisting both City and County Attorneys in the preparation of appropriate documents. RWSA is required by a Consent Order with the Virginia Department of Environmental Quality to submit a compliance milestone schedule for completion of the project by September 30, 2014. We are presently working on schedules around two different scenarios, to include if these easements are, or are not, approved. We will submit what is appropriate depending on the status of these easements as we approach the end of the month.

We continue to advocate for a favorable resolution, and appreciate all positive efforts that have been initiated by many elected officials to achieve this result. Given the significant public inconvenience and higher costs of other alternatives, we believe it would be extremely difficult to achieve a favorable result by taking a different path

3. **Water Treatment Plant Granular Activated Carbon Improvements:** GAC bids for the Crozet and Scottsville Water Treatment Plants in June were highly unfavorable. RWSA's budget included only \$2.8 million for an initial construction contract award, but the

lowest bidder was over \$4.5 million. It became necessary that our Board rejected all bids, and then an evaluation was performed which included confidential communication with bidders. Key reasons identified for the higher bids included: (1) unusually complex for small water treatment plants -very few plants this size ever build GAC facilities -small contractors less experienced with such complexity and contractors who build GAC usually work at large plants; and (2) the construction market (economy) is the best it has been in five years pricing moving more in favor of a contractor's market. Our engineer has looked for cost cutting opportunities, but as of the end of August, a \$1 million gap between the project estimate and the budget remained. One further option that could cover most of this gap is still under evaluation. That option would be to choose a different delivery method for activated carbon at Scottsville: powdered instead of granular. Powdered carbon has much lower capital costs but higher operating costs than granular. For most plants granular is less expensive over the long run, however, because of the especially small size of Scottsville, our recent evaluation is showing that for this facility powdered may be less expensive in the long, as well as short, run. We are conducting additional testing to be sure we can confirm powdered carbon at Scottsville will deliver the equivalent water quality to what has been committed. We will present our findings to the ACSA Board on September 18, 2014.

4. Ragged Mountain Dam: Substantial completion of the earthen dam was achieved in early June 2014, and substantial completion of the new flow release structure at the base of the Sugar Hollow Dam was also substantially completed in June. Within the past several weeks the Contractor has focused on site restoration activities (particularly the borrow areas used to construct the dam), administrative activities (e.g., record drawings), operator training, and miscellaneous punch list items. Our Contractor anticipates reaching final completion in early September.

RWSA received authorization from the Dam Safety Unit of the Virginia Department of Conservation and Recreation to begin filling the new reservoir on July 15, 2014. At that time the reservoir water level was 17 feet below the old spillway elevation, which represented 47 feet below the new spillway elevation. As of August 29, 2014 reservoir levels had increased by approximately 9 feet.

A dedication of the new dam and ribbon cutting is scheduled for September 18, 2014 at 3:00 pm by invitation. Mayor Huja and Chair Dittmar will be among the speakers.

5. Ivy Materials Utilization Center: RSWA is continuing to assist the County as requested in their planning for how to use the Ivy Materials Utilization Center following the expiration of the current contract between RSWA and the County on June 30, 2015. At present the County Board of Supervisors has decided to request RSWA continue to operate the facility, with options under discussion including downgrading the facility to a "convenience center" or identifying a way, subject to DEQ approval, in which a transfer station may continue to operate on the site. By Letter of Agreement, DEQ is requiring that the existing facility cease to operate as a "transfer station" on July 1, 2015 unless the County can submit a narrative plan with milestone compliance dates by April 1, 2015 that "lays out" what future publicly operated solid waste facilities will be operated within the County's jurisdiction and how they will be built and operated consistent with DEQ's current regulations. DEQ considers the existing "transfer station" at Ivy to be deficient under current regulations.

Agenda Item No. 9. FY 16 Operating and Capital Budget Calendar.

The executive summary forwarded to Board members states that the process of developing the County's Operating Budget for Fiscal Year 16 (FY16) and the Capital Improvements Program (CIP) for FY16-20 is underway. The attached proposed calendar (Attachment A) is provided to the Board to establish firm dates for Board meetings and public hearings on the tax rate, the budget and the CIP, and to provide the public with as much notice as possible for planned community engagement opportunities, public hearings and work sessions associated with the development of the upcoming budgets.

On August 6, 2014, the Board provided staff with direction regarding the timing of when the Board would prefer to set the tax rate cap for advertisement. This date determines the establishment of the essential elements of the timeline that are associated with legal notices, public hearings and work sessions. This direction has been incorporated into the FY 16 budget development schedule for the Board's review and approval..

There are several dates in the budget presentation and approval process that are driven by Virginia Code requirements which are reflected in the attached calendar:

- Localities with a first-half tax year collection in June must adopt the tax rate on or before April 15th.
- There must be at least seven days between the public advertisement of the budget public hearing and the actual hearing date, and at least seven days between the public hearing and the adoption of the budget.

- Localities must provide at least 30 days notice of the tax rate public hearing if the reassessment would result in an increase of one percent or more in the total real property tax levied compared to the prior year's tax levies. Prior to 2009, the requirement was seven days notice.

In addition to these Virginia Code requirements, the School Board has requested that a public hearing be scheduled so that it does not coincide with Spring Break.

Attachment A provides a preliminary budget calendar for the FY 16 budget process that meets the Virginia Code requirements and the School Board's request. This calendar assumes that the reassessment would result in an increase of one percent or more in the total real property tax levied in Calendar Year (CY) 15 compared to CY 14, and schedules for the necessary 30 days notice. This calendar also provides for an additional Board/School Board meeting earlier in the CIP process to involve Board members earlier in the CIP development process. Staff recommends also including a public engagement opportunity as part of the Five Year Financial Planning process this year.

Staff recommends that the Board review and adopt the preliminary budget calendar set forth in Attachment A.

Ms. Lori Allshouse, Director of the Office of Management and Budget, said that she is present to discuss the preliminary budget development calendar and request Board adoption of same. The calendar is established to meet legal timelines, set dates for public hearings and Board meetings and work sessions. She said that the calendar can be amended, based on the outcomes of their meeting with the School Board on August 26; a workgroup is being established to discuss the calendar.

Ms. Allshouse reported that on July 2, the Board reviewed a summary of suggestions to improve the budget process, and that summary included some improvements to the budget development schedule that staff took into account. On August 6, she said, the Board provided direction to staff after considering two options to include the advertising of the tax rate in March. She stated that on August 26, the Board met with the School Board to talk about expectations that may impact the calendar.

Ms. Allshouse said that there are some legal requirements related to the calendar, such as adoption of the tax rate by April 15, and legal notice requirements regarding advertising of public hearings. There were other considerations taken into account such as the Board's new meeting schedule, the Board's desire for more involvement with the School Division, public engagement opportunities, work session schedule, and the timing of the School Division's spring break.

She stated that there are a few new things in this calendar compared to last year: a preliminary overview of the CIP scheduled in November, which is a result of conversations Board members had with her that indicate a desire to have involvement with the CIP a bit earlier in the process; a more robust five-year financial planning process, with the Board and School Board setting some goals for the process in October and increased school involvement and public engagement opportunities during that timetable. Ms. Allshouse said that the meetings with the School Board on the proposed calendar are pending confirmation, and if this is the direction the Board wishes to adopt today, Ms. Jordan will work with the School Board Clerk to confirm. Other tentative dates provided by School Division staff are: Superintendent's release of recommended funding request on January 15; School Board adoption of the funding request on February 12. She noted that both of these would be before Mr. Foley provides his recommended budget. She stated that other considerations are that in the past, the Board requested for two departments to provide detailed overviews of their operations and budgets each year. Board members expressed a desire to get a more in-depth understanding of departments – and in the past staff has scheduled it to include two departments each year, which is not in this calendar but could be included if the Board desires as well as any other additional meetings.

Ms. Allshouse said that the next steps will be a Board and School Board joint work session on October 8, in which they will look at compensation and benefits, and the addition of establishment of five-year financial planning goals to that meeting. She stated that in November they will pick up with the five-year financial plan work sessions, with the CIP overview on November 12 and the five-year plan work session with the School Board. If the calendar meets the Board's expectations, it can be adopted. She asked for a decision on an overview of two departmental budgets this year.

Mr. Boyd asked if they could go through the modified zero-based budgeting process with the School Board, as the County has with its own departments. He suggested that they come and do that type of in-depth budget work with the Board so the schools could provide a ground-up explanation of their budget, more than just the highlights they have been providing – because that led to confusion this past year.

Ms. Mallek noted that last year, they spent an hour and a half in one morning on the School budget.

Ms. Dittmar said that School Board Chairman Ned Gallaway expressed concern about not having enough time to thoroughly present the School budget.

Ms. McKeel said that the School Division's budget may look a bit different this year, and this might be an opportunity for them to present the new format as part of a longer discussion rather than just getting it cold.

Mr. Foley said that the presentations on the two departments occur in the fall. The working group that Mr. Boyd and Ms. Mallek serve on is looking at budget format and calendar, so that issue could be discussed there. The Board needs to figure out when in the calendar they want to go through the process.

Mr. Boyd said that he is content with having that particular group working through the mechanics of it and making a presentation back to both boards.

Ms. Palmer asked if these are scheduled within their regular Board times. Mr. Foley said that they are scheduled within regular time meeting slots. He noted that the County Executive's report shows the 5-7:00 work session slots as the Board approved, so staff always tries to fit them in the regular schedule.

Ms. Mallek asked if the budget work sessions have shifted to another time from the past 9:00 a.m. morning meetings. Mr. Foley said that the Board had approved the 4:00 p.m. to 5:30 p.m. work session time, so staff has gone ahead and plugged these dates into those times. He added that for a special meeting or budget work session, those things would be outside of the normal calendar and need to be added.

Ms. Dittmar asked what would be involved with a public engagement opportunity. Ms. Allshouse said that staff has left it open at this point, but it could be a focus group or something more. The timeframe is the week before Thanksgiving.

Mr. Foley said that the thought was that the Five-Year Financial Plan has not had public engagement as part of the process, so staff thought that once the plan came out, the Board could set up town hall meetings in their districts.

Ms. Lee Catlin addressed the Board, stating that staff was intending to provide a time period to provide for town hall meetings, and staff could extend it a week so enough information is available to allow meaningful information to be taken out to the public, and for the Board to have an opportunity to impact the five-year plan. She said that staff is already prepared for that timeframe, and the Board has the ability to do whatever they would like in their districts.

Ms. Dittmar asked if the February budget work sessions would be late afternoon or evening. Mr. Foley said those dates are open for the Board to provide some direction.

Ms. McKeel said that she would like times when the public could come.

Ms. Mallek said that the idea is to have staff people ready to answer questions, which is why they have used day times in the past.

Mr. Sheffield suggested that they leave the time open for now and make the decision later.

Ms. Mallek said that people should be prepared to block the day.

Mr. Boyd said that they have previously taken a half-day, either 9:00 a.m. – 12:00 noon or 1:00 p.m. -5:00 p.m., have worked before.

Ms. McKeel and Ms. Palmer said they would prefer an afternoon time.

Mr. Foley suggested 3:00 p.m.

Ms. Dittmar asked if the Board would be willing to have a longer meeting day instead of adding another day.

Ms. Dittmar said that the schedule has an extra work session day built in on March 11.

Ms. Mallek noted that they have never gotten away with two work sessions in March.

Ms. Allshouse said that the timing on the tax rate is such that they would have to make a decision on the tax rate advertised, in time to get it into the Daily Progress.

Ms. Dittmar said they could possibly do a marathon meeting on March 4.

Ms. Palmer stated that if they are doing a marathon meeting, she would prefer that it be early in the day because it is very hard to concentrate on the numbers when they have been working through them all day.

Ms. Dittmar asked which departments the Board would like to hear from in addition to the School budget.

Ms. Mallek tried to recall who they had not heard from.

Ms. Allshouse said that Community Development could be a candidate. A lot of times staff tries to cover a large department and a small one.

Ms. Palmer said that she would like to hear from Community Development, and Parks and Rec.

Board members concurred.

Ms. McKeel also mentioned that the Superintendent's funding request rolls out January 15, 2015 and that provides the entire community a sense of where the School Division is financially.

Ms. Allshouse said that she met with Mr. Jackson Zimmerman and Mr. Dean Tistadt, of the School Division, a few days earlier, and they indicated that the date is somewhat tentative.

Ms. McKeel said that it would be helpful for Board members to get a reminder in December as to when the Superintendent locks that in, because it helps them to frame the School Division's challenges ahead of time.

Ms. Dittmar mentioned that several Board members expressed an interest in talking about the Agency Budget & Review Team (ABRT) process.

Ms. Allshouse said that she had suggested bringing the item back in October if the Board would like to learn more about the ABRT and cultural agencies review process.

Ms. Mallek **moved** to adopt the preliminary calendar as presented. Ms. Palmer **seconded** the motion.

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

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

NAYS: None.

FY 16 BUDGET CALENDAR

October 2014

Wednesday 8 **4:00 p.m.** - Board/School Board Joint Work Session -
• Compensation/Benefits; Goal Setting Five Yr. Plan

November 2014

Wednesday 5 **5:00 p.m.** - BOS Work Session – Five Year Financial Plan –Revenue Assumptions/
General Government

Wednesday 12 **4:00 p.m.** - BOS/School Board Work Session – Five-Year Financial Plan – School
Division
BOS/School Board Work Session – Preliminary CIP Overview

Mon.- Fri. 10-21 Public Engagement opportunities during this week on Five Year Financial Plan

December 2014

Wednesday 3 **5:00 p.m.** - BOS Work Session – Five-Year Financial Plan

Wednesday 10 **4:00 p.m.** - BOS/School Board Joint Meeting – Review of CIP Oversight Committee
Recommendations
BOS Work Session – Five-Year Financial Plan – approval

February 2015

Thursday 19 **5:00 p.m.** - County Executive's Presentation to Board - Recommended Budget

Friday 20 **Time TBD** - Community Stakeholders Meeting on Recommended Budget

Monday 23 **6:00 p.m.** - Public Hearing on County Executive's Recommended Budget

Tuesday 24 **3:00 p.m.** - BOS Budget Work Session #1

Thursday 26 **3:00 p.m.** - BOS Budget Work Session #2

March 2015

Tuesday 3 **3:00 p.m.** - BOS Budget Work Session #3 - Finalize Tax Rate for Advertisement

Wednesday 4 Regular Day Board Mtg.

Wednesday 11 **3:00 p.m.** - BOS Budget Work Session #4 (if needed)

April 2015

Wednesday 1 **6:00 p.m.** - Public Hearing on **Board's Proposed** Budget

Mon.-Fri. 6-10 Spring Break

Wednesday 8 **6:00 p.m.** - Public Hearing on the CY 15 tax rate (BOS can set tax rate and adopt budget after public hearing)
Tuesday 14 **3:00 p.m.** - BOS sets the CY15 tax rate and adopts the FY 16 budget and FY 16-20 CIP, if they were not approved on the 8th.

Agenda Item No. 10. Charge to Fiscal Impact Advisory Committee regarding Cash Proffer Policy.

The executive summary forwarded to the Board states that on April 2, 2014, the Board adopted a resolution of intent to consider amending the County's Cash Proffer Policy for public facilities, which is part of the County's Comprehensive Plan. On July 8, 2014, the Board and the Planning Commission held a joint work session to discuss the Cash Proffer Policy. This executive summary provides the outcomes of that meeting.

At the July 8, 2014 work session, the Board decided that the Fiscal Impact Advisory Committee ("FIAC") should be directed to provide advice and recommendations to the Board on revisions to the Cash Proffer Policy. The Board also directed staff to develop a statement of the Board's charge for its approval before forwarding it to the FIAC.

It is anticipated that the FIAC will meet on September 11, 2014 to begin work and that it will meet thereafter on a bi-weekly basis. At the completion of the Committee's work on the Board's directive, it will send its advice and recommendation to the Planning Commission and the Board of Supervisors. The Planning Commission will then begin its review of the Cash Proffer Policy, hold a public hearing, and forward its recommendation to the Board.

The potential budget impacts are not known at this time. As recommendations on potential changes to the Cash Proffer Policy are developed, staff will provide an analysis of the potential impacts of those changes.

Staff recommends that the Board approve the attached memorandum and direct staff to forward it to the Fiscal Impact Advisory Committee.

Mr. Bill Fritz, Chief of Special Projects, Community Development, said that in July, the Board held a joint work session with the Planning Commission to discuss the direction of the cash proffer policy. During that meeting the Board wanted to provide some guidance to the Fiscal Impact Advisory Committee. He said that staff has drafted a memo that they hope captures what was said at that meeting, and when the committee finishes its work it would then be forwarded to the Commission and the Board, consistent with the resolution of intent the Board adopted in April 2014.

Mr. Boyd commented that the third item seems to limit the Fiscal Impact Committee's thought process as to whether the Board can consider not including the out years – because this indicates they would have to use the same criteria used by the previous Board in 2007, and that would preclude a discussion about an alternative that might only include the five years of which they are certain. Mr. Fritz said that staff thought the Board wanted to use the same criteria, but if they want to change how the committee handles it, staff can do that.

Mr. Boyd said that he just does not want to take that opportunity off the table in terms of considering other alternatives for how to calculate the amount. He stated that he wants to give the Committee openness in their process.

Ms. Mallek said that she would like it if they showed the differences between five and ten years.

Ms. Palmer said it was fine with her.

Mr. Davis said that if you only used the five-year plan, the amount of the proffers would be significantly less – and that is the bottom line.

Mr. Foley said that it is hard to assess that without the methodology in front of them, but the Committee could certainly look at that and make recommendations as to how to go about it.

Ms. Dittmar stated that she does not understand Mr. Williamson's comment about including the entire development area, and asked if they were currently doing that.

Mr. Fritz explained that rezonings are only in the development areas, so if you were to credit that across the board, you really would not have a cash proffer policy – because that is the only place they get rezonings that have cash proffers.

Mr. Davis added that they would effectively eliminate cash proffers under that scenario.

Ms. Dittmar commented that the Board does not want to set precedent, so the Committee should look at how exceptions might be made without getting into setting a precedent.

Mr. Fritz said that the first item looks at targeted areas, which are smaller portions within the development areas – the priority areas identified in the master plan.

Mr. Boyd asked how they would identify what the targeted areas are, as opposed to just being in the development area. Mr. Fritz said that the definition used is the priority areas identified in each of the master plan areas.

Ms. Mallek said that the J.B. Barnes site in Crozet would be one example, because it is the one part of the downtown Crozet zone that has not been rezoned. She said that this has come up in several different discussions with three or four separate applications over the last several years, in the context of whether it would be better to provide some incentive to get the work done where it needs to be done, rather than somewhere else that is not under as much impact.

Mr. Boyd said that perhaps additional credits would be given to high-valued appropriate development.

Ms. Mallek said that credit could also be given for a particular location. Mr. Fritz said that there is a reference in the report that says, "Development that is supportive of growth management strategies of the Comprehensive Plan."

Ms. Palmer said that they are trying to build out as needed, and asked if they were trying to build out targeted areas more quickly.

Ms. Mallek said that one is the lynch-pin for everything else to happen, so it would need to come first in order for the other things to follow – but it is different in every occasion.

Ms. Palmer said that it is different every time, and they need to consider whether they are trying to build out quickly or meet a demand as the demand occurs.

Ms. Dittmar said that she does not think the proffers are being used for incentives, and the objective is to defray costs on infrastructure. She said that she thinks the free market decides what will be built and what will not, and then they control it through zoning.

Ms. Palmer said this seems to be about incentivizing in the development area.

Ms. Mallek said that a reduction in proffer amounts might be considered an incentive to do senior-only housing, etc. in a certain location.

Ms. Dittmar said that if it aligns with the Board's growth management strategies as dictated by the Comp Plan, that is what they are trying to do. She said that if the committee comes up with multiple good ideas but not all of them can be implemented, having the ability to present the pros and cons would be helpful to consider.

Mr. Boyd said that he is hoping the committee would come up with a number of ideas for the Board to consider, but they need to have some kind of framework to work within.

Mr. Foley said that it also came out of their joint meeting with the Commission.

Mr. Sheffield said that the flaw he sees in the proffer policy is that zoning is set at one level – with expectations set at that level – and developers have to come in and do the rezoning, which triggers the whole proffer process to begin with. He said that the Board is dealing with proffers because it is not adequately setting land use expectations; so they are saying the zoning is incorrect and relying on future rezonings to correct it.

Ms. Palmer said that perhaps the Board should discuss that instead of the proffers.

Mr. Boyd said that the Board can talk about it in the context of the Development Areas section of the Comp Plan.

Mr. Steve Allshouse, Manager of Economic Analysis and Forecasting, addressed the Board and said that while the committee has a meeting set for September 12, there are some new members who need to be brought up to speed, so the date may likely be pushed back by a few weeks.

Ms. Dittmar said that the Board is hoping to have this resolved when they adopt the Comp Plan.

Mr. Boyd said that hopefully the committee meeting will only need to be pushed back one week.

Mr. Davis noted that this also has to go to the Planning Commission for public hearing and recommendation to the Board.

Mr. Boyd **moved** to approve the memorandum, as modified, and to direct staff to forward same to the Fiscal Impact Committee. Ms. Mallek **seconded** the motion.

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

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

Memorandum

To: Albemarle County Fiscal Impact Advisory Committee
From: Albemarle County Board of Supervisors
Date: September 3, 2014
Subject: Cash proffer Policy

The Board of Supervisors requests that the Albemarle County Fiscal Impact Advisory Committee provide advice and recommendations to the Planning Commission and the Board of Supervisors on revisions to the credit provisions and the per unit cash proffer amounts of the Cash Proffer Policy. Specifically the Board requests that the Committee:

- 1) Analyze possible credits for:
 - Development in targeted areas. Targeted areas are those areas shown as Priority Areas identified in each Master Plan Area.
 - Mixed use developments.
 - Development supportive of growth management strategies of the Comprehensive Plan.
- 2) Provide recommendations on changes to existing credits in the policy, including the credit that may be provided for by-right units, now available by policy only in limited circumstances (Policy § C(6)(c)).
- 3) Update the County's maximum per unit cash proffer amount by dwelling unit type.
- 4) Provide this advice and recommendation at the earliest possible date.

Recess. The Board recessed their meeting at 2:10 p.m. and reconvened at 2:18 p.m.

Agenda Item No. 11. Fire Prevention Code Fee Schedule.

The executive summary forwarded to the Board states that the Code of Virginia and the Virginia Statewide Fire Prevention Code (VSFPC) include provisions to allow localities to enforce the VSFPC and to recover costs associated with that enforcement. The County assigns this function to the Albemarle Fire Rescue Department's Prevention Division/Office of the Fire Marshal (ACFR-Prevention). The County has a history of requiring Fire Prevention Code fees for permits in relation to processes that present the most risk for the public. The current fee schedule has not been reviewed by the Board since 2005, references outdated code sections and omits several hazardous activities and occupancies that have enforcement action required by the code.

One of the most effective methods to ensure the health and safety of the community is through prevention. Prevention efforts include public education, plan reviews, and permit and inspection requirements for occupancies and processes that present the highest risk to the community. All of these programs provide guidance to citizens so that they can develop responsibility and ownership in reducing the risk to the community. Risk reduction increases community safety, minimizes losses, and protects the economic vitality of the community.

Fees associated with prevention programs can help offset the cost of providing them. The current fee schedule (See Attachment A) is in need of revision for the following primary reasons:

- *The schedule does not realistically address the cost of administering the permit and inspection program.* Some examples include 1) the fireworks display permit fee is currently \$75.00 while the cost of administering a fireworks display permit averages \$600.00; 2) the current permit fees do not consider the cost to conduct the required facility inspection to grant the permit; 3) permit fees for a 1,500 sq. ft. facility and a 15,000 sq. ft. facility are the same despite significant additional time required to inspect the larger facility; 4) over eighty percent of facilities that are cited with a violation require re-inspections, yet there is currently no fee in the schedule for a re-inspection
- *The current schedule does not include the cost of the fire code official's review of building and site plans.*
- *The current schedule does not include a fee for certain inspections, such as those required for day care and elder care facilities.* In addition, some of the most hazardous operations and occupancies listed in the VSFPC are omitted including combustible dust

producing operations, aviation facilities, magnesium-use operations, and assembly occupancies.

Other localities that enforce the VSFPC utilize fee schedules for recovering costs associated with enforcement. Most of those schedules include fees for all of the permits and occupancies that the VSFPC allows, although differences exist in how those fees are assessed. Some charge fees for permits, inspections, re-inspections, and plan reviews. Some use an hourly rate ranging from \$105 per hour to \$256 per hour. Some charge a flat permit fee. Some charge both a permit fee and an hourly inspection rate. Finally, the Virginia State Fire Marshal's Office uses a fee schedule in which permit fees increase as applications are submitted closer to the event date. Attachment B provides a comparison of the fees in Hanover County, Stafford County, Spotsylvania County, Fairfax County, and Albemarle County, as well as a proposed new fee schedule developed by staff to serve as a basis for further consideration.

Because of the high variability in the fee models identified among other localities and the key connection between the fee schedule itself, the financial impact to the those on which the fees are ultimately applied and the important principle of determining cost recovery as a percentage of total program costs, staff is proposing to engage in some outreach prior to presenting a recommendation to the Board. In doing so, staff intends to assemble a focus group of stakeholders from the business community and the community at large. As part of the focus group work, Fire Rescue staff will present information to participants on the current fee schedule, the proposed fee schedule, alternative fee schedule models, work load measures for the most common permits issued, costs associated with the issuance of certain permits and other pertinent information to enable participants to be well informed as they offer input and feedback. Staff would then assemble the opinions and recommendations into report format and include that information as part of the background materials when this matter is brought back to the Board for consideration.

Costs recovered based on the County's current fee schedule range from \$41,512.00 in FY 2005 to \$83,950.00 in FY 2013 which represents between 10% and 16% of the operating budget for the ACFR-Prevention Division. Staff estimates that implementation of a new fee schedule like that which is proposed for further discussion, would offset as much as 25% of the ACFR-Prevention Division's operating budget annually and/or could provide additional funding for additional fire prevention resources.

Staff is not requesting the Board to consider action on a proposed fee schedule at this time. Rather, as indicated above, staff intends to engage in focus group activity and, subsequently, prepare a formal recommendation for action by the Board at the conclusion of that work. It is anticipated that this matter could be ready for consideration in early 2015.

Mr. Dan Eggleston, Director of Fire and Rescue, addressed the Board, stating that there is a need to revise the permit fee process for fire prevention inspections. The fee has not been updated since 2005 and there have been some revisions and changes to the Code since then. He said that in the past they would base their fees on what peer localities charge, but several Board members have indicated that they would like to implement something that covers most or all of the inspection costs for things like fireworks displays. Mr. Eggleston stated that they would propose a fee structure, allow public input, and then come back to the Board with a recommendation.

Mr. Howard Lagomarsino, Fire Marshal, said that the purpose of this discussion is to get some direction on how to put this together. He said that fire prevention services have a cost associated with them. He stated that the Code changed in 2005 and 2006, and the current fee structure was adopted locally in July 2014. Mr. Lagomarsino said that once a fire starts, the Department has already failed in terms of fire prevention, and community risk reduction intends to keep that from happening. He reported that State enabling legislation allows localities to implement fees to offset those costs, and the last review occurred in 2005. In that review, he said, Albemarle stayed at a flat rate – and the analysis did not address the true administrative costs associated with fire prevention. Mr. Lagomarsino explained that to do a fireworks permit, for example, the paperwork must be reviewed by his office; the site must be approved; the Fire Marshal's staff must meet the person or persons putting on the show; and the Fire Marshal must attend the show. He said that the fee for permitting is only \$75 but it costs his office about \$600, and the Fire Marshal has the discretion to shut down a show if necessary. Mr. Lagomarsino stated that the flammable and combustible liquids permit for a small grocery like Caul's Grocery in North Garden costs \$175; the same permit issued to GE – which is approximately 50,000 square feet of space – is also \$175, but takes 8-10 hours to inspect. He said that many localities do a re-inspection fee. His office has done 463 primary inspections and 423 re-inspections, or a 91% re-inspection rate. Mr. Lagomarsino said that many localities will enact a re-inspection fee. If a problem is identified and not fixed, the re-inspection fee is implemented, which he feels could help ultimately reduce that number and reach their goal of 1,000 primary inspections, which are only being met at about 50%.

Mr. Lagomarsino stated that he has requested an Assistant Fire Marshal through the budget process, and that should also help address that gap. Mr. Lagomarsino said that the Fire Marshal gets no fee from the fire official plan review process for development, yet they do about 200 reviews per year. He stated that their fee schedule leaves out a lot of the fees the Department could assess. He presented a table of all the fees the Department is enabled through Code to implement. Mr. Lagomarsino said that the Department is hoping to put together a new fee schedule that covers all of those costs.

Mr. Lagomarsino reported that his office reviewed what other localities have done, including Hanover, Spotsylvania, Stafford and Fairfax, and found that all of them impose fees to offset community risk reduction efforts – the permit program, the inspection program, and even public education programs. He said that there are several different structures used. Some localities charge a flat fee, such as Hanover – and the battalion chief in their fire marshal's office says they collect about \$180,000 in fees per year for about 1,200 permits. He said that Spotsylvania charges \$105 per hour and also charges by the size of the project; Fairfax charges \$128 per hour; \$256 per hour if it is after-hour; Stafford charges based on the size of the project and a flat rate. Mr. Lagomarsino said that the executive summary includes this information.

Mr. Lagomarsino said that Albemarle recovers about 10-16% of the operating budget for the prevention division through their current fee process. The proposal before the Board would address up to 25% of those costs. He stated that 65% of the fire marshal's workload is permits and inspections. Mr. Lagomarsino said that going forward, the Department would like to get input from stakeholders and business owners. He stated that the fees are not a general tax but are user fees – so those individual events such as fireworks displays could be charged. He said that the processes associated with these fees are the most dangerous: hazardous materials, combustible dusts, etc. – and the goal is to get in early enough to prevent incidents. He stated that the Department would like to have a focus group and utilize the Engage Albemarle system, and would bring a report back to the Board. Mr. Lagomarsino said that he hopes to have guidance from the Board as to whether the public input process should focus on whether to raise the fees at all, or to evaluate the means by which to raise the fees.

Ms. Palmer said that she was interested in finding out more about their stakeholders meeting. She said that she recently had a very positive experience with the fire marshal's office as they inspected a large fireworks display for a private party held in her district. She stated that she was surprised that the cost was only \$75, as larger displays can cost as much as \$20,000. She said that she thinks the County really needs to cover the costs perhaps through a flat fee and an hourly fee combined. Ms. Palmer asked Mr. Lagomarsino to better explain the public input process and which stakeholders the Department would involve.

Mr. Lagomarsino stated that the plan is to engage the public through the Engage Albemarle system and go through their permit list to identify interested parties, because they will be affected directly. He said that as the Fire Marshals get better with identifying the first inspections, they are identifying more places that need permits. He stated that the Department also gets a lot of tent permits that are requested the day before an event, and that has a different impact than something that has a 30-day notice. He knows of one tent business person who would be a stakeholder. Mr. Lagomarsino said that the Department would also like to include small businesses in addition to the large-scale corporations. He added that to a Mom & Pop store, doubling the fee could have a big impact on them which the Department recognizes.

Ms. Mallek said that she is very much in support of having private fireworks events pay their entire weight, because when the communities do parades and other events, the sponsoring organizations have to pay \$125 an hour to cover police directing traffic, etc. She said that it concerns her that people are getting 8-10 hours of staff time for \$75, and she would like to go back to the distinction between public and private events. Ms. Mallek stated that she does not want anyone to think that wineries need fireworks for their weddings in order to survive, because many will not allow them due to fire hazard.

Mr. Boyd asked if it was possible to establish fees based on categories. He said that a per-hour charge might be the best approach, as that would delineate between a GE inspection and Caul's Grocery. Mr. Lagomarsino said that the goal is to bring something back to the Board that deals with that issue so that it is fair to everyone.

Mr. Boyd said that this is a core service of government, and preventing a fire is the best solution for it, and he is worried about setting fees to a point that the fees discourage people from doing what they need to – or hiding activity from the County and causing risk in the long run. He said that perhaps a balance to be struck with focus groups and community outreach to stakeholders.

Ms. Palmer asked for clarification as to how the Department will do the outreach. Mr. Lagomarsino said that his office has some names of people the Department deals with on a regular basis on the permits, so they would include them – and would also gather some ideas from Ms. Lee Catlin's office on how to move forward with that engagement.

Ms. Mallek asked if the fee for a store selling numerous different flammable materials is \$175 for each item. Mr. Lagomarsino responded that each one is charged for, and said that some jurisdictions will charge for 1-3 items, 4-6, etc.

Ms. Mallek commented that it penalizes the business that just sells one, but that is always the case.

Mr. Boyd said that he would agree with the re-inspection fee, because if the Fire Marshal finds something that is not in Code and the fire marshal's office has to go back, the business should have to pay for that visit.

Ms. Mallek said that has been an incentive with site plans in Community Development, because applicants have to pay the fee again if they resubmit without making the proper changes.

Ms. Palmer asked if the businesses were charged for the fire inspection when they did not correct the situation, but were not charged if they did correct the situation. Mr. Lagomarsino stated that other localities have found that by incentivizing it that way, it is usually fixed when the Fire Marshal goes back. He emphasized that their goal is compliance, not to fund the prevention division with these fees – and if it is not fixed when the Fire Marshal comes back, they would charge a fee for that visit plus the next visit out.

Ms. Mallek asked how many require a third visit. Mr. Lagomarsino said that he is interested in seeing that information, but the Department does not have a way to capture that data.

Ms. Dittmar asked how the Fire Marshal targets inspections. Mr. Lagomarsino said that they target based on high hazards. Every 12 months the high-hazard facilities are scheduled for inspection; those are the ones that require a permit by Code and deal with flammable and combustible storage. He noted that one facility has the ability to store up to 50 pounds of explosives in their facility, and they are located in a strip office complex. Mr. Lagomarsino said that the Fire Marshal needs to be in several places every year, but just regular office buildings only require a three-year rotation – and they try to combine those inspections with engine companies so they get exposure to businesses and know what is going on inside the building.

Ms. Mallek said that familiarizing the fire departments with what is where in a building is very important.

Ms. Dittmar asked if the Fire Marshals have a calendar they work with for inspections, as opposed to an honor system by which businesses scheduled them. Mr. Lagomarsino said that it is based on the list that the Fire Marshals have, and they are finding that more facilities should have been calling to get their permitting process done.

Mr. Boyd asked how the Fire Marshal identifies someone who has hazardous material and does not notify the County about it. Mr. Lagomarsino said that often it is through the inspection process. Recently the Department aligned itself with the geo-policing model – with two fire marshals for each policing district, split up by first dues. He said that the Fire Marshals are responsible for everything in their first due, so they have to go out and make sure they hit the timetables. Mr. Lagomarsino said that one Fire Marshal found a church that was operating a complete printing business out of its basement, with flammable chemicals onsite. He stated that sometimes the Fire Marshal finds these things out by running fire calls, and will notice the presence of a storage tank, etc. Mr. Lagomarsino said that the Department also uses census data. There are 2,500 business entities identified in that data – with 1,500 identified in the system.

Ms. Mallek asked about using business licenses as a way to find that out. Mr. Lagomarsino said that his office is working with Finance on how to link that, and is working with GIS on reports that can help inform the process.

Ms. Dittmar asked what is involved with fireworks permit applications, and what crosses the threshold from having fireworks on your own property on July 4th to needing a permit. Mr. Lagomarsino said that every fireworks display in the County must have a permit – anything that goes up in the air – and if it is not a permissible firework by Code, they need a permit.

Ms. Dittmar said that citizens may not know that, and asked if there is an education effort for citizens. Mr. Lagomarsino stated that the Department has this posted on their webpage and cover it during fire prevention talks. The Department also knows that certain organizations will have fireworks – such as the wineries and cideries, Keswick Hall, etc. He said that the Department averages 15-25 fireworks displays per year, and last year they had 20.

Mr. Davis said that currently there is no distinction between whether a public fireworks display is open to the public or is a private event. The Fire Department treats them exactly the same as far as the permitting process.

Ms. Mallek asked if it is easier to go back to a site that has already had fireworks, versus a new place out in the rural area. Mr. Lagomarsino said that it can be cheaper because there is already a site picked out. In Crozet the Fire Marshal had to limit the display to three-inch shells because of the distances required – but because of construction they cannot get those distances from Claudius Crozet Park to do anything but a three-inch shell, and that is from the middle of the ballfield. He stated that it also depends on if the entity is using the same fireworks people and the same personnel as the previous year. Mr. Lagomarsino said that the entity must also get a license from the state, and it is apparently one of the hardest professional tests you can take.

Ms. Mallek said that she would like to have a different standard for charging the fee, if it is a fireworks event that is open to the public versus a private event or party.

Ms. Palmer and Ms. Dittmar commented that apparently the County cannot differentiate.

Mr. Davis said that fees are required to be reasonably related to the cost of the inspection or the permit. In order to charge differentiated fees there must be a rational basis so the fee is not "arbitrary and capricious." He said that the Board has discussed this issue before with zoning fees. The type of entity that is asking for a fee is not a basis for charging a different fee but it is possible for a qualifying nonprofit to ask the Board to make a donation. He said that staff would have to look at that issue and bring it back, but the Board generally cannot charge one organization a higher fee and one a lower fee for the same type permit.

Ms. Mallek asked if being open to the public would create that distinction. Mr. Davis said probably not.

Ms. Palmer asked if any commercial operations burn their trash and whether they are required to get a permit. Mr. Lagomarsino said there are none that he is aware of, and while open burning of trash is generally illegal there is a definition in the Code for "open burning," and if a person can get the ignition temperature high enough, get complete combustion and run it through some sort of chimney, it is no longer classified as an open burn.

Ms. Palmer asked how quickly the Fire Marshal responds to a complaint about someone burning trash. Mr. Lagomarsino said that if the call comes in through ECC, they actually dispatch an engine company to respond. If it comes directly into the Department, a Fire Marshal is scheduled to go out. He stated that the Department has an on-call Fire Marshal seven days a week, he is responsible for anything that comes in during the day – and they send another Fire Marshal if the first cannot respond.

Mr. Davis said that the County did an ordinance amendment within the last two years that addressed this issue. The prior ordinance allowed burning of trash if there was not regular disposal and pickup in the area – which was difficult for the Fire Department to distinguish. He stated that it was also difficult for the Fire Marshal to determine if people were just burning "trash," which is distinguishable from "garbage," and they would have to look into the can to see what was burning to see if there was a violation – so the ordinance the Board generally adopted prohibited the burning of trash countywide. With some rare exceptions, he said, burning something in a barrel is illegal, and the Fire Department should be called to address that. He added that burning something on the ground is also illegal.

Ms. Palmer asked how many people know the difference between trash and garbage.

Ms. Mallek commented that the Board needs to go back and get the terminology squared away.

Ms. McKeel said that it is often reported to the Supervisors the day after it is over, and asked if they are supposed to report it to the Fire Marshal so it can be addressed with the homeowner. Mr. Lagomarsino responded, "yes". Whenever the Department gets a call, it sends someone out to check the area. The process the Department uses with the landowner is intended to educate them rather than punish them. He said that technically the person can be brought into court, but that does not help them understand the right way to do it, and if they do not respond to the education there are other steps the County can take.

Ms. Mallek asked if the Fire Marshal takes a design to show the person how they could make their barrel conforming. Mr. Lagomarsino said that his Department does not provide a diagram on how to build a chimney to burn material, but if a person asks a question about it the Fire Marshal tells them they must guarantee there is enough air circulation and a high enough temperature, complete combustion and a chimney draft.

Ms. Mallek asked if there is a temperature that needs to be achieved. Mr. Lagomarsino said it all depends on the products involved. He emphasized that smoke is a byproduct of incomplete combustion, so the hotter you burn the cleaner the air is.

Ms. Dittmar encouraged Mr. Lagomarsino to include the Chamber of Commerce in their stakeholder outreach, as it can help with the education process.

Mr. Boyd said that what Mr. Eggleston has outlined is a very good plan that covers the issues previously raised. He added that he would like to look at hourly rates for fairness and keep safety in the forefront as the main objective.

Agenda Item No. 12. Route 29 Project Delivery Advisory Panel Update.

Mr. Mark Graham, Director of Community Development, provided a handout of the Route 29 Solutions Panel August 28, 2014 meeting (copy on file). He said that he will first summarize the results from that meeting. He stated that they now have a Rio Road interchange and Route 29 North schematic plan; schematic indicates that it is a very rough concept plan and not a detailed plan of any kind. These plans are available on the Route 29 Solutions website. Mr. Graham said that the design public hearing for the Berkmar Extended/Rio Road interchange and the Route 29 North projects have been pushed up

to October 14, 2014 from their original dates, with the reason being that VDOT plans to have the RFPs issued to the three qualified vendors on October 2, 2014 with an update on November 4. By having the public hearing on October 14 VDOT will have time to take the public comment and incorporate that into the addendum with the RFP to make sure it can be included for consideration.

Mr. Graham said that VDOT has now set a completion date for the route 250/29 Best Buy ramp project of May 21, 2016, which is also pushed up, and will be important in the conversations about the Rio Road interchange. He stated that VDOT has agreed to include an ARB review in the process and have actually put this in the RFP, and have asked staff to include the Entrance Corridor design guidelines, which will be incorporated into the RFP. Mr. Graham said that VDOT has also provided enhanced public comment transparency. VDOT now has a way to display all public comments received and all the responses as well. He stated that in the meantime, staff and VDOT will continue to work on ways to improve the communications plan.

Mr. Graham said that the statement of qualifications date ended on August 28, 2014. VDOT had five firms submit. VDOT will narrow the selection down to three to provide a response to the RFP.

Mr. Graham reported that the Hillsdale Drive project had no updates. It has already been through the design process and public hearings, and is a City-managed project. He stated that the City is waiting for VDOT to give them the money to start the right-of-way acquisition, and that will determine the construction schedule.

Ms. Dittmar said that she was not aware until recently that cities do not work with VDOT unless they want to and that the City maintains control of its portion of the John Warner Parkway during construction. She said that many people were comparing what was going on at McIntire Road with what might happen at Rio Road, and she thought that was a valid concern until she realized it will be managed differently. Ms. Dittmar said that Hillsdale Drive will not be part of the package, and the City will do its own work. Mr. Graham responded that the project has been reviewed by VDOT but said the City will manage it.

Ms. Mallek asked if there is a completion date for that as part of this funding. Mr. Graham said that the City is waiting for the funding to start the right of way acquisition to set the construction schedule, so they need to do that before they can begin.

Mr. Sheffield said that while most of Hillsdale is in the City, there is a small segment in the County near the location of the retention pond. He added that the City will be doing work in the County.

Mr. Boyd said that the Hillsdale Drive project was predicated on voluntary dedicated right of way, and asked what the status of that was because there was a lawsuit and apparently the need for VDOT to purchase additional right of way. Mr. Graham said that the lawsuit is totally separate from what is going on with Hillsdale, but there were questions about whether the shopping center owner was going to provide some right of way as part of this, and the City is working on that. He added that he is under the impression that the City will need to acquire that right of way.

Mr. Boyd said that the bottom line is whether the controversy would hold up the project.

Mr. Sheffield said that the Route 29 Solutions Panel plans to have the City provide a response at the next meeting, and a lot of the panel members have the same kind of questions.

Mr. Boyd said that while the lawsuit is a separate issue, it all ties into right of way and what the Board appropriated for that road, and he is just curious as to whether it is being sorted out. Mr. Graham said that Mr. Jim Tolbert has indicated he will provide an update. He added that the City does have those plans available online, and they can be accessed through the Route 29 Solutions site as well.

Ms. Mallek asked where in the process do individual business people interact with the designers to see that their access needs are met. Mr. Graham said that the first opportunity for that will be the design public hearing. The current schematic plans show the roadway – so at least for the Rio Road interchange, no one's driveway access is being changed, and those are being maintained for every property.

Mr. Sheffield stated that the selected contractor will have to develop a "maintenance of traffic" plan that will address access, and while it does not go through a formal public hearing process, the businesses will have an opportunity to review it and provide input.

Mr. Graham said that VDOT has come up with a planned development schedule that will provide three opportunities for review, and the selected contractor will have to offer those.

Mr. Sheffield noted that VDOT not only models intersection behavior after construction, but also models different construction techniques and the impacts of those – so they will ensure that accesses are not interfering with through-traffic. He said that the Panel is learning that there is a lot of modeling that goes into these projects to ensure clarity up front and minimize confusion.

Mr. Graham reported that installation of cable for the adaptive signal project will start in October, and per VDOT's prior schedule and discussion they still plan to not have the full signal system installed until after the Rio Road interchange construction is complete. He said that VDOT is trying to get as much work done early and out of the way as possible. He said that VDOT does not think that it will interfere with any of the future construction.

Ms. Dittmar asked if once the road is completed there will be a lag time before the adaptive traffic signals can be launched, or if it will be simultaneous. Mr. Graham said, in his opinion, it will most likely be lagging behind, because you want to make sure you have an established traffic pattern prior to setting the signal timings, and after you set the signal timing you spend the next three to six months adjusting it based on actual traffic.

Ms. Mallek said that is where the ability to have remote access becomes very important. Mr. Graham agreed.

Mr. Graham reported that a firm completion date of May 21, 2016 has been set for the Best Buy ramp, which moves it up a few months to try to ensure there is not overlap with the actual intersection construction at Rio Road. He said that the location public hearing for Berkmar Drive Extended is set for September 18, 2014 at the Doubletree Hotel. There are three proposed alignments that VDOT has offered, although it does not have to be one of those three but VDOT is using those alternatives to solicit public input. Mr. Graham said that VDOT will be trying to move fairly fast with this once they get through the location hearing, and hope to get to the Commonwealth Transportation Board on October 14, 2014. He noted that the connections shown in Places 29 between Berkmar, Rio Mills, Ashwood and Hollymead are still not planned to be included with this plan. VDOT has talked about supporting this for a separate funding request with the Commonwealth Transportation Board if it is put in the constrained long-range plan by the MPO.

Mr. Sheffield said that this will have to go through the new process to get funding, which raises a question as to the rural vs. development area, because since Ashwood connects to a development area perhaps it should be treated as that type of road.

Mr. Graham stated that Berkmar in that section is planned to be a two-lane rural section road, and while Places 29 calls for a multi-use path on the east side of Route 29, VDOT is planning for sidewalks on both sides of the road – which staff feels will have limited use, especially on the west side where it is still in the rural areas. Staff believes that building it without bike lanes limits other transportation modes. If they do not have the connectors over to Berkmar, he said, then they will have a multi-use path that can only be accessed from below the South Fork River or above the Hollymead Town Center but nowhere else.

Ms. Mallek said that Mr. DeNunzio mentioned the possibility of having something wider on one side instead of a narrow one on both sides, and that might help solve the problem. Mr. Graham said VDOT has offered that as well with the Route 29 part, with the idea that a multi-use path may be substituted for the two sidewalks – subject to right of way availability – but they are too early in the design process to know whether that will work.

Mr. Sheffield pointed out that he and Mr. Boyd have a joint meeting scheduled for November 15, and they will see what residents say as well. Mr. Graham said that could be very valuable input to the County in determining what the citizens really want out there.

Mr. Graham reported that VDOT has made a commitment to keep two lanes of Route 29 in each direction open at all times. The current plan seems to be widening the southbound lanes first and widening enough to create a four-lane divided road with a Jersey barrier in the middle. He said that VDOT will then shift all of that traffic onto that side of the road so they can tear up the northbound side and correct the bad vertical curves. Mr. Graham said that the third lane on the northbound side will be added to the inside, which should eliminate or minimize the need for additional right of way needed on the east side of the road.

Regarding the Rio Road interchange, Mr. Graham said, there is very marginal right of way acquisition. VDOT noted that there are no takes that involve buildings or parking lots, and they have maintained all existing driveways. He said that there will be some very narrow slivers of landscaping at the front of some properties that will be required to get the ramp lanes established, but it does not seem as though it will impact any of the businesses there. Mr. Graham said that the work in the actual intersection – dropping the road and constructing the bridge – is not scheduled to start until May 23, 2016, with a completion date set of September 2, 2016. He noted again that the Best Buy ramp is scheduled for completion on May 21, 2016. He said that the total construction time is 102 days, and while that is possible it is not an easy thing to do.

Mr. Sheffield said that an example would be the supporting walls at McIntire, which are cast in place, and with Rio Road they could actually do pre-casts for the bridge.

Ms. McKeel thanked Mr. Graham for sending the links to the videos of bridge construction. She said that she emailed Mr. Philip Shucet about having a webcam up at Rio Road – and he informed her that they will, so that people can watch the construction in real time.

Mr. Graham reported that VDOT is not planning on any lane closures during peak commuting hours and want to maximize the use of night hours with this area away from the non-residential areas.

Mr. Sheffield noted that the October 14, 2014 meeting will be held at 5:00 p.m. at Albemarle High School.

Ms. McKeel stated that she is very pleased at how the Panel process has gone. She said that the Panel has really impacted this process as a lot of the suggestions have been taken and it seems as though they will be part of the actual work. She also said that as a Board, they have talked about reaching out to actual businesses to get their concrete suggestions on how the County can help them. She asked how the County planned to get those suggestions.

Mr. Foley asked Ms. Lee Catlin to address that.

Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, said that staff met earlier that day with the City's Economic Development staff, and with Mr. Lou Hatter, of VDOT, who brought maps with parcels indicated – which will help staff generate a database of all those businesses that will be in the highest impact area of construction. She said that Mr. Hatter felt the information was far enough along that they could hold a meeting in October as a kickoff for all the businesses along the corridor to introduce them to the information already available and make sure they understand the communication channels going forward. Ms. Catlin said that they are planning to hold that first big outreach meeting and after that go to the separate sectors. They will be doing the same type of process with neighborhoods but will not blend the two processes. She stated that it could consist of an open house where people can flow through and look at large, detailed versions of the maps, and then a question and answer presentation – followed by a dialogue that incorporates those concerns.

Ms. McKeel asked if the businesses will be contacted directly. Ms. Catlin confirmed that VDOT already has a database of property owners along those stretches, so they will be contacted in addition to the actual businesses. It will include a combination of direct mail, email and knocking on doors. She noted that the Chamber of Commerce and Thomas Jefferson Planning District Commission have both offered to help.

Ms. Dittmar stated that the businesses leading into the Rio interchange and comprising that quadrant should be included in a separate stakeholders meeting, which is a format Ms. McKeel introduced and was used for the courts meeting. She added that she does not envision talking at these meetings but asking them to share their ideas. Ms. Catlin said that the first meeting is intended just to give people an initial opportunity to be engaged, and following that could be smaller stakeholders' meetings for those in the intersection, the Berkmar area, and the Best Buy ramp area, among others.

Ms. Mallek suggested visiting them instead of having them come out to a meeting. Ms. Catlin said that Ms. Susan Stimart will be doing quite a bit of that, and the kickoff meeting will start that process. She stated that Ms. Stimart will deliver flyers and invitations to that meeting, which will be the first outreach step in that process.

Ms. Dittmar asked how the website for the project is coming along. Ms. Catlin said that staff has made some of the suggested changes, with links to the maps, links to the FAQ, etc. VDOT is in the process of updating their website, so the County will not do the big changes until VDOT is done so that effective bridges can be established in between. She mentioned that the website will be a work in progress for the next two or more years. She encouraged the Board to provide feedback based on what they are seeing and hearing from constituents in addition to their own perceptions.

Mr. Graham noted that the acceleration of bridge construction actually saves money, because while more is spent on actual construction, the acceleration of construction ends up saving significant amounts of money. He also asked the Board for input on the structure of his reports to them as the project moves forward.

Agenda Item No. 13. Board of Supervisors Draft Policy for Board Proclamations and Resolutions.

The following draft policy was forwarded to Board members:

**Board of Supervisors Policy for
Board Proclamations and Resolutions - DRAFT**

Proclamations

Proclamations are ceremonial documents adopted by the Board of Supervisors for the purpose of drawing public awareness to declarations of a day/week/month in honor of charitable events, arts and cultural celebrations or other special honors. It is typically used to make a public announcement.

All requests for proclamations must be submitted in writing and go through a Board directed approval process. Requests can be hand delivered, submitted via email or U.S. mail to the attention of the Clerk of the Board. To ensure efficient processing, the Clerk asks that requests with complete information be made at least four weeks in advance of the date the document is needed. Requests for proclamations are limited to one per organization and/or per individual per year. Submissions may be revised to meet the required format (see below).

Submissions – General Information Requirements

Requests for proclamations should include:

- Organization's full legal name and tax status and the contact person's first and last name, street and email address and telephone number.
- A brief summary that includes sufficient background of the event or celebration and a brief history of the organization
- A deadline, if any, when the proclamation is needed.
- Name and contact information for representative(s) who will be present at Board of Supervisors meeting, if different from person submitting the request.
- A brief narrative specifically identifying the relevance to Albemarle County residents that explains the reason you believe it is important for the Board of Supervisors to adopt your proclamation and how you plan to use the proclamation

Submissions – Drafting the Proclamation

When submitting a draft proclamation, the following format should be used and should include:

- The name and date(s) of the day, week, month of the event to be proclaimed
- Draft text for the proclamation, including no more than five "Whereas" clauses and concluding with a "Now, Therefore" declaration.

Note: Traditional proclamations begin with a series of clauses starting with the word "Whereas," which means "because," "in as much as," or "since." "Whereas" clauses set the stage, state the issue, and suggest actions and reasons why the proclamation is being issued. They are followed by one phrase beginning with "Therefore," which is the actual declaration and request for specific support.

Example:

- ✓ what is being proclaimed: Example, John Doe Day
- ✓ what date is being proclaimed January 1, 2014
- ✓ Brief history of organization or biography of the person, purpose, goals, or theme.
- ✓ A description of who will benefit from this event and what will take place during this time of celebration/recognition.
- ✓ Ending with "Therefore" and the actual declaration or request for support

Approval Steps and Timeline for Board Adoption

1. Request is made regarding the Board supporting a proclamation. If the request is first made to a Supervisor, the representative will be directed to the Clerk of the Board.
2. The Clerk will advise the representative of the process and submission requirements.
3. Once the submission is received, the Clerk will review the application for completeness and then forward it to the Board for review. At least four Supervisors must support the consideration of the proclamation.
4. If there are not four Supervisors in support, the Clerk will notify the representative that the request will not be furthered considered by the Board. If there are four in support of consideration, the Clerk will contact the representatives and make arrangements for them to appear at a future Board meeting.
5. Final edits will be made by the Clerk and the draft will be provided to the Supervisors with other materials for the Board meeting

Resolutions

Board members may bring any matter to the attention of the Board at any time; and Board members may add matters to the agenda per Board adopted Rules of Procedure. The purpose of the following language is to suggest a process that will allow the Board to consider resolutions as efficiently as possible.

From time to time a Supervisor may wish to ask the Board to consider adopting a resolution.

The earlier the notice of the intent to request action on a resolution and submission of a draft, the more likely a resolution can be adopted at the next available meeting.

The Clerk will distribute the draft resolution with final materials and the draft can be considered by other Board members. There may be Board members who conceptually support the resolution and who wish to submit ideas for changes in advance to other Board members. It is helpful if these revisions are in the form of a both redline of the original resolution and a new draft. The Clerk shall forward all revisions received from Board members to the Board.

Unless the resolution is listed on the agenda as its own agenda item, the draft resolution will be considered under "From the Board" and, if submitted early enough, can be listed as a subsection of this agenda item.

Also, if the agenda has not been finalized, a Supervisor can ask the Clerk to poll the Board as to their support of the resolution. If all six Supervisors support the resolution as written, and the Supervisor submitting the resolution does not wish to take up Board time discussing the resolution, the resolution may be added to the Consent Agenda.

During the Board meeting, at the time the Board considers the draft resolution, if the Board determines the resolution will not pass without considering major revisions, the matter will be briefly discussed and then deferred to the next meeting for final review and possible adoption.

Ms. Dittmar stated that at the beginning of the year, Board members provided comments to Ms. Jordan as to ideas regarding proclamations and resolutions – and fairness in awarding them. She said that she hopes the Board does not follow the lead of other jurisdictions that have decided that it is too much trouble to do them.

Ms. Mallek said that she used the template for the group that worked for 18 months to raise money for the furnishings for the Crozet Library – and have raised \$1.2 million. She said that she would like to recognize the group at the Board's second meeting in October.

Ms. McKeel asked if this template worked well for her. Ms. Mallek said that it did, and the expectation should be set that the information be gathered well enough in advance that no one has to scramble.

Ms. McKeel said that proclamations are intended to recognize external groups, whereas resolutions are more internal.

Mr. Boyd said that he wants to make sure the Board does not support any proclamations that are advocating for a specific issue or cause, and he would like to insert language to that effect. He stated that he wants to be sure they are not endorsing a specific position, such as what NOW has brought before the Board in the past. In that case the Board rewrote it so that it was a recognition of an important issue.

Ms. Palmer said that sometimes just recognizing things is advocating their position, and she is fine with that in many instances.

Mr. Boyd said that that is when it becomes subjective, as not everyone will share the same support for an item.

Ms. Mallek said Board members are not going to agree all the time anyway. Ms. Palmer added that they will still need four votes.

Ms. Dittmar said that the process is written such that Ms. Jordan will contact the group and tell them that the Board has decided not to further review it. She said that the Board could put in language that precludes them from advocating for issues. She added that Board members can always bring a resolution before the Board.

Ms. McKeel noted that proclamations are described as "ceremonial" in the text.

Ms. Mallek said that they are celebratory.

Mr. Boyd suggested adding language under the proclamations heading stating that "language in proclamations implying endorsement or condemnation by the Board for any action will not be allowed." As an example, he said that the original NOW proclamation included language that condemned the actions of not recognizing the rights of women, and had the Board endorsing the federal government taking the action to pass the Equal Rights Amendment.

Ms. Palmer said that this concerns her, because there may be support for something like that, which has been around for a long time and is mainstream at this point.

Ms. Mallek said that there may be four people who support it when it comes back to the Board, and that is perfectly fine.

Ms. Palmer said that Mr. Boyd is suggesting that they include it in the language.

Ms. Dittmar said that it provides guidance for people to try to avoid those endorsements.

Ms. Palmer said she is not sure they should avoid it, as they may get into arguments about what the definition of endorsement is.

Ms. Dittmar said that by the time the person writes it and get it to the Board, that part is over.

Mr. Boyd said that there is a reason the Equal Rights Amendment never became federal law, and he learned in his research that the people who were promoting it would not compromise.

Ms. Dittmar stated that the Board will have the opportunity to revise what is put before them.

Ms. Palmer said that she would rather not have something in the direction that says there should not be any endorsement.

Ms. McKeel said she also has a problem with adding language referring to "no endorsement".

Ms. Dittmar mentioned that Board members can always send their own letters of congratulations, etc., and if they want it to go on behalf of the entire Board they can put the item on the Consent Agenda.

Ms. Mallek said that if the majority approves it, then the Chair sends it out on behalf of the Board.

Ms. Dittmar said that this is not before the Board for adoption; it serves as a guideline.

Mr. Boyd said that the Service Dogs recognition the Board approved earlier is the type of thing that should be in a proclamation, not taking advocacy positions.

Ms. Palmer said that she is concerned about where the Board draws that line.

Board members agreed that the line was sometimes blurry. Ms. Mallek added that it is an evolving process.

The Board then took up the discussion on the following Consent Agenda Items:

8.14. Albemarle County Service Authority (ACSA) Quarterly Update.

8.15. Rivanna Water and Sewer Authority (RWSA) Quarterly Update.

Ms. Dittmar said that she put the discussion of quarterly and annual reports on the agenda so they could discuss it. She said that the Board has been working to improve its meeting process. When considering this issue, she said that the Board is always crunched for time when considering agenda items. She stated that she enjoys reading reports, and found that major issues must come before the Board at least quarterly, but as the items become more routine perhaps Board members could read the reports without staff presentations – and if the Board wants them to come, they can request that. Ms. Dittmar said that this could potentially reduce meeting times by 30 or 45 minutes. She then asked Board members for their input.

Ms. Palmer stated that it took almost a year to get Mr. Tom Frederick from the Rivanna Water & Sewer Authority to come to the Board. They had been through a very caustic process with the water supply plan and there was difficulty of some Board members and Council members to understand what was going on. She said that when she joined the Albemarle County Service Authority Board in 2006, the first thing she brought up was whether they could have Rivanna and the ACSA provide quarterly reports. Ms. Palmer said that this eventually got to the Board of Supervisors, who felt it was a good idea, and then ultimately to City Council. She stated that the RWSA, the RSWA and the ACSA do large, complicated projects that affect the entire community, and while people can read reports, sometimes there is distrust in the community – so having those representatives come before the Board helps in the level of trust and communication with the public. Ms. Palmer said that sometimes there are issues with the sharing relationship with the City, and sometimes it helps to have Mr. Frederick in the meetings to explain those issues. She added that the Board will probably be talking a lot about solid waste in the next year, so they would want to have that input.

Ms. Dittmar said that she understands the need to have big partnership or authority projects like that on the agenda. She added that she was referring more to the items that were routine.

Ms. Palmer said that those issues come up often though.

Mr. Boyd stated that there was a time when the Board did not have those reports from the ACSA or Rivanna, and the Board fought through it for a long time and ultimately decided to have the agencies come and present to them. He said that he appreciates and supports the effort to cut down on meeting time, but he does not particularly like this methodology of getting to that point. He added that he did not know Mr. Frederick was not going to be at this meeting. Mr. Boyd said that it concerns him that an arbitrary decision was made not to have the individuals present. He emphasized that there are millions of dollars being spent by the two groups, and it is not the same to read a report and not get the full story as it is to have the individuals standing in front of the Board. Mr. Boyd said that it is a lot easier to have a

conversation with Mr. Fredrick or Mr. O'Connell than to simply read their reports, which can easily be misconstrued.

Ms. Dittmar clarified that they want to have both of these individuals come quarterly to the Board. She added that she did not like the last report from Mr. Frederick and felt that he misused the reporting time and has asked Mr. Foley to communicate that to him. She said that is not why she took it off the agenda. She said that her intention was to have Board members ask questions, and then ask Ms. Jordan to put the item on the agenda, if necessary.

Ms. McKeel said that she, Ms. Dittmar and Mr. Foley had discussed the fact that there was a sense among them that the reports were happening because there was a hot-button issue in the community at the time. She said that the dam is about to open, the water plan is not an issue in the community, and the Board could scale the reports back to the same as other organizations do – annually, with hard-copy reports submitted otherwise. She said that having a solid waste report coming to the Board more often would be very advisable, but she does not feel the need to have these two reports on a quarterly basis. She would support the verbal reports on a semi-annual basis.

Ms. Mallek said that the reports are short enough that the Board should be able to deal with them quarterly. When things happen in a given district the Board member will be hearing about it and deal with it at the Board level. She said that over the last seven years, she has seen various things happen that have made it valuable to have that public discussion – as it is reported in the press and gets a different group of people reading about it. Ms. Mallek stated that if the Board does not do that, then she would rely on Mr. Foley and Mr. Boyd to provide a much more extensive report each month – which will take just as much time as having them at the meeting.

Ms. Palmer stated that they could have the ACSA do a quarterly report but only come in at a time when they set water prices or have a specific issue going on, and have Mr. Frederick continue to come and do solid waste and water updates with a focus on the major issues. She emphasized that these are huge budgets and huge projects, and perhaps the best approach is to tell Mr. Frederick what they would like to see in a quarterly report. Ms. Palmer added that it is also important to have face-to-face time with these individuals to get to know them and understand how they operate.

Ms. Dittmar said that there are other authorities that have major projects going on, and asked if the purpose is to have Board members give information or to develop a relationship with the Board.

Ms. McKeel stated that the School Division is 60% of the budget, and this Board has moved to a written report from them. She said that she is surprised to learn that it took a year to get the RWSA reports into the flow, and said she hopes it does not take the Board that long to recognize an issue.

Ms. Palmer and Ms. Mallek stated that it was resistance on the other side because they did not feel it was important to come before the Board. Ms. Mallek said that is why she does not want to give up their quarterly presentations.

Ms. Palmer explained that the executive director at the time relayed that it would be going over his head to have Mr. Frederick come in, and at that point it was about relationship building – but it is also about being able to have them answer questions. She noted that the School Board is comprised of elected officials, so that is a bit different. Ms. Palmer emphasized that there have been many controversial issues that have emerged with water and sewer over time. She added that she does not know that both Mr. Frederick and Mr. O'Connell need to appear before the Board.

Mr. Boyd said that as liaison, he does not have the expertise to report back on details such as the pros and cons of using powder over granular-activated carbon, and it was not an action item – it was just a heads-up that the process would be reevaluated because of cost.

Ms. Dittmar suggested allotting the time for Mr. Frederick and Mr. O'Connell to come so the Board can ask questions about what they provided in their report, so Board members are not “talked at” for ten minutes about the same things they have already discussed.

Mr. Boyd said that he does not have a problem with that as long as there is not a decision made to remove the item from the agenda without consulting with the Board first.

Ms. Dittmar agreed with that process.

Agenda Item No. 14. Closed Meeting.

At 4:00 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 (1) to discuss the annual performance reviews of specific County employees appointed by the Board; 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 under subsection (7) to consult with and be briefed by legal counsel and staff regarding probable litigation concerning a violation of subdivision agreement because a public discussion would adversely affect the litigation posture of the County. Ms. Mallek **seconded** the motion.

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

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

Agenda Item No. 15. Certify Closed Meeting.

At 5:22 p.m., the Board reconvened into open meeting, and Mr. Sheffield **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Mr. Boyd **seconded** the motion.

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

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

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

Ms. McKeel **moved** to appoint Ms. Johanna McLoughlin, Mr. Charlie Armstrong and Mr. James Savage to the Fiscal Impact Advisory Committee, with said terms to expire on July 8, 2016. Ms. Mallek **seconded** the motion.

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

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

Ms. McKeel **moved** to reappoint Mr. Juandiego Wade to the JAUNT Board, with said term to expire September 30, 2017. Ms. Mallek **seconded** the motion.

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

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

Ms. McKeel **moved** to appoint Mr. Charles Ward to the Water Resources Funding Advisory Committee, with said term to expire October 30, 2015. Ms. Mallek **seconded** the motion.

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

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

Agenda Item No. 17. **Work Session:** Albemarle County Broadband Task Force.

The executive summary states forwarded to Board members states that on September 4, 2013, the Board directed staff to research grant funding and other strategies to advance the availability of high speed internet to underserved areas of the County. On October 23, 2013, staff presented the results of its research to the Board, and the Board directed staff to proceed with a round table with telecommunications providers to obtain information regarding plans, ideas and known funding sources to help facilitate additional broadband internet service installation in the underserved areas of the County and to identify barriers to providing services in underserved rural areas. The round table was held on October 23, 2013, and the outcomes of that round table were presented to the Board on January 8, 2014. The Board directed staff to proceed with a Broadband Task Force.

The Broadband Task Force met several times and presented findings to the Board on April 2, 2014. The Board directed staff to proceed with a Citizen Survey. The Citizen Survey results were provided to the Board as an information item on August 6, 2014 in preparation for a September 3, 2014 work session.

Staff will provide an overview of the Task Force Report (Attachment A) to the Board on September 3rd, and will comprehensively review several issues pertaining to the effort to extend broadband internet services to underserved areas of the County. During the work session, staff will present for discussion the findings of the Citizen Survey and what staff has learned from those findings; opportunities and potential benefits associated with the school network infrastructure project; opportunities and challenges associated with “fixed” (i.e., cable/wires) and “mobile” (i.e., wireless/satellite) modes of providing broadband service; impacts of the state and local regulatory environment; and funding strategies, to include partnerships, grants and the formation of an authority. Staff will conclude with several options for the Board’s consideration.

Two memoranda prepared by the County Attorney’s Office are attached for the Board’s information. Attachment B provides a summary of the Virginia Wireless Service Authorities Act, and Attachment C provides information regarding whether cable franchises may be used to require broadband deployment.

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

Staff will provide its recommendations for consideration during the presentation and discussion, and requests that the Board provides direction to staff on how to proceed.

Mr. Bill Fritz, Chief of Special Projects, addressed the Board. He said that the Board has the executive summary as well as the report from the Broadband Task Force and a survey with detailed analysis. Mr. Fritz stated that there were members of the task force present at the meeting, and thanked them for their work and continued interest in the project. He said that the definition of “broadband” is defined by the FCC as a download speed of 4 megs to the user, and an upload speed of 1 meg; just four years ago, that speed was 200 kilobytes, and in the next six months the FCC is likely to redefine broadband again. Mr. Fritz said that broadband is provided in a number of ways – DSL, cable modems, fiber, wireless, satellite and broadband through power lines. He stated that digital subscriber line (DSL) is the most common in Albemarle County, and it uses the existing copper lines, with speed and availability based on access to equipment – with speeds seldom exceeding eight megabytes and going as low as one. Mr. Fritz said that cable modem uses the same cable as that used to deliver video, and it’s only available where cable is available, which means it’s primarily within development areas and immediately surrounding rural areas. He said that speeds are typically comparable to DSL but can be much higher; fiber uses fiber optic and isn’t widely available; speeds are significantly faster – up to hundreds of megabytes or even gigabytes. He stated that the most common way this is done currently is through one of the cell phone providers, although there are other ways of doing it and other providers.

Mr. Fritz stated that fixed wireless broadcasts a signal from one or more antennas and is picked up by an antenna that is mounted to a fixed location at a house or business. Changes to technology are rapidly changing the speed that wireless offers, and speeds in excess of 4 megabytes are going to become available regularly; terrain can limit availability of service or require use of multiple broadcast facilities. He stated that the FCC currently excludes satellite from their definition of providing broadband, but they are considering changing that because there have been some significant changes in technology – and recent deployment of satellites offers significantly improved speeds. Mr. Fritz said that the one problem satellite has is lag, which can make services such as live video conferencing or interactive gaming difficult or impossible, and there’s also an issue of data usage – which is an issue with wireless as well. He explained that broadband over power lines uses low and medium voltage power lines, and it’s not widely available but there’s an experiment underway in Manassas that’s using it, with speeds similar to DSL and cable.

Mr. Fritz said that the most recent information they have is based on what’s reported to the FCC and distributed by the FCC, and in 2010 there were about 26 million people in the U.S. who had no access to broadband; in just one year the number dropped to 19 million. Based on some surveys they’ve seen, he said, that number could now be down to eight or nine million. He said that Albemarle’s broadband access is higher than what exists in adjacent localities, and about 96% of residents have access to broadband, and 94% have broadband in their homes. Mr. Fritz said that’s a very high take-up rate compared to other localities. He stated that determining the number of underserved people is difficult, because defining “adequate service” is difficult. Mr. Fritz said that based on running raw numbers, it appears that approximately 4,000 people in the County don’t have access to broadband in their homes. He noted that they tend to be areas of low population density in the western and southern portions of the County, and there’s also a small portion in the northeastern part. He stated that those areas have difficult terrain and make it difficult to provide broadband.

Mr. Fritz stated that the Board’s packets include detailed information from the County Attorney’s office on broadband authorities, and while the County can’t provide the service directly, it can be done through a broadband authority – and can be done in partnership with other jurisdictions, although these have had mixed results in other communities. He stated that the FCC is currently considering several possible rules, funding options and experiments, all of which could have impacts on the regulatory and funding environment, and staff continues to stay abreast of these. Mr. Fritz said that one proposed rule allows localities to provide service directly, but there’s no definitive answer as to whether that will happen or not.

Mr. Fritz reported that staff has identified a number of solutions based on all the work done to date, and has broken it into several different categories. He said that the effort regarding amendments to wireless regulations is currently underway, and on October 1 the Board would be holding a work session on possible changes to the regulation of wireless facilities. Mr. Fritz said that it can facilitate deployment, and it is likely to be time consuming and difficult with no guarantee of deployment. He stated that it's especially difficult to determine creation of a broadband authority because there is no scale for any potential project, and without that they can't determine any cost, but based on the fact that private industry has not been able to cost effectively provide service to the most remote parts of the County, the cost could be high. He said that it directly facilitates deployment, but the costs are unknown, and participating in a multi-jurisdictional authority would remove the Albemarle focus.

Ms. Palmer asked if the boundaries for an authority must incorporate the entire county, or whether it could include parts of different counties. Mr. Fritz responded that the County would be creating an authority, and then would give it a charge to do something. He said that the Roanoke River Valley Authority, for example, is trying to provide improved service in areas that already have service – so it can be an economic development tool. Mr. Fritz stated that one downside is that setting up an authority could be inconsistent with the Comp Plan, which tries to focus services on the development areas and not the rural areas. He said that it allows the County to use the existing technical expertise of the schools, but isn't a way to directly or indirectly provide broadband services and there are restrictions to its uses, so it's really limited to using their expertise. Mr. Fritz reported that this solution encourages those who want to get a service to work directly with service providers to have specific solutions to specific problems. He said that the County can try to remove barriers as those are identified to the County, but this doesn't directly ensure deployment. Mr. Fritz said that one solution that emerged from the task force was to amend regulations restricting deployment, but there are no regulations that staff has found that are County regulations that restrict deployment of wire line services; the ability to obtain right of way was identified, but that's not a County restriction or regulation.

In summary, Mr. Fritz said, some portions of the rural area of the County are unserved, and speed and access to broadband are issues being addressed at all levels of government – state, local and federal; various solutions are being investigated and in some places implemented, with varying degrees of success and failure. With continued changes in technology and deployment by service providers, Mr. Fritz said, the number of unserved and under-served people is constantly decreasing. He said that staff's recommendation is that they identify and remove barriers to deployment where appropriate; encourage citizens and businesses to work with service providers to identify specific solutions to specific problems; and continue to investigation solutions by continuing County membership on the NACO Telecommunications and Technology Steering Committee, continue professional development of staff on broadband, and work with TJPDC and other regional partners.

Ms. Dittmar stated that she had read the report in draft form, which shows a tremendous amount of work on this project in less than a year, and asked Mr. Fritz what they were trying to accomplish with this item on the agenda. Mr. Fritz said that the task force was created to provide the Board with some information on broadband, as it's been an issue identified by them previously, and stated that staff was trying to provide direction in that regard and continue to explore solutions. He stated that speed and access are issues around the state and the country, and there are localities that have much slower speeds and lower percentage of coverage than Albemarle.

Ms. Mallek said that's been the County's handicap with getting grants, as they don't qualify because they are already well-saturated according to the grant standards. Mr. Fritz said that 94% and 96% are pretty high statistics.

Ms. Dittmar asked Board members to ask questions and get clarifications, and then talk about next steps, so they don't mix up the two.

Ms. Palmer said that she appreciated the thoroughness of the report, and was trying to understand what staff recommends as next steps. She stated that she had been told that if they were going to apply for a grant, they would need to get a lot of information together on what they're infrastructure currently is – and asked what it would take to pull that together.

Mr. Michael Culp, Director of Information Technology, asked Ms. Pat Groot of the TJPDC to address the Board on the subject – as she did a lot of work on putting the information together. He stated that the planning grants that have come from the state before are around the \$50,000 mark, but it would probably be less since the task force has already gathered a lot of information.

Ms. Pat Groot, Grants Administrator for TJPDC, said that currently the grants available are available to service providers, and there is a planning grant available through the Department of Housing and Community Development, but there is no subsequent construction money available. She said that there are several USDA grants that are in the process of revising their guidelines and haven't issued them as to how one would apply. Ms. Groot said that if the County is interested in positioning itself to pursue some sort of widespread broadband, they need to determine what they want – and follow some of the recommendations in the report, do the inventory of what's below ground – and then make decisions about where they want the broadband to be located and how they would like to proceed. She emphasized that the County isn't really in a position to secure grant funding unless they have a scope of work defined.

Ms. Palmer asked if they could only define that scope of work within Albemarle County unless they have a multi-jurisdictional authority. Ms. Groot said there was potential for them to expand the discussion and look at broadband on a more regional basis instead of by county, and make some

determinations as to how to best serve the region within the PDC. She stated that the Center for Information Technology was providing technical support for exploring those discussions, and if the region is interested, may pursue securing their assistance.

Mr. Foley noted that there was an effort going on with county administrators to look into forming a regional authority, and he could bring that information back at a future meeting.

Ms. Mallek asked about the expression of interest, and whether it was for the DHCD planning grant or the CIT. Ms. Groot said that it was from the FCC, and her impression is that the FCC is issuing proposals that would allow them to gather information so that they can make some determinations as to where to invest their money and how they can effectively implement broadband nationally. She stated that she views the proposals being issued as exploratory, for the FCC to try to establish what the return is when certain funds are invested in certain areas.

Ms. Mallek stated that several years ago when all the localities applied through the PDC, Albemarle's service was still deemed to be so high – so they talked about taking just the southern part of the County and including it into a region with parts of Nelson, Buckingham and Fluvanna, in order to describe it as a lower-served area.

Ms. Groot said that it's something they could discuss, and once the broadband is constructed, there would need to be a customer base to support it – and the grant sources tend to refer to bringing broadband to rural areas as "rural business," which differs from how Albemarle is addressing rural business. She stated that the grantors are suggesting that farms producing goods and services could benefit from the use of broadband through sales and marketing and purchasing, so it's important for them to be building an information base in the community on how broadband is valuable to the rural production as well as academic achievement.

Ms. Mallek said that some of the data they're missing is whether farmers are connected and if they need broadband, and partners could gather that information too.

Ms. Groot asked if they could use some information on how having it could be valuable to their livelihoods.

Ms. Mallek said that commodity farmers are using it daily, even on their phones, to find out where prices are.

Mr. Boyd asked if the Farm Bureau was part of their study group. Mr. Culp said that they weren't, and Ms. Groot suggested including them as they move forward with a more regional discussion.

Ms. Mallek stated that artisans and other organized trails in the rural area are linked together in other ways, so this would apply to them as well. Ms. Groot said that she thinks they will get broadband, it's just a matter of when.

Ms. Mallek said that the challenge is generating a critical mass of 100 people at a crossroads, who will threaten to start their own in order to bring Century Link or someone else there – but it's a lot of work to go neighborhood by neighborhood.

Ms. Groot said that they can also include the business community, because there may be incentives they may offer if they have a population of employees that are interested in teleworking – which can perpetuate productivity. She said that it's possible they could develop a public/private partnership to develop broadband, but CIT says that when concentrated interested is shown in a community, it tends to attract providers.

Ms. Dittmar stated that in listening to this report, she has been trying to identify the problem – and asked how they were able to determine how many households did not have broadband.

Mr. Sheffield asked if they were basing that on the 1,700 survey respondents. Mr. Fritz said that service providers are required to give information to the FCC on where they're providing service, and because of the Middle Class Tax Relief and Job Creation Act, they're required to prepare a National Broadband Availability Map that determines what the coverage is – and that's what revealed the 96%.

Mr. Sheffield asked why it wasn't done by households instead of individuals. Mr. Fritz said that they took the 96% and used the County population to deduce the 4,000.

Ms. Mallek said that it bothered her that companies were allowed to say they covered a certain exchange, when in reality they might only be in one corner of the area.

Mr. Fritz said that the map drills down to Census block level, so it's better defined, and they are working on a new map – which should be available in 6-12 months.

Ms. Palmer commented that this is a rapidly changing industry, and she'd like to see how the County can position itself when something new comes up – rather than putting a lot of money into infrastructure that's going to be obsolete in 10 years.

Mr. Culp said that's a tough question, and there's a real concern that the County would be left behind in the proliferation of the internet. He emphasized that it seems like a no-brainer to try to increase

bandwidth across the County, but defining that project is a huge investment. If the goal is fiber to every household, because of lack of density they could be looking at \$1 million per year for 10 years. Mr. Culp said that wireless is probably the best solution for a county of Albemarle's size, but trying to match it with the competitive nature of the business is the primary challenge – with the decision to add more towers being a difficult one. He noted that the Comp Plan respects the rural environment, and in order to make the changes needed, the plan would need to be changed as well.

Ms. Dittmar asked if the problem was defined as lack of broadband services to the rural areas of Albemarle County.

Mr. Boyd said that it could also be described as a lack of speed and reliability, as those were the concerns he's heard most about.

Ms. Dittmar stated that she would like not to focus on that because she doesn't believe it – and 100% of people have access to broadband through satellite, but the question is whether it's consistent and affordable. She said that the affordability issue is huge, and people in the Cobham area told her they were paying up to \$2,000 a year just to have availability to stream. Ms. Dittmar said that one of their strategic plan goals is lifelong learning, which can't be accessed by everyone; public safety is also an issue as there isn't adequate cellular coverage in some areas. She stated that she had also recently attended a meeting in which several pastors said that the County was "institutionalizing poverty" if they didn't do something about the broadband issue.

Ms. Palmer said that there are multiple problems, particularly safety and school access, and the County must provide some level of service to rural Albemarle. She said that a secondary issue was speed, and she is paying extra for a speed that she's not really getting consistently. Ms. Palmer said that the schools were addressing access on their end, so perhaps the County could piggyback on that, but the safety issue is a critical concern.

Ms. Dittmar said that what they're trying to clarify is how the service is delivered, in addition to strategizing solutions, and they need to drill down on those a bit further.

Ms. Groot said that part of what they've just outlined is a direction that could be included in terms of the issues they're trying to solve in the community; they could then make a determination as to how they attempt to solve them.

Ms. Dittmar stated that this is a similar problem to rural electrification in the previous century, and it's not fair to expect private providers to offer a service if they can't benefit from it. She read an article from NACO about two rural county commissioners who shared the hurdles and successes encountered in attempting to bring broadband internet to their communities. Ms. Dittmar said that those officials found that commercial providers said costs weren't worth the effort, so they worked with their ECC-911, and now every household in their county has broadband – at a cost of \$150.00 per household, covering 900 square miles and costing their county \$40,000.

Ms. Palmer pointed out that the terrain there is flat.

Ms. Mallek said that that's a very large area to cover though.

Ms. Dittmar stated that some localities like Chattanooga, TN, partner with their power companies, and the County should include the power companies in their conversations – and she didn't understand why they weren't doing more with the school projects.

Ms. Palmer asked staff for an update on the school partnership. Mr. Culp said that Vince Schivert, the school division CIO, has a network connectivity project underway, and it has very little to do with internet as its goal is just to connect the schools to one another. He said that there's some potential there, but that would need to be evaluated after the initial project is done. Mr. Culp explained that the first major project is the "fiber build," which will connect all the schools and provide central resources – one of which is internet access. He said that this isn't the same as the wireless experiment, which is based on a fixed wireless situation whereby each student has a device that connects to another device – which allows them access into the school and then out to the internet. Mr. Culp said that it's an experiment to this point to see if it will work, and in the future it could offer opportunities for piggybacking other services.

Mr. Boyd stated that he is concerned about the term "experiment," because it's costing \$1.2 million per year in taxpayer dollars – and thus far he hasn't been able to ascertain from Mr. Schivert any justification for what they're doing or spending. He said that he planned to meet with him again, and noted that he was interested in determining the capacity of those fiber optic systems as he's been told that 10 gigs is way too much for schools. Mr. Boyd said that his impression is that the schools are building their own personal network to link in all existing students, and the whole idea is something that's contrary to the land use policy. He stated that the County wouldn't be thinking about spending \$1 million to take water and sewer to rural areas, or adding businesses out there, and he didn't see this as being a government function. Mr. Boyd emphasized that he has wanted to get the providers together to see if they can come up with a solution to provide better, more reliable and faster connectivity. He said that he's had constituents acknowledge that they knew by moving way out into the rural area, they wouldn't have quick access to first responders, etc.

Ms. Dittmar said that's the philosophical question here – is this like electricity, or is it like water and sewer. She said that if she lives on a farm, she can have a septic system and well water, and she

doesn't want to give the impression that offering broadband will pave over rural Albemarle – as zoning is the mechanism by which they protect that area and control what does or doesn't happen there. Ms. Dittmar stated that having internet access is a basic need now, and the poorest of County citizens cannot access it. She said that if Mr. Schivert is that close, then there must be something they can do together.

Mr. Boyd said that he didn't think Mr. Schivert was that close at all – he was years off.

Ms. McKeel stated that this is the same as providing electricity to the rural areas in the Midwest, and if it hadn't been for government, they wouldn't ever have electricity. She said that it was important to have Mr. Schivert present for this conversation, as there were things being said that weren't necessarily accurate.

Ms. Palmer said that from a philosophical standpoint, she believes that broadband is a basic communications service, like the phone – and it was only a matter of time before the FCC categorized it as such, so it was best for them to get out ahead of it.

Ms. Dittmar asked about a deadline for the solutions group – including the private sector – to implement a broadband strategy.

Ms. Palmer said that the private providers have attended all of these meetings and have been very clear about what they can and cannot do.

Ms. Dittmar said that now they're getting down into the details, and asked what the timeline would be to getting the solutions – for rural area access and affordable access.

Mr. Fritz said that the FCC is undertaking all of these issues now to try to come up with answers, and that should be contained in the report coming out in 6-12 months. He stated that this goes beyond defining acceptable level of service and what the appropriate speed is – but also what the cost should be in terms of data usage, etc. Mr. Fritz said that they're also considering redirecting E-911 funds to facilitate broadband deployment.

Ms. Dittmar stated that they don't have to wait for the FCC's report, and they should sit down with the private providers, the electric companies and the school system to evaluate the potential solutions. She said that lining up allies at this stage was also important, and she applauded Mr. Foley for meeting with other county executives.

Ms. Mallek said that the Comp Plan had been identified as an obstacle, but technology is changing and the transmitters are smaller and able to be placed on a barn or a silo. She stated that in her conversations with people in the 456- exchange (the Greenwood area), private providers said that it would cost about \$200,000 to provide what was needed – and there were not enough people to fit their business model at the time.

Ms. McKeel suggested having Mr. Schivert come in and talk with them about what's going on with the school division as a starting point for their discussion.

Ms. Palmer said that would be great, and she also liked Ms. Dittmar's suggestion of compiling the ideas from private providers who attended these meetings.

Mr. Culp said that the County has made these inquiries – and the private companies know which parcels and households are not served – and putting together a cost estimate is a bit more difficult.

Mr. Andrew Draper of Century Link Communications addressed the Board, stating that the primary challenge for providers is that it's not economically prudent given fixed costs. Mr. Draper said that if a provider or competitor wanted to charge \$225 per month, it might become more economical – but most charges are a fraction of that. He stated that he can only speak to what his company charges, not other providers, and said that when they go into an area they're not looking to immediately offset 100% of the cost, and they will acquire that revenue once a subscriber starts the service. Mr. Draper said that taking a six-figure price-tag and dividing it among just a handful of households that are only being charged \$30 a month means it will take 15-20 years to recoup costs, and consumers continue to demand faster speeds at the same cost.

Ms. Dittmar said that what the Board was looking for is what they would need to do as a County to make it more profitable, and they don't know yet what alternate plans might offer.

Ms. Palmer stated that she would like to know what specifically in the Comp Plan needed to be changed, since that was being referenced in this discussion. She read part of an email exchange with Susan Stimart regarding business licenses as a vehicle for additional survey outreach, and Ms. Stimart indicated that this presented challenges because not all rural businesses require a license – and the County had just rolled out a new system to help with uniform data collection, but that data wouldn't be available until the next business license renewal cycle.

Mr. Foley said that he had a list of items that he's been keeping from their conversation: evaluate how to better position the County to be more competitive for potential grants in the future, which would involve things like defining needs, developing inventory, and identifying specifically where they have a problem they need to solve – because they've been talking about it in the broad sense, but it might entail solutions that come in "pockets." He said that other items identified were to consider possible collocation

options to improve service; evaluate possible regional partnership group to explore regional authority; consider changes to current wireless policy – which might mean putting towers up in rural areas; further review possible partnership with the schools; further evaluate a County authority, which would need to have tax dollars supplementing that service; identify specific underserved areas; clarify more what the private sector has said; garner more input from groups like the Farm Bureau; and look at the Comp Plan to see how it aligns with their plans.

Ms. Dittmar asked if they were ready to look at a cell tower ordinance amendment, as they didn't yet know if that was the direction they would go in.

Ms. Mallek said that what's coming to them is a review of the entire policy.

Mr. Fritz stated that what is coming forward to them in October is mostly process-related: how applications are received and processed, and how the ordinance applies to them. He said that they've shelved at the Board's direction all the changes to the design of the facilities, which is the bigger issue.

Agenda Item No. 18. ZTA-2014-00001 Agricultural operations and farm breweries.

The executive summary states that on July 1, 2014, State legislation became effective limiting a locality's ability to regulate certain classes of activities associated with bona fide agricultural operations and farm breweries. Attachment A provides the complete background leading to the Planning Commission's July 15, 2014 public hearing on zoning text amendments intended to address this State legislation.

On July 15, following its public hearing, the Commission recommended adoption of the zoning text amendments with the following changes (see Attachment B for July 15 staff report) related to events and activities at agricultural operations:

- In Section 3.1, Definitions, cap number of days that an agricultural operation event can take place – change wording from “one or more days” to “up to three consecutive days.” *(incorporated into current draft)*
- Increase to 21 acres the threshold below which a zoning clearance would be required for an agricultural operation to engage in events, agritourism activities or onsite retail sales. *(incorporated into current draft)*
- In Section 3.1, Definitions, add “water runoff and excessive soil compaction” to the list of impacts in the definition of “substantial impacts.” *(incorporated into current draft)*
- In Section 5.1.58(a), Purpose and intent, reflect the Comprehensive Plan's Rural Area values of “protecting natural resources and open space.” *(incorporated into current draft)*
- On page 13 in Section 5.1.58(d), add consideration of “environmental impacts” as part of the zoning clearance review process. *(incorporated into current draft)*

The proposed ordinance, with staff comments incorporated, can be found in Attachment C. A table comparing the current and proposed regulations is provided in Attachment D. The State legislation allows localities to regulate a wide range of events and activities at agricultural operations and farm breweries only if there is a substantial impact on the health, safety or welfare of the public. The State legislation pertaining to farm breweries is virtually identical to the State legislation for farm wineries, and the Planning Commission has recommended that farm breweries be regulated the same way farm wineries are regulated.

The State legislation for events and activities at agricultural operations is different, and may have different impacts than farm wineries and farm breweries, and three “substantial impact” thresholds have been developed for the proposed ordinance. At the September 3 work session, staff requests the Board's feedback on the following focused issues pertaining to the proposed ordinance:

1) 50 Vehicle Trips per Day Threshold

This threshold for an event or activity at an agricultural operation to be causing a substantial impact is based upon VDOT's moderate volume commercial entrance standard for establishments generating more than 50 vehicle trips per day (25 cars entering and leaving the site). Moderate volume commercial entrances are subject to certain design standards as well as sight distance and access management requirements. In the proposed ordinance, agritourism activities, retail sales or events generating over 50 vehicle trips per day, regardless of lot size, would require a zoning clearance, ensuring administrative review of events or activities with potential for traffic impacts.

Staff received feedback from the local Farm Bureau that this standard may be excessive for infrequent educational activities that are commonplace at some farms, such as school field trips or farm tours. In response to this concern, the proposed draft includes a provision exempting up to four (4) educational programs, workshops or demonstrations related to agriculture per calendar year and up to four (4) farm tours per calendar year from the zoning clearance requirement, regardless of vehicle trips generated or the size of the site. Activities or events generating more than 200 attendees at any time would still require a special use permit.

2) Minimum Acreage Threshold

To address concerns about the impact of events and activities occurring on smaller sites, staff recommended that agricultural operations located on sites less than five (5) acres be required to obtain a zoning clearance before hosting events, agritourism activities, or on-site retail sales. The five acre threshold was based upon the minimum acreage required to be considered for agricultural land use taxation and is a standard used by other localities for regulating activities and events related to agriculture. At the Planning Commission's public hearing on the ordinance, some Commissioners expressed concern about having no administrative review process in place for activities or events occurring on small farms larger than 5 acres. As a result, the Commission recommended 21 acres as an alternative minimum threshold based upon the Comprehensive Plan's stated goal of preserving lots 21 acres or larger for agriculture. Staff notes that as the Board considers which minimum acreage threshold is most appropriate, it should be considered in the context of the proposed substantial impact threshold for activities generating more than 50 vehicle trips per day regardless of site acreage, as well as the proposed noise and setback regulations intended to address potential impacts associated with these activities.

3) Verifying that Agriculture is Bona Fide

The State legislation allows a wide range of activities and events at agricultural operations. "Agricultural operations" are defined by State law to mean "any operation devoted to the bona fide production of crops, or animals, or fowl..." The proposed ordinance defines the underlined phrase in Section 3.1. The purpose of this definition is to ensure that agricultural operations are engaged in agriculture in good faith and not merely to be eligible to host activities and events. The proposed ordinance requires that in order to host activities or events, agriculture must be a primary use of a site (translating the common meaning of "devoted" into the zoning context), and any activity or event must be subordinate to that agricultural use. To ensure that agriculture is a primary use of the property, the ordinance identifies several factors that can be considered and/ or evaluated, as necessary:

- Whether the property qualifies for use value taxation because it is used for agriculture, silviculture or horticulture
- The acreage devoted to agricultural production
- The proportion of capital investment in the site, operating expenses and labor

The factors listed are not exclusive, and any other relevant factors also may be considered.

There is potential for an increase in staff time devoted to review of zoning clearance and special use permit applications associated with this amendment.

Staff recommends that the Board provide guidance on the three focused issues identified in this executive summary and direct staff to schedule the zoning text amendment for public hearing.

Ms. Amanda Burbage, Senior Planner, addressed the Board, stating that this is a zoning text amendment from the rural area chapter of the current Comp Plan, which establishes a strong policy framework that supports an agricultural economy by providing opportunities for producers to add value to their products and connect to local consumers and markets. She said that the Comp Plan's goal to encourage creative and diverse forms of rural production and support rural land uses is achieved in part by allowing appropriately-scaled accessory uses such as farm sales, agri-tourism and other events and activities. Ms. Burbage said that the purpose and intent of the Rural Area zoning district is also focused on preserving rural land for agriculture and uses related to agriculture, and the zoning ordinance recognizes that the regulation of these agricultural uses should only be limited in the interest of protecting public health and safety.

She reported that the genesis of this zoning text amendment came from two bills that were before the General Assembly this year – Senate Bill 51 and Senate Bill 430 – with these regulations effective July 1, and staff has been working to amend the ordinance to be in compliance with them. Ms. Burbage said that both bills limit local regulation to activities with substantial impact on public health, safety and welfare – but the state does not define what "substantial impact" is, so it's left up to the localities to decide. She said that the state statute also says that restrictions shall be reasonable, and take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity. Ms. Burbage stated that under the state code, there are activities that explicitly can't be regulated; for agricultural operations, that includes production and harvesting; for farm breweries and wineries, there are more protected activities that are expressly listed in the code, such as storage, sales and tasting. She said that in the development of the draft ordinance, their focus has been on activities in the right-hand column, which are able to be regulated based upon a finding of "substantial impact" on public health, safety and welfare.

Ms. Burbage reported that staff has been working on this amendment since March when the Planning Commission adopted a resolution of intent to amend the zoning ordinance; since then they've held three work sessions and a public roundtable to solicit feedback on the proposed amendments. At the July 15 public hearing, she said, the Planning Commission recommended adoption of the proposed ordinance with five revisions as outlined in the staff report. She said that the key components of the proposed ordinance as recommended by the Planning Commission include treating farm breweries the same as farm wineries; since the enabling authority is nearly identical for the two, the Planning Commission felt it was fair to treat them on a level playing field. She said that the Commission felt that agricultural operations have more varied impacts and wanted to regulate them differently; important issues included ensuring that agriculture is bona fide and the primary use of a property before allowing

events and agri-tourism to occur; and using three thresholds to establish substantial impact: vehicle trips generated per day, the size of the agricultural operation, and event attendance.

Ms. Burbage reported that state code changes also necessitated that a number of new definitions be added to the ordinance to help with the administration of the new provisions, and those she is presenting are the ones she will refer to in her presentation, but all definitions can be found in Section 3.1 of the draft ordinance. She said that what has changed with the regulations of farm breweries and wineries is that a new section has been created for farm breweries that's very similar to what exists for farm wineries – and that includes allowing production, tasting, agri-tourism, sales and events of up to 200 attendees by right; a one-time zoning clearance if outdoor amplified music will be used, allowing staff the opportunity to verify that the establishment either has sound equipment that can meet noise regulations or has a calibrated sound meter and agrees to self-monitor. By special use permit, she said, a farm brewery or farm winery can host events at any time exceeding 200 attendees. Ms. Burbage noted that the only change for farm wineries is the introduction of the zoning clearance requirement for outdoor amplified music, and the way the ordinance is written, it would only apply to wineries that are established after the ordinance adoption date.

Regarding agricultural operations, she said, production and harvesting will remain a by-right use and will not be subject to the substantial impact thresholds. There will be three triggers for a zoning clearance, which is an administrative review process: agri-tourism events are retail sales that generate over 50 vehicle trips per day, which is a standard that VDOT uses for moderate volume commercial entrances – which require compliance with site distance and access management requirements. She said that as VDOT considers 50 vehicle trips, one vehicle leaving and returning to the site counts as two trips – so it's really 25 round trips. Ms. Burbage said that the second trigger for a zoning ordinance is agri-tourism events or retail sales occurring on parcels under 21 acres, and this acreage total can include abutting parcels if they're under the same ownership and part of the agricultural operation. She stated that under proposed regulations, staff has carved out an exemption from the vehicle trip and minimum acreage thresholds for up to four farm tours or educational programs per year – an addition that occurred since the last Planning Commission meeting in response to concerns the Farm Bureau had about applying these thresholds to farms that are really only attracting this level of activity or impact a few times a year. She said that the Commission felt it was cumbersome for farms to come in for zoning clearance when they only have a few events per year, and that's the only difference in what's before them. For special use permits, she said, the same threshold that applies to wineries or breweries for events or activities that exceed 200 attendees would also apply to agricultural operations, as would events in excess of 24 per year – and would require a special use permit. She stated that a threshold that exists in the County's current ordinance is the 4,000 square foot limit for farm sales structures, which is currently permitted by special exception; in the proposed ordinance, it would be by special use permit; under 4,000 square feet would be by right.

Ms. Burbage said that there is a zoning clearance currently for farm sales, and this new clearance would largely be based on that – with a few nuances that would be different. She stated that the zoning clearance process is a ministerial review process that serves as a means for staff to educate the property owner about the regulations and ensure compliance with minimum standards in the ordinance. Providing those requirements are met, staff does not have the discretion to deny a zoning clearance. Ms. Burbage said that in the zoning clearance review, staff would be looking for input from other agencies such as VDOT and the health department on things like entrance standards and health requirements, and would also check for adequate emergency vehicle access travel ways, adequate onsite parking, compliance with setbacks including increased setbacks for parking and outdoor activity areas, verification that sound equipment could meet the noise ordinance, and compliance with all other relevant sections of the zoning ordinance – critical slopes, setbacks from stream buffers, etc. She said that it's a fairly broad review process and an opportunity to have a conversation with the property owner so they know what the regulations are.

Ms. Mallek asked about the 4,000 square foot building limit going to special use permit, and asked if that was intended for entertainment buildings only – not those that are used for agricultural production purposes. Ms. Burbage said that the area would be excluded, and if it was under the same roof, it would be the portion of the structure devoted to sales that would be considered in that limit. Ms. Amelia McCulley, Zoning Administrator, said that they have no intention and aren't enabled to regulate the area used for production.

Ms. Mallek asked why the County would be involved in small events where people would visit a farm and stay for a while, such as church or school groups. Ms. Burbage said that part of the exemption of up to four is for limited events such as field trips, but farms that are doing this on a regular basis, if they are holding more than 24 events per year they would need a special use permit.

Ms. Mallek said that this was a major business for some of the smaller farms that don't make as much money and need this activity to supplement what they make from eggs, cheese, etc. Ms. Burbage said there is some gray area as to what constitutes an agricultural operation event and an agri-tourism activity, and they have separate definitions in the ordinance. She stated that when they were initially drawing these lines, the intent was events – things like harvest festivals – and educational programs fall more under the umbrella of agri-tourism. Ms. Burbage said that they're listed in the ordinance, and those are triggered by the 50 vehicle trips per day and the acreage, and they would be subject to those if they went beyond four of them. She said that it's a gray area that should be clarified going forward, but it's good to have them raise that question and asked if the Board was more comfortable applying it to things like harvest festivals.

Ms. Mallek said that is where the large crowds are anticipated, and to make it worthwhile for the person to have the event, it would be expected for lots of people to come. She stated that it's been the concern for years with the special use permit, because if an orchard spends \$2,500 for a permit to have a harvest festival and it rains, no one comes and they lose money. Ms. Mallek said that it used to be that farms were given a first-year one-time shot as they did with music festivals, to allow people to determine if the idea was a decent one and for the County to learn what was involved.

Ms. McCulley stated that there was a lot of discussion at the Commission level about the agricultural operations because they don't know the variety and number of what they'll see in the future, and it can take many different forms – with a potential cumulative impact on neighbors. She said that the idea was to put a number on the operational activities to establish a threshold so it doesn't substantially impact neighbors.

Ms. Palmer asked if there was a definition for farm tour. Ms. Burbage replied that it's referenced in the agri-tourism definition also, and because they're calling out the exemption for up to four per year, they created a separate definition.

Mr. Greg Kamptner, Deputy County Attorney, said that it's defined on page four of the draft ordinance: "An event by which the public is invited to visit two or more agricultural operations, which may include educational programs, workshops or demonstrations related to agriculture or silviculture."

Ms. Palmer asked if the Planning Commission had reviewed that definition. Mr. Kamptner said that "farm tours" hadn't been defined at that point, and they realized they needed to add a definition.

Ms. McCulley said that it was a comment from the Farm Bureau that was raised with the Planning Commission, but staff had not yet developed the definition and the exemption at the point of the meeting.

Ms. Palmer asked if the zoning clearance for noise only needed to be reviewed once and was a ministerial process, with the applicant coming in to talk about regulations but no other interaction with them unless someone complains. Ms. Burbage said that they haven't worked through the details of the administration of that, but the idea was that there were going to be establishments that have their own equipment, and establishments that allow outside people to bring their own sound equipment in. She stated that if a farm brewery, for example, had its own equipment, staff has a sound meter and would go out to check if their equipment can comply as part of the administrative review. She said that if an applicant doesn't want to invest in the equipment and wanted to allow outside parties to bring their own sound equipment, then staff would want to see evidence that they have a calibrated sound meter and can use it to check their own sound levels and make sure they're in compliance with regulations. Ms. Burbage said that if there was a complaint, it would be investigated – and it's more involved than just having them agree to self-monitoring.

Mr. Kamptner said that the zoning clearance doesn't grant permission to make whatever sound levels they desire, and it is still subject to decibel standards that apply already to farm wineries – so staff can go out and monitor it at any time.

Ms. McCulley stated that she's really pleased with this amendment because it codifies a successful practice, and this is a lessons learned provision added to the ordinance – so before people build a building and set up an area with outdoor amplified music, they make sure they meet the regulations. She said that if they're going to self-monitor, that has truly been the turning point in the success of the two issues they've had in the County. Ms. McCulley said that the timing of this is so important because prior to a farm investing in the stage, the platforms or whatever establishes an outdoor amplified music area, they will check and make sure they can meet the regulations – rather than after the fact when they've been cited for a violation and the County is monitoring.

Ms. Palmer asked how staff would decide if they were a bona fide agricultural operation.

Mr. Boyd asked if the four farm tours per year with equal to or less than 200 people, and up to four educational programs, if that was cumulative. Ms. Burbage said that it was either/or.

Mr. Boyd stated that he was concerned about the possibility of opening the County up to a lawsuit if they go amiss of what the legislation allows them to do, and asked if they felt comfortable with the language as it's written.

Mr. Kamptner said that they feel comfortable with the ordinance as a whole, and staff has been tracking both new pieces of legislation, and the language used in the County ordinance incorporates the state definition.

Ms. Palmer said that the Board had received an email from someone who was knowledgeable on this issue, and the person noted that the Farm Bureau provided feedback that the requirement for the zoning clearance for a farm tour that would exceed the 50 trips per day threshold was excessive for infrequent educational activities; this feedback was never discussed in public. She said that the constituent had concerns that the definition for "farm tour" was never considered by the Planning Commission, nor was the allowance of 200 attendees at each farm on the tour at any given time – and that the definition could be a convenient use to do many activities within the rural areas without oversight from an agency, and these allowances could have major effects on the rural areas. Ms. Palmer asked staff if they'd felt they had addressed that with the "farm tour" definition as crafted, as it hasn't had public feedback.

Ms. Burbage said that the issue of the exemption actually was discussed in the public hearing on July 15, and the language was not in the draft ordinance reviewed by the Planning Commission at that time because the conversation held with the Farm Bureau occurred after the packet of information had gone out. She stated that the "farm tour" definition was not intended to create a broad definition that applied to any kind of activity, and staff is open to refining that definition to ensure it only applies to situations with multiple farms participating, that are open to the general public, etc. – and perhaps they didn't articulate that carefully in the ordinance language.

Ms. McCulley said that she didn't think the definition was overly broad, and if it is staff could come back and tweak it with the Board.

Ms. Palmer stated that in her district, the farm at Red Hill has 4.9 acres and greenhouses, with their produce and products sold in a variety of venues, and they do have farm tours – so her question is whether they would have to have a special use permit.

Ms. Burbage explained that they would only need a special use permit if they were attracting over 200 people at any given time, and if they were under that number they would be subject to the 50 vehicle trip threshold, which may require zoning clearance. If the language moved forward as currently stated, it would be subject to zoning clearance because of its size.

Ms. Mallek said that the zoning clearance was \$25 and is now \$50, and there is a quick inspection done so as a burden it is a minor one.

Ms. Burbage reported that the first focused issue is to verify that agriculture is bona fide, and this was a primary concern of the Planning Commission in terms of making sure that agriculture was a primary use of the property in order for them to be eligible to engage in agri-tourism events and activities. She said that the state code definition of an agricultural operation refers to operations that are devoted to the bona fide production of crops, animals or fowl; in zoning terms this means that agriculture must be the primary use of the property. Ms. Burbage said that there are a number of factors that can be considered if the primary use of the property is in question: whether or not a property is eligible for the County's land use taxation program; the amount of property devoted to agricultural production; capital investment in the site; operating expenses and labor.

Mr. Boyd asked how they could determine the amount of property necessary to be deemed agricultural – 50%, 10%, 5%, etc. Ms. Burbage said that the producer would provide that information.

Ms. McCulley stated that it would depend on what type of product it is as to how much area needed to have a legitimate operation.

Mr. Boyd asked if there would be some kind of chart used to assess what qualified a property as being agricultural in use. Ms. Burbage said that staff identified a number of factors, not just that one, and would consider the entire application on balance.

Mr. Kamptner stated that this is a list of factors that the zoning administrator would consider, and it would depend on the particular activity.

Mr. Boyd said that it seems to put a lot of arbitration into the process, and he wasn't sure how they would make a determination just based on a statement like that.

Ms. Mallek stated that this was for the entertainment side – the agri-tourism side – of what would happen on a farm, so 51% should come from agriculture. She said that a former Supervisor from Madison County has told her that they adopted a description of a bona fide threshold that required a Schedule F form that showed activity. Ms. Mallek said that people do their taxes every year, and there is an ag census every year, so this is not an extra burden – nor does it require a lot of subjective figuring. She stated that there are a lot of things that happen in land use that don't require production at all, and she doesn't feel that's appropriate for entertainment. Ms. Mallek said that her biggest concern is the "what if" situation whereby people put in a few plants and call it agricultural.

Mr. Kamptner said that the factors to be considered are only one component of the definition, and there are three other components of the definition: one is that the agricultural activity must be a primary use, which is the kind of determination that zoning is making all the time with primary versus accessory use. He stated that the second component is that it has to be engaged in good faith, and the third component is that the agricultural activity can't be established for the mere purpose of trying to become eligible to host these events and activities. Mr. Kamptner said that the factors they've been talking about are related to engaging in good faith in agricultural production, but they are only part of three key elements of that definition. He stated that if a property met the definition, they may qualify without having a long history of agricultural production.

Ms. Palmer asked if someone having a 21-acre hayfield can have a music festival.

Ms. Mallek calculated that the value of that would only be \$10,000, so it's doubtful that agriculture would be the primary use.

Ms. Burbage reported that the second focus issue pertains to the Commission's position that a minimum acreage should be used to establish substantial impact associated with events and agri-tourism on smaller parcels. She said that activities or events occurring on properties smaller than the minimum

acreage would trigger the need for zoning clearance. Ms. Burbage said that staff discussed with the Commission two different acreage standards: five acres, which is the minimum to be eligible for the County's land use value taxation program; and 21 acres, which is referenced in the current Comp Plan as a minimum parcel size established with the hope of preserving larger lots for agriculture. She stated that in looking at land in the rural area, about 20% of rural area parcels are in land use taxation; the ag census data for 1997 and 2012 show a decrease in farm size and the amount of land in farms, but there is an increase in the number of farms overall – with the greatest growth in the 1-9 acre category of farms.

Ms. Burbage said that the final issue relates to the threshold of 50 vehicle trips per day, and the Commission felt very comfortable using VDOT's standard for moderate volume commercial entrances, which is a trigger for the zoning clearance requirement and would be mandated regardless of site acreage.

Ms. McCulley noted that the vehicle trip threshold would likely be triggered first, before the acreage, because if you're drawing the public to your site you would generate more than 50 vehicle trips per day regardless of acreage.

Mr. Kamptner stated that the Rural Area portion of the Comp Plan recognizes the culture of agriculture, and identifying an acreage as a threshold with setbacks and other regulations helps to keep that character.

Ms. Burbage said that the 50 vehicle trips would be associated with events, activities or retail sales – not the day to day operations of the farm.

Ms. McCulley asked if there was anything the Board wanted to change with the thresholds or criteria.

Mr. Boyd asked how a place like Carter's Mountain would fit into this scheme.

Ms. McCulley said that they predate these regulations so they would be grandfathered in, but were they starting today they would be subject to a special use permit for the event, at a minimum a zoning clearance for the daily operation because of the amount of traffic.

Mr. Kamptner said that it would be classified as "nonconforming," and establishment of new structures for the events would be prohibited.

Ms. Palmer stated that she had no problem with the 21-acre threshold and the vehicle trip limit, but she was slightly concerned with the "bona fide" farming definition and how it would be determined.

Ms. McCulley said they could come back on that one issue and focus their discussion on that, but there aren't a lot of examples from other localities; another option would be to go forward with what they have and see how it goes, then come back to the Board with suggested tweaks.

Ms. Mallek said that several localities were using the Schedule F as their major determining factor.

Ms. Palmer said she'd like to know more about that.

Mr. Boyd said that he didn't have any problem with using a Schedule F, but wanted to know what the threshold would be.

Ms. Mallek said that's an indication of agricultural production, and if someone goes to that trouble they are clearly serious about the farming.

Mr. Boyd asked how they would determine what percentage the Schedule F needed to represent.

Ms. McCulley suggested that the Board authorize this to be scheduled for public hearing far enough to give staff time to meet with individual Supervisors about their concerns – specifically about bona fide agriculture criteria.

Board members agreed.

Ms. Palmer **moved** to set this item for public hearing. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 19. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Dr. Charles Battig of Whitehall addressed the Board, stating that your own body has 100 times the amount of carbon dioxide than people are worrying about in the atmosphere, as you're breathing out 50,000 parts per million, which your body is designed to do. He said that the EPA isn't worried about new regulations having to do with pollution control and their agency head has said so on the record. Dr. Battig

said that the EPA reports that there has been an average drop of 72% in carbon dioxide levels since 1970, even though more production is taking place, and emissions reductions have led to dramatic improvements in the quality of air that we breathe.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board, stating that he had been reading the old version of the draft agricultural use regulations – and everyone he’s spoken with has been complimentary of staff’s work with the difficult state legislation. Mr. Werner said that he would send his suggested tweaks out to the Board rather than reading them, and a lot of what the Supervisors have said aligns with his own concerns.

Agenda Item No. 20. **Public Hearing:** County Code Chapter 15, Taxation, Article VII, Real Estate Tax Exemption for Certain Elderly and Disabled Persons, sections 15-701, Administration, 15-702, Definitions, 15-703, Exemption, 15-704, Persons eligible for exemption, and 15-706, Procedure for claiming exemption. The proposed ordinance would clarify that that property owned by certain trusts may be eligible for tax relief for elderly and/or disabled persons and that the income of resident bona fide caregivers is excluded in determining eligibility for tax relief consistent with the Virginia Code. The ordinance would also clarify that it is qualifying real property that is exempt and would provide that remainder interests are not included in the term “owning title or partial title,” for purposes of determining eligibility for tax relief.

(Advertised in the Daily progress on August 18 and August 25, 2014.)

The executive summary forwarded to Board members states that The 2014 General Assembly amended *Virginia Code* §§ 58.1-3210, 58.1-3211.1 and 58.1-3212, effective July 1, 2014 (Attachment B) to:

- 1) allow real property that is held by the following eligible elderly and/or disabled owners to be eligible for real estate tax relief:
 - property held by an eligible owner alone or in conjunction with his spouse as tenant or tenants for life or joint lives;
 - property held in a revocable inter vivos trust over which an eligible owner or an eligible owner and his spouse hold the power of revocation; or
 - property held in an irrevocable trust under which an eligible owner alone or in conjunction with his spouse possess a life estate or an estate for joint lives or enjoys a continuing right of use or support; and
- 2) exclude the income of bona fide caregivers living in the dwelling in determining eligibility for tax relief.

In addition, while preparing the corresponding *County Code* amendment, staff identified two additional issues in the current ordinance to be addressed:

- 1) As currently written, the *County Code* exempts qualifying *persons* from taxation. Technically, *properties* (not people) are exempt from local property taxes.
- 2) In determining eligibility for tax relief, the current *County Code* clearly includes the assets of life tenants, but does not specifically address whether the assets of remainder owners are also to be included. In the absence of a clear tax exemption, staff has consistently included the assets of remainder owners. The Board has the discretion to amend the ordinance to exclude the assets of remainder owners for purposes of tax relief eligibility and staff is presenting this issue for potential amendment.

Staff has prepared a draft ordinance (Attachment A) to amend *County Code*, Chapter 15, Article VII, Real Estate Tax Exemption for Certain Elderly and Disabled Persons. The proposed ordinance would:

- 1) provide that property owned by the following eligible elderly and/or disabled owners may be eligible for tax relief:
 - property held by an eligible owner alone or in conjunction with his spouse as tenant or tenants for life or joint lives;
 - property held in a revocable inter vivos trust over which an eligible owner or an eligible owner and his spouse hold the power of revocation; or
 - property held in an irrevocable trust under which an eligible owner alone or in conjunction with his spouse possess a life estate or an estate for joint lives or enjoys a continuing right of use or support;
- 2) provide that the income of resident bona fide caregivers is excluded in determining eligibility for tax relief;
- 3) clarify that qualifying real property is exempt; and
- 4) provide that remainder interests are not included in the term “owning title or partial title,” for purposes of determining eligibility for tax relief.

While the first three items are “housekeeping” items necessary to be in compliance with Virginia Code requirements, the Board may elect to either include or exclude the assets of remainder owners from tax exemption eligibility determinations. Staff’s practice has been to include those assets in administering the tax relief program in compliance with a legal presumption against tax exemptions. Remainder interests typically are created for estate planning purposes or to plan for future Medicare eligibility. However, if remainder owners are included as “owners” for purposes of qualifying assets, the elderly and/or disabled holder of the life estate may not qualify for tax relief. Staff recommends that the assets of

remainder interests not be included for purposes of tax exemption eligibility. The proposed ordinance (Attachment A) would provide that assets of such remainder owners would not be included for purposes of meeting eligibility requirements for tax relief. If, however, the Board finds it is appropriate to continue to include the assets of remainder owners, that requirement can be clarified in the ordinance.

The County had allowed trusts listed under #1 to qualify until the Attorney General opined in December 2013 that they were not eligible under state law. County staff has already reached out to the 14 trusts affected by this change in state law, letting them know that they may be eligible for tax relief for calendar year 2014, effective July 1. In addition, newspaper notices and County website information for the application deadline will notify potential applicants of trusts' expanded eligibility and the changes and clarifications relating to tax exemption qualifications.

Staff estimates budget impacts related to the ordinances changes as follows:

- 1) The expansion of eligible trusts most likely would result in limited additional tax exemptions of properties, as the County had previously allowed such trusts to qualify. Because there have been no real estate tax collection cycles since the change in state law, this ordinance would continue the County's prior administrative practice.
- 2) It is unknown how many applicants might have applied, but chose not to because the income of resident caregivers was included. Therefore, the precise budget impact of this state-mandated change is unknown, but is not expected to be significant.
- 3) Clarifying that properties and not owners are exempt would have no budget impact; and
- 4) It is unknown how many applicants might have applied, but chose not to because the assets of remainder owners were included. Therefore, the precise budget impact of this change is unknown, but is not expected to be significant.

Staff recommends that after the public hearing, the Board adopt the ordinance as presented in Attachment A.

Ms. Betty Burrell, Director of Finance, addressed the Board, stating that the requested amendments are to ensure that the County code is in compliance with Virginia code. She said that the first item concerns "tax relief for the elderly and disabled," and stated that the General Assembly amended the state code with an effective date of July 1, 2014 that permits additional qualifications for the tax relief program. She explained that this pertains to property owned by an eligible owner alone or with a spouse – as tenant or tenants for life or joint lives; property held in irrevocable intervivos trusts with the eligible owners having the power of revocation; or property held in an irrevocable trust. Ms. Burrell said that the Finance Department had allowed trusts to qualify for exemption until December 2013 when the former attorney general opined that trusts were not eligible for exemption; thereafter, the General Assembly acted to clarify the exemptions for trusts – and that effective date was July 1. She stated that the County notified the 14 applicants on record, and has revised its 2015 instructions for tax relief to clearly articulate these changes. Ms. Burrell said that they would also update the Finance website with decisions the Board makes relative to the trust; the County sends applications for tax relief, to JABA, the Senior Center, and the libraries within the County boundaries.

She stated that one other exclusion for consideration is the income of a bona fide caregiver living in the dwelling in determining the eligibility. Ms. Burrell said that staff also recommends replacing references to tax exemption for "persons" to exemption of "properties," because persons aren't taxable – although the exemption is based on the eligibility of the property owner. She stated that the Board has discretion over amending the County code to specifically exclude the assets of remainder owners; in the absence of this specific exclusion – and relying upon the assumption against exemption – to date, the Finance staff has included the remainderment interest assets in determining the eligibility for exemption. She stated that staff recommends that the assets of the remainder interest be excluded for purposes of qualifying for tax exemption so as to allow for eligibility consistent with common estate and Medicare eligibility planning. Ms. Burrell said that staff recommends adoption of the proposed ordinance.

Ms. Mallek stated that last year the County received correspondence from a granddaughter of someone who didn't live in the house but was co-owner of the house, to help the grandmother keep the house. She asked if the exclusion of the remainder assets would pertain to that situation.

Mr. Davis explained that it does not address the issue Ms. Mallek mentioned, and there still is not enabling legislation that would allow that to happen. The fact situation referenced last year involved one of the co-owners living out of state; under the enabling authority, a co-owner would have to live in the residence with the qualifying person and have that as their primary residence. He said that under the restrictions, the person a year ago, would not qualify – and under the new legislation they still can't. Mr. Davis stated that the changes, as Ms. Burrell explained, would allow a child – no matter where they live – or any other person who holds the remainder interest – to not have their remainder interest assets used to qualify the person living in the home with a life estate. Mr. Davis said that an estate planning attorney had raised the issue of exclusion of remainder assets for purposes of qualifying a person who held a life estate, and the recommendation is what she has requested to happen. He stated that the County's position has been consistent for many years and was correct under the existing ordinance, but they feel it's a better practice to exclude those assets given the nature of estate planning and how it's progressed, and how often the life estate technique is used. Mr. Davis said that typically an elderly parent would transfer the property to a child and then maintain a life estate interest in the property, which has some advantages for people who want to qualify for certain federal programs, and in this case for the County tax relief.

Mr. Boyd mentioned that in the case Ms. Mallek raised, that person could gift their half interest in the property and establish a life estate and qualify for that exemption.

Ms. Palmer asked if the person would inherit the house and then pay back the taxes. Mr. Davis said that under the County's ordinance, when the person holding the life estate passes, the remainder owner would own the entire property. He stated that the ordinance is not a tax deferral ordinance, it's a tax exemption ordinance, so they would not owe anything from the past but would have to pay taxes going forward.

Ms. Palmer asked if there had ever been discussion under these circumstances if you have somebody under good means who is inheriting the house to pay back the tax as a tax deferral. Mr. Davis said that there is an option to have a tax deferral program, but in the past the Board has not had any interest in changing from a tax relief to a tax deferral program.

Ms. Palmer asked if this was a large number of individuals.

Ms. Dittmar said that Ms. Burrell had mentioned about 15.

Ms. Burrell clarified that 14 had made application.

Ms. Palmer said that's this round, but there are people who are already getting the tax break.

Mr. Davis pointed out that if they went to a tax deferral program, it would apply to everyone in the program – not just to people with life estates. He said that anytime that anyone died and the property was no longer qualifying, the succeeding owner would have to pay back the taxes. In the past, it was found that this would complicate situations with people inheriting property.

Mr. Boyd said that as someone who deals with estate planning, he knows that would create havoc.

Ms. Dittmar opened the public hearing.

There being no public comment, the Chair closed the public hearing.

Mr. Boyd **moved** to adopt the proposed ordinance. Mr. Sheffield **seconded** the motion.

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

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

NAYS: None.

ORDINANCE NO. 14-15(3)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE VII, REAL ESTATE TAX EXEMPTION FOR CERTAIN ELDERLY AND DISABLED PERSONS, 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 VII, Real Estate Tax Exemption for Certain Elderly and Disabled Persons, is hereby amended and reordained as follows:

By Amending:

- Sec. 15-701 Administration.
- Sec. 15-702 Definitions.
- Sec. 15-703 Exemption.
- Sec. 15-704 Persons eligible for exemption.
- Sec. 15-706 Procedure for claiming for exemption.

CHAPTER 15. TAXATION

ARTICLE VII. REAL ESTATE TAX EXEMPTION FOR CERTAIN ELDERLY AND DISABLED PERSONS

Sec. 15-700 Purpose.

The purpose of this article is to provide relief to certain elderly or disabled persons who are subject to a real estate tax burden that is extraordinary in relation to their income and financial worth.

(Ord. 98-A(1), 8-5-98)

Sec. 15-701 Administration.

This article shall be administered by the director of finance, who is hereby authorized and empowered to prescribe, adopt, promulgate and enforce such rules and regulations in conformance with the provisions of this article, including the right to require answers under oath, as may be reasonably necessary to determine eligibility for the exemption. The director of finance is authorized to require the production of certified tax returns and appraisal reports to establish eligible owners' total combined income and net combined financial worth.

(2-15-73; 11-9-77; Ord. of 12-19-90; Code 1988, § 8-24; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 58.1-3210, 58.1-3213.

Sec. 15-702 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

(1) *Dwelling*. The term "dwelling" means a building occupied as a residence.

(2) *Income*. The term "income" means the total gross income from all sources comprising the amount of money received on a regular basis which is available to meet expenses, regardless of whether a tax return is actually filed, or whether the money is taxable or deductible from an eligible owner's income tax return.

(a) Income shall include: (i) retirement payments, including the portion that represents the contribution of the retiree; (ii) nontaxable social security retirement benefits; (iii) disability payments; and (iv) rental income.

(b) Income shall not include: (i) life insurance benefits; (ii) receipts from borrowing or other debt; and (iii) social security taxes taken out of the pay of a retiree.

(c) The income of a self-employed person received from the business shall be the gross income of the business, less the expenses of the business.

(3) *Manufactured home*. The term "manufactured home" means a structure subject to federal regulation which is transportable in one or more sections; is eight (8) body feet or more in width and forty body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

(4) *Net combined financial worth*. The term "net combined financial worth" means the net present value of all assets, including equitable interests, and liabilities, both as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner of the dwelling. The term "net combined financial worth" shall not include: (i) the value of the subject dwelling and the land, not exceeding ten acres, upon which it is situated; (ii) the value of furniture, household appliances and other items typically used in a home; and (iii) the outstanding balance of any mortgage on the subject property, except to the extent that the subject property is counted as an asset.

(5) *Owning title or partial title*. The term "owning title or partial title" means owning the usufruct, control or occupation of the real estate, whether the interest therein is in absolute fee or is in an estate less than a fee, such as the holding of a life estate, but not the holding of a subsequent remainder interest.

(6) *Permanently and totally disabled person*. The term "permanently and totally disabled person" means a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death, or can be expected to last for the duration of such person's life, as certified pursuant to section 15-706 herein.

(7) *Real estate*. The term "real estate" includes manufactured homes.

(8) *Relative*. The term "relative" means any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, parent, aunt, uncle, niece, or nephew of the owner.

(9) *Taxable year*. The term "taxable year" means the calendar year for which the exemption is claimed.

(10) *Total combined income*. The term "total combined income" means the income received from all sources during the preceding calendar year, without regard to whether a tax return is actually filed, by (i) the owners of the dwelling who use it as their principal residence, (ii) the owners' relatives who live in the dwelling except for those relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not, and (iii) nonrelatives of the owner who live in the dwelling except for bona fide tenants or bona fide paid caregivers of the owner, whether compensated or not. Income shall include only those sources of gross income that are subject to tax

under federal income tax laws, regulations, rules, or policies. The following amounts shall be excluded from the calculation of total combined income:

(a) The first sixty-five hundred dollars (\$6,500.00) of income of each relative who is not the spouse of an owner living in the dwelling and who does not qualify for the exemption provided by subdivision 9 c hereof.

(b) The first seventy-five hundred dollars (\$7,500.00) of income for an owner who is permanently disabled.

(c) If real property otherwise qualifies for the exemption and if the eligible owner(s) can prove by clear and convincing evidence that the physical or mental health of the eligible owner(s) has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the eligible owner(s), and if a relative does move in for that purpose, then none of the income of the relative or of the relative's spouse shall be counted towards the income limit, provided that the owner of the dwelling has not transferred assets in excess of five thousand dollars (\$5,000.00) without adequate considerations within a three (3) year period prior to or after the relative moves into the dwelling.

(2-15-73; 3-20-75; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-23; Ord. 98-A(1), 8-5-98; Ord. 03-15(2), 11-5-03; Ord. 05-15(4), 12-7-05, effective 1-1-06; Ord. 07-15(1), 10-3-07, effective 1-1-08; Ord. 11-15(1), 5-11-11)

State law reference--Va. Code §§ 36-85.3, 58.1-3210, 58.1-3212, 58.1-3217.

Sec. 15-703 Exemption.

Real property owned by, and occupied as the sole dwelling of, eligible owner(s) owning title or partial title who is/are at least sixty-five years of age or who is/are permanently and totally disabled shall be exempt from the real estate tax as provided in section 15-705, provided that the real property is eligible for the exemption as provided in section 15-704 and satisfies all other requirements of this article and state law. For purposes of this Article, real property owned and occupied as the sole dwelling of eligible owner(s) includes real property (i) held by an eligible owner alone or in conjunction with his spouse as tenant or tenants for life or joint lives; (ii) held in a revocable inter vivos trust over which an eligible owner or an eligible owner and his spouse hold the power of revocation; or (iii) held in an irrevocable trust under which an eligible owner alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible owner(s)" does not include any interest held under a leasehold or term of years.

(2-15-73; 11-9-77; Ord. of 12-19-90; Code 1988, § 8-25; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 58.1-3210.

Sec. 15-704 Real property eligible for exemption.

Real property that satisfies all of the following requirements is eligible for the exemption established in section 15-703:

A. The eligible owner(s) shall have either:

1. Reached the age of sixty-five (65) years prior to the taxable year for which the exemption is claimed; and/or
2. Become permanently and totally disabled prior to the taxable year for which the exemption is claimed.

B. The eligible owner(s) shall own title or partial title in the dwelling.

1. The eligible owner(s) shall own title or partial title to the real estate for which the exemption is claimed on January 1 of the taxable year.
2. A dwelling jointly owned by a husband and wife may qualify if either spouse is sixty-five (65) years of age or older or is permanently and totally disabled.
3. Except as provided in paragraph (B.2), the exemption shall not apply to a dwelling jointly owned by a person who is sixty-five (65) years of age or older or who is permanently and totally disabled (an "exempt person"), and a person who is not an exempt person.

C. The eligible owner(s) shall occupy the dwelling as that owner's sole dwelling.

1. The dwelling shall not be used for commercial purposes.

2. The fact that real property that otherwise qualifies for exemption established by this article is owned by eligible owner(s) who reside(s) in a hospital, nursing home, convalescent home or other facility for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which the exemption is sought does not continue to be the sole dwelling of the eligible owner(s) during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

D. A manufactured home is real estate eligible for the exemption established by this article if the eligible owner(s) demonstrate(s) to the satisfaction of the director of finance that the manufactured home is permanently affixed. Either of the following shall be evidence that the manufactured home is permanently affixed:

1. The eligible owner(s) own(s) title or partial title to the manufactured home and the land on which the manufactured home is located, and the manufactured home is connected to permanent water and sewage lines or facilities; or

2. Whether or not the manufactured home is located on land on which the eligible owner(s) own(s) title or partial title, the manufactured home rests on a permanent foundation and consists of two (2) or more units which are connected in such a manner that they cannot be towed together on a highway, or consists of a unit and other connected rooms or additions which must be removed before the manufactured home can be towed on a highway.

E. The total combined income shall not exceed sixty-nine thousand four hundred fifty-two dollars (\$69,452.00) for the calendar year immediately preceding the taxable year.

F. The net combined financial worth shall not exceed two hundred thousand dollars (\$200,000.00) as of December thirty-first of the calendar year immediately preceding the taxable year.

(2-15-73; 3-20-75; 11-9-77; 8-13-80; 6-12-85; 5-13-87; Ord of 12-19-90; Ord. of 4-7-93; Ord. 96-8(2), 12-11-96; Code 1988, § 8-26; 9-9-81; Ord. 12-19-90; Code 1988, § 8-26.1; Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 03-15(2), 11-5-03; Ord. 04-15(2), 12-1-04, effective 1-1-05; Ord. 06-15(3), 11-1-06, effective 1-1-07; Ord. 07-15(1), 10-3-07, effective 1-1-08)

State law reference--Va. Code §§ 58.1-3210, 58.1-3211, 58.1-3212, 58.1-3214, 58.1-3215.

Sec. 15-705 Amount of exemption.

The exemption established by this article shall apply only to the real property taxes for the qualifying dwelling and the land, not exceeding ten acres, upon which it is situated. The amount of the exemption for any taxable year shall be as follows:

Percentage of Real Estate Tax Exempted

| | | Net Combined Financial Worth | | |
|------------------------------|---------------------------|------------------------------|-----------------------------|-----------------------------|
| | | \$0 to \$100,000 | Over \$100,000 to \$150,000 | Over \$150,000 to \$200,000 |
| Total Combined Income | \$0 to \$30,000 | 100.0% | 90.0% | 80.0% |
| | Over \$30,000 to \$50,000 | 70.0% | 60.0% | 50.0% |
| | Over \$50,000 to \$69,452 | 40.0% | 30.0% | 20.0% |

(2-15-73; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-27; Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 04-15(2), 12-1-04; Ord. 06-15(3), 11-1-06, effective 1-1-07; Ord. 07-15(1), 10-3-07, effective 1-1-08; Ord. 11-15(1), 5-11-11)

State law reference--Va. Code § 58.1-3212.

Sec. 15-706 Procedure for claiming for exemption.

Owner(s) claiming the exemption from the real estate tax established by this article shall apply for the exemption as provided herein:

A. *Annual filing of affidavit; time to file.* Except as provided in paragraphs (A.1) and (A.2), the eligible owner(s) shall file the affidavit required by this section with the director of finance between January first and April first of each taxable year for which the exemption is claimed.

1. *First-time claimant.* Owners claiming the exemption for the first time may file the affidavit required by this section after April first, but before November first, of the taxable year.

2. *Hardship claimant.* Owners claiming the exemption as hardship claimants may file the affidavit required by this section after April first, but before November first, of the taxable year. The term "hardship claimant" means only those cases in which the owner(s) claiming the exemption

was/were hospitalized or in a nursing home between January first and April first of the taxable year, or a similar situation which, in the judgment of the director of finance, constitutes a hardship case justifying the extension of the filing period set forth in paragraph A beyond April first of the taxable year.

B. *Form and content of affidavit.* The affidavit shall be on a form prescribed and provided by the director of finance. The affidavit shall set forth the names of the eligible owner(s) and all other relatives of the eligible owner(s) occupying the real estate for which the exemption is claimed, their total combined income and their net combined financial worth. If the eligible owner(s) is/are under sixty-five (65) years of age, the form shall have attached either:

1. A certification by the Social Security Administration, the Department of Veteran Affairs or the Railroad Retirement Board to the effect that the eligible owner(s) is/are permanently and totally disabled; or, if the eligible owner(s) is/are not eligible for certification by any of these agencies,

2. A sworn affidavit by two (2) medical doctors who are either licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such person is permanently and totally disabled. A certification pursuant to 42 U.S.C. 423(d) by the Social Security Administration, so long as the person remains eligible for such social security benefits, shall be deemed to establish that the person is permanently and totally disabled. The affidavit of one of the doctors may be based upon a physical examination of the person by the doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining whether the person is permanently and totally disabled.

C. *Determination of eligibility.* If, after audit and investigation, the director of finance determines the subject real property to be eligible exemption, he shall grant the exemption and shall exonerate the amount of the exemption from the real estate tax liability of those properties entitled to the exemption.

D. *Duration of exemption.* An exemption granted shall be effective only for the current taxable year and shall not be retroactive in effect.

(2-15-73; 11-9-77; 8-13-80; 5-13-87; Ord. of 12-19-90; Ord. of 4-7-93; Ord. No. 96-8(2), 12-11-96; Code 1988, § 8-28; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 58.1-3213.

Sec. 15-707 Change in status nullifying exemption; exception.

Any change in total combined income, net combined financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed, and having the effect of exceeding or violating the limitations and conditions provided herein, shall nullify any exemption for the remainder of the current taxable year and the taxable year immediately following; except, that a change in status due to the death of a qualified spouse will result in a prorated exemption for the eligible year.

(2-15-73; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-29; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 58.1-3215.

Sec. 15-708 Violation and penalty.

Any person falsely claiming an exemption hereunder shall be guilty of a misdemeanor punishable as provided in Virginia Code § 1-115.

(2-15-83; 11-9-77; Ord. of 12-19-90; Code 1988, § 8-30; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 58.1-3210.

Agenda Item No. 21. **Public Hearing:** County Code Chapter 8, Licenses, Article VI, Schedule of Taxes, Section 8-600, Alcoholic Beverages. The proposed ordinance would decrease annual license taxes on wineries from \$1,000.00 to \$50.00, and on breweries not manufacturing more than 500 barrels of beer during the year from \$1,000.00 to \$250.00, to comply with *Virginia Code* § 4.1-233.

(Advertised in the Daily Progress on August 18 and August 25, 2014.)

The executive summary forwarded to Board members states that the 2014 General Assembly amended *Virginia Code* § 4.1-233, effective July 1, 2014 to decrease annual license taxes for breweries producing less than 500 barrels of beer per year from \$1,000.00 to \$250.00. While preparing the corresponding County Code amendment, staff identified an additional alcohol license tax in the County Code that was in conflict with current enabling authority. *Virginia Code* § 4.1-233 allows a maximum of \$50.00 to be assessed as an annual license tax on wineries, whereas the County Code assessed a

\$1,000.00 tax. However, no wineries subject to such tax exist in the County, so this Code section has not been applied.

Staff has prepared a draft ordinance (Attachment A) to amend *County Code* Chapter 8, Licenses, Article VI, Schedule of Taxes, Section 8-600, Alcoholic Beverages. The proposed ordinance would: 1) decrease the annual license taxes for breweries producing less than 500 barrels of beer per year from \$1,000.00 to \$250.00; and 2) decrease the annual license tax for wineries from \$1,000.00 to \$50.00.

These amendments would bring the County Code into compliance with the Virginia Code. All of the wineries in the County are classified as "farm wineries" rather than "wineries." Farm wineries are not currently subject to an alcohol license tax pursuant to the County Code, although *Virginia Code* § 4.1-233 allows a County to adopt by ordinance a maximum \$50.00 tax to be assessed as an annual license tax on farm wineries. *Virginia Code* § 4.1-233 enables the County to assess a number of alcohol related license taxes currently not adopted by the County.

Staff anticipates a decrease in revenue in the amount of \$750.00 per year resulting from the decrease in annual license taxes for breweries producing less than 500 barrels of beer per year from \$1,000.00 to \$250.00, as there is only one such brewery in the County. Staff anticipates no budgetary impact resulting from the decrease in annual license taxes for wineries from \$1,000.00 to \$50.00 because all of the wineries in the County are classified as "farm wineries", which are not currently subject to an alcohol license tax pursuant to the County Code.

Staff recommends that after public hearing, the Board adopt the ordinance as presented in Attachment A.

Ms. Betty Burrell, Director of Finance, addressed the Board, stating that this is another housekeeping measure to update the County code to be consistent with Virginia code relative to alcoholic beverage license taxes. Ms. Burrell said that the General Assembly amended Virginia code with an effective date of July 1, 2014, to decrease the annual license taxes from \$1,000 to \$250 for breweries producing less than 500 barrels of beer annually. She stated that there is only one brewery in the County to which this change is applicable. Staff identified an additional element that should be changed in the County code to remove a conflict with state code, and that is decreasing the annual license fee for wineries from the current \$1,000 to \$50, as authorized by Virginia code. Because all wineries in the County have been classified as farm wineries, none has been subject to the County's alcohol license taxes on non-farm wineries; Virginia Code does enable localities to assess this and other alcohol license taxes if the Board desires. Ms. Burrell said that for now, staff recommends adoption of the proposed ordinance to conform the ordinance to the new state law.

Ms. Dittmar opened the public hearing.

There being no public comment, the Chair closed the public hearing.

Mr. Boyd **moved** to adopt the proposed ordinance. Ms. McKeel **seconded** the motion.

Ms. Mallek asked if the \$50 license fee was being put on the wineries.

Mr. Davis said that it does not impose a license fee on farm wineries at this time, it just aligns what is currently taxed with state legislation. He said that there is not a proposal before them to tax things that could be taxed – but because this is not a huge revenue generator, the Finance Department might say that it would cost more to collect this tax than what would be gained, but that analysis hasn't been done.

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

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

NAYS: None.

ORDINANCE NO. 14-8(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, LICENSES, ARTICLE VI, SCHEDULE OF TAXES, DIVISION 1, GENERALLY, 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 8, Licenses, Article VI, Schedule of Taxes, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 8-600, Alcoholic Beverages, as follows:

CHAPTER 8. LICENSES

ARTICLE VI. SCHEDULE OF TAXES

Sec. 8-600 Alcoholic beverages.

Each person engaged in the following alcoholic beverage businesses shall be subject to the applicable license tax, and other provisions, set forth herein:

A. The following annual tax rates shall apply:

1. For each distiller, one thousand dollars (\$1,000.00); no license shall be required for any person who manufactures not more than five thousand (5,000) gallons of alcohol or spirits or both during the license year.
2. For each winery, fifty dollars (\$50.00).
3. For each brewery, if not more than 500 barrels of beer manufactured during the year in which the license is granted, two-hundred fifty dollars (\$250), and if more than 500 barrels of beer manufactured during the year in which the license is granted, one thousand dollars (\$1,000.00).
4. For each bottler, five hundred dollars (\$500.00).
5. For each wholesale beer distributor, seventy-five dollars (\$75.00).
6. For each wholesale wine distributor, fifty dollars (\$50.00).
7. For each retail on-premises wine and beer license for a hotel, restaurant or club, and for each retail off-premises wine and beer license, thirty-seven dollars and fifty cents (\$37.50).
8. For each retail on-premises beer license for a hotel, restaurant or club, and for each retail off-premises beer license, twenty-five dollars (\$25.00).
9. For each fruit distiller, five hundred dollars (\$500.00).
10. In addition to the foregoing for each license issued to a hotel, restaurant or club for the sale of mixed alcoholic beverages, as defined in Title 4.1 of the Code of Virginia, and acts amendatory thereto, the tax shall be two hundred dollars (\$200.00) for areas seating fifty (50) to one hundred (100) persons; three hundred fifty dollars (\$350.00) for areas seating one hundred (100) to one hundred fifty persons (150); five hundred dollars (\$500.00) for areas seating more than one hundred fifty persons (150+) and three hundred fifty dollars (\$350.00) for nonprofit clubs.

B. For purposes of this section, the term "beer" includes porter, ale, stout and other malt beverages, but not vinous beverages.

C. No license shall be issued to any person under the provisions of this section unless the applicant therefore holds at the same time, or simultaneously procures, a state license from the alcoholic beverage control board.

D. All dining rooms, restaurants, lunchrooms and club rooms, wherein the beverages defined in this section are sold for consumption on the premises, shall at all times be open to inspection by the state police and the police authorities of the county. Any store, room or other building from which deliveries are made either at wholesale or retail by bottlers, wholesalers or retailers shall at all times be open to the inspection of state police and the police authorities of the county.

E. Any person paying a license tax under the provisions of this section and sections 8-617 or 8-618 may deduct the amount paid under the provisions of this section from the amount of the tax owed under section 8-617 or 8-618, but in no event shall the amount of tax due be less than the amount of tax imposed by this section.

(3-15-73, § 25; 4-21-76; Ord. 96-11(1), 11-13-96, § 11-27; Code 1988, § 11-27; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 4.1-233.

Agenda Item No. 22. **Public Hearing:** FY 2015 Budget Amendment. (*Advertised in the Daily Progress on August 24, 2014.*)

The executive summary forwarded to Board members 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 cumulative total of the FY 2015 appropriations itemized below is \$4,119,639.69. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2015 Budget Amendment totals \$ 4,119,639.69. The estimated expenses and revenues included in the proposed amendment are shown below:

ESTIMATED EXPENDITURES

| | |
|---|------------------------|
| General Fund | \$ 254,266.90 |
| Special Revenue Funds | \$ 2,377,192.01 |
| ECC | \$ 1,151,456.61 |
| Capital Improvements Funds | \$ 336,724.17 |
| TOTAL ESTIMATED EXPENDITURES – All Funds | \$ 4,119,639.69 |

ESTIMATED REVENUES

| | |
|---|------------------------|
| Local Revenue | \$ 76,957.46 |
| State Revenue | \$ 249,194.82 |
| Federal Revenue | \$ 1,664,506.58 |
| General Fund Balance | \$ 199,512.90 |
| Other Fund Balances | \$ 1,929,467.93 |
| TOTAL ESTIMATED REVENUES – All Funds | \$ 4,119,639.69 |

The budget amendment is comprised of thirty-two (32) separate appropriations as follows, twenty-eight (28) of which have already been approved by the Board as indicated below:

Approved July 2, 2014

- One (1) appropriation (#2015002) to re-appropriate \$132,946.68 in funding for various Capital Improvement Program projects;
- One (1) 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 (1) appropriation (#2015004) to appropriate \$43,704.39 in various donations and grants to the Sheriff's Office;
- One (1) appropriation (#2015005) to appropriate \$54,889.51 of funding from the Innovation Fund to various departments;
- One (1) appropriation (#2015006) to appropriate \$132,436.00 of funding from the Fellowship Fund to the Office of Management and Budget; this appropriation did not increase the budget;
- One (1) appropriation (#2015007) to re-appropriate \$67,688.71 in funding for the Public Recreational Facilities Authority (PRFA);
- One (1) appropriation (#2015008) to appropriate \$528,000.00 in federal revenue for the Office of Housing's mainstream voucher program;
- One (1) appropriation (#2015009) to re-appropriate \$19,531.59 in federal funding for various Police Department grants;
- One (1) appropriation (#2015010) to appropriate \$252,000.00 for the Emergency Communications Center;
- One (1) appropriation (#2015011) to re-appropriate \$587,235.07 for a Community Development Block grant;
- One (1) appropriation (#2015012) to appropriate \$150,000.00 for the Seminole Trail Volunteer Fire Department Renovation/Addition capital project; this appropriation did not increase the budget; and
- One (1) 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.

Approved August 6, 2014

- One (1) appropriation (#2015014) to re-appropriate \$6,097.00 to the Human Resources Department from General Fund fund balance for a summer intern;
- One (1) appropriation (#2015015) to appropriate \$18,650.00 from the Coalition Assisting Residents in Emergency Situations (CARES) Program Contingency to the Monticello Area Community Action Agency (MACAA). This appropriation did not increase the County budget;
- One (1) appropriation (#2015016) to appropriate and re-appropriate a total of \$784,456.61 for the Emergency Communications Center;
- One (1) appropriation (#2015017) to appropriate \$10,000.00 from the Reserve for Contingencies for the use of the Yancey Elementary School building for community programs. This appropriation did not increase the total County budget;

- One (1) appropriation (#2015018) to appropriate \$14,428.30 for the Virginia Public School Authority (VPSA) Refunding Credit. This appropriation did not increase the total County budget;
- One (1) appropriation (#2015019) to re-appropriate \$109,526.39 for the County's Rivanna Solid Waste Authority Service Contribution;
- One (1) appropriation (#2015020) to appropriate \$706,442.00 in expenditures from the Volunteer Fire Rescue appropriation category to the Fire Rescue Department appropriation category. This appropriation did not increase the total County budget;
- One (1) appropriation (#2015021) to appropriate \$32,951.00 from the Reserve for Contingencies to the Department of Fire Rescue for increased volunteer-related insurance costs. This appropriation did not increase the County budget;
- One (1) appropriation (#2015022) to appropriate \$20,000.00 from the Capital Improvements Program (CIP) to the General Fund for Western Albemarle Rescue Squad's bay upgrade project. This appropriation did not increase the County budget;
- One (1) appropriation (#2015023) to re-appropriate \$54,402.49 in funding for various Capital Improvement Program projects;
- One (1) appropriation (#2015024) to appropriate \$74,049.00 for Public Defenders Office salary supplements pursuant to the Board's direction on July 2, 2014. This appropriation did not increase the County budget;
- One (1) appropriation (#2015025) to appropriate \$157,375.00 for the Carrsbrook Pipe Repair;
- One (1) appropriation (#2015026) to appropriate \$253,256.00 in funding associated with a Strategic Prevention Framework – State Incentive Grant (SPF-SIG) and the addition of the UVA pass-thru BASICS contract;
- One (1) appropriation (#2015027) to transfer \$17,500.00 from the Grants Leveraging Fund to the City of Charlottesville for the Virginia Department of Agriculture and Consumer Affairs awarded study the County is co-sponsoring with the City. This appropriation did not increase the County budget;
- One (1) appropriation (#2015028) to appropriate \$301,269.00 in funding for Offender Aid and Restoration grants; and
- One (1) appropriation (#2015029) to appropriate \$50,818.00 for the Department of Justice grant for the police department.

The four (4) appropriations requested for Board approval on September 3, 2014 are as follows:

- One (1) appropriation (#2015030) to appropriate \$5,546.25 for rental income and expenses related to the Old Crozet Elementary School;
- One (1) appropriation (#2015031) to appropriate \$500,000.00 for the Belvedere Bond Project;
- One (1) appropriation (#2015032) to re-appropriate \$115,000.00 for the Emergency Communications Center;
- One (1) appropriation (#2015034) to appropriate \$71,250.00 in state asset forfeiture funding for the Police Department.

After the public hearing, staff recommends approval of the FY 2015 Budget Amendment in the amount of \$4,119,639.69 and approval of #2015030, #2015031, #2015032, and #2015034 for local government and school division programs and projects as described in Attachment A.

| | |
|--------------------------------|-------------------|
| Appropriation #2015030 | \$5,546.25 |
| Source: Local Revenue (Rent) | \$1,957.46 |
| Old Crozet School Fund Balance | \$3,588.79 |

This request is to appropriate a total of \$5,546.25 for expenses related to the Old Crozet Elementary School by appropriating (a) \$1,957.46 in additional rental income revenues to provide for operational costs such as preventative maintenance contracts and utilities and (b) \$3,588.79 in rental revenue that was received in FY 14 and not expended to provide for an anticipated increase in maintenance project costs in FY 15.

The terms of the recently renewed leases with the Field School of Charlottesville and the Old Crozet School Arts (OCSA) resulted in an increase in annual total rent revenues over the amount currently budgeted in FY 14.

| | |
|---|---------------------|
| Appropriation #2015031 | \$500,000.00 |
| Source: General Gov't Capital Program Fund fund balance | \$ 500,000.00 |

This request is to appropriate \$500,000 to complete the Belvedere Boulevard Project by completing Belvedere Boulevard from Rio Road to Free State Road (at the railroad bridge) in accordance with the approved development plans.

In January 2009, the County demanded payment on the developer's letter of credits securing this work after receiving notification from Wachovia Bank that the letters of credit would not be renewed. When the work was not timely completed by the developer, the County advertised the completion of this initial portion of the Belvedere Boulevard bonded improvements and issued the contractor a notice to proceed in December 2011. In January 2012, potential deficiencies in the lower portion of the pavement

and supporting layers were identified by VDOT and confirmed by the County. The cost of the work VDOT required to correct the deficiencies exceeded the available funds from the performance bond proceeds and completion of the work has been delayed while on-going discussion with the developer to fund the project continued.

Belvedere Boulevard is the primary access road into the Belvedere Neighborhood. The condition of the road is degrading and needs to be addressed prior to winter. The requested appropriation will allow the Office of Facilities Development to complete the improvements this fall and have them accepted by VDOT for maintenance.

Appropriation #2015032 **\$115,000.00**
 Source: ECC Fund fund Balance \$115,000.00

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

- \$25,000.00 for repair/replacement of bi-directional antenna (BDA) equipment. The ECC is responsible for 26 BDA units that are within government buildings throughout the City, the County and the University. These units provide in-building radio coverage for the public safety providers when they are in these buildings;
- \$30,000.00 for the replacement of the internal/external security system at the ECC facility. The current system is 6 years old and the upgrade would replace system software and some of the old internal and external cameras and door access code pads. This upgrade will also add two additional security camera units outside of the building;
- \$20,000.00 for the continuing HVAC equipment replacement project to replace a fourteen and one-half year old unit. Because this unit runs constantly year round to maintain a specific temperature for ECC equipment, its usage is three times that of a normal unit;
- \$25,000.00 for the purchase of replacement uniforms for the ECC Communications staff; and
- \$15,000.00 for the replacement/upgrade of computer equipment for the ECC.

Appropriation #2015034 **\$71,250.00**
 Source: State Revenue \$71,250.00

This request is to appropriate a total of \$71,250.00 from the Virginia Department of Criminal Justice Services in asset forfeiture funding to the Police Department. The funding will be used for a part-time temporary Gang Reduction Coordinator and selected prevention and intervention programs to assist in overall criminal gang reduction and prevention efforts. The coordinator will assist the local Gang Reduction through Active Community Engagement coalition, which is co-chaired by the Albemarle County and Charlottesville City Chiefs of Police.

Ms. Lori Allshouse, Director of the Office of Management and Budget, addressed the Board, stating that Virginia Code requires the County to hold a public hearing before amending its budget if the total amount of the funds appropriated exceeds 1% of the expenditures in the current adopted budget. She said that the cumulative total is \$4.1 million for 32 separate appropriations, 28 of which have already been approved by the Board in July and August. After the public hearing, she said, staff recommends approval of the FY15 budget amendment and the additional four appropriations: 2015-030, 031, 032, and 034.

Mr. Sheffield disclosed that he lives in the Belvedere subdivision and one item pertains to that neighborhood, so he has filed a conflict of interest statement with the Clerk.

Ms. Dittmar opened the public hearing.

There being no public comment, the Chair closed the public hearing.

Ms. Palmer **moved** to approve the FY2015 budget amendment in the amount of \$4,119,639.69 and to approve #2015030, #2015031, #2015032, and #2015034 for local government and school division programs and projects as described above. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

| COUNTY OF ALBEMARLE APPROPRIATION SUMMARY | | | |
|--|---------------------------------|----------|------------------------------------|
| APP# | ACCOUNT | AMOUNT | DESCRIPTION |
| 2015034 | 3-1233-24000-324000-240403-1003 | 71250.00 | SA2015034 State Forfeiture Revenue |
| 2015034 | 4-1233-31013-431010-130000-1003 | 9004.12 | SA2015034 Part-Time Wages |
| 2015034 | 4-1233-31013-431010-210000-1003 | 745.88 | SA2015034 FICA |
| 2015034 | 4-1233-31013-431010-312210-1003 | 60000.00 | SA2015034 Contract Services |
| 2015034 | 4-1233-31013-431010-550100-1003 | 1500.00 | SA2015034 Travel/Training |

| | | | |
|--------------|---------------------------------|---------------------|---|
| 2015032 | 3-4100-51000-351000-510100-9999 | 115000.00 | SA2015032 App Fund Balance |
| 2015032 | 4-4100-31040-435600-331800-1003 | 20000.00 | SA2015032 R&M Buildings |
| 2015032 | 4-4100-31040-435600-601100-1003 | 25000.00 | SA2015032 Uniforms and Apparel |
| 2015032 | 4-4100-31040-435600-800700-1003 | 70000.00 | SA2015032 Technology Equipment |
| 2015030 | 3-8610-15000-315000-150262-9999 | 1957.46 | SA2015030 Rental Income |
| 2015030 | 3-8610-51000-351000-510100-9999 | 3588.79 | SA2015030 Fund Balance |
| 2015030 | 4-8610-91081-496010-301221-9999 | 280.00 | SA2015030 Maint Cont - Land |
| 2015030 | 4-8610-91081-496010-331000-9999 | 115.00 | SA2015030 Repair and Maint |
| 2015030 | 4-8610-91081-496010-331200-9999 | 38.00 | SA2015030 R&M Equip - Building |
| 2015030 | 4-8610-91081-496010-332100-9999 | 184.00 | SA2015030 Maint. Contract - Equip. |
| 2015030 | 4-8610-91081-496010-510121-9999 | 1000.00 | SA2015030 Electrical Services |
| 2015030 | 4-8610-91081-496010-530200-9999 | 129.00 | SA2015030 Fire Insurance |
| 2015030 | 4-8610-91081-496010-800949-9999 | 3800.25 | SA2015030 Maint Projects |
| 2015031 | 3-9011-51000-351000-512031-9999 | 500000.00 | SA2015031 TRS. FR.-G/F CIP for Belvedere |
| 2015031 | 4-9011-91000-491000-800605-9999 | 500000.00 | SA2015031 County Share for Belvedere |
| 2015031 | 3-9010-51000-351000-510100-9999 | 500000.00 | SA2015031 Use of Fund Balance for Belvedere |
| 2015031 | 4-9010-93010-493010-939999-9999 | 500000.00 | SA2015031 TRS. FR. CIP for Belvedere |
| | | | |
| TOTAL | | 2,383,592.50 | |

Agenda Item No. 23. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Boyd stated that in the past they have looked at the qualifying income thresholds for the elderly and disabled tax relief, and said that hasn't come back to the Board for a number of years. Mr. Davis explained that the last time they evaluated it was about 2008, the lowest qualifier was at the maximum, and because of the recession and the associated decrease in tax bills, it hasn't been a priority for the Board.

Mr. Boyd asked if the rest of the Board would like to look at it, because it's something they do as a good deed to help the elderly and disabled.

Ms. Palmer and Ms. McKeel stated their agreement, and the last time she looked at it they were at the best point they could be in terms of aid, but it would be worth looking at again.

Mr. Sheffield reported that at a recent Places 29 Advisory Council meeting, members had asked to look at the development section of the Comp Plan and provide any recommendations, and also asked Mark Graham to look at the Places 29 document to see if there's anything that should be included in the RFP for the Route 29 solutions package – but first let the advisory council look at it.

Ms. Dittmar said that was a good point in that it's important that the advisory committees realize they're about to issue the RFP.

Mr. Boyd said that in meeting with the Pantops Advisory Council, those members indicated they have started a petition to find some way to cross Route 250, because there's a situation there like there is with Route 29 North – with no way to cross on bike or on foot with dodging dangerous traffic. He stated that residents of Forest Lakes would like to get over to the Town Center, and again there's no easy way to get over. Mr. Boyd said that with the Ashwood Boulevard construction, perhaps a tunnel would be useful in helping people get across because of the big dip in the road there.

Ms. Palmer said that she has a potential problem she wanted to alert the Board to regarding the trails at the North and South Fork of the Moorman's, which is on land owned by the City, and the swimming holes in several spots are getting heavily used – with trash left behind, lots of cars in the parking areas and people even parking right in the river. She stated that County Parks and Rec has talked to the City, but as of now there is no plan to rectify the situation.

Ms. Mallek stated that this is the County's drinking water, and she hoped that with their collaborative work on the water ways, this would be discussed.

Ms. Dittmar said that it sounds like no one has owned the problem yet.

Mr. Foley said that he would follow up with the City and Tom Frederick and bring it back to the Board.

Ms. Mallek said that she has begun her role as liaison to the Historic Preservation Committee, which involves getting information out to the public as well as documenting historic structures and property histories, and they are working to improve the committee's website and tools to disseminate information to property owners, and she hoped fellow Board members would take a look after the changes are made.

She also stated that there has been confusion among the public as to how to meet the new burning requirements, and one of the biggest concerns is that individuals can't burn a small pile, but

construction people can burn anything – yet have more options for disposal. Ms. Mallek said that perhaps they needed to take a further look at the issue.

Ms. Dittmar said that she had been working with Ms. Allshouse on a matrix to better understand revenue streams and formulas, which she hoped would be helpful as they go into budgeting for next year.

Agenda Item No. 24. From the County Executive: Report on Matters Not Listed on the Agenda.

Item No. 24a. Follow-up from Joint Board and School Board meeting.

Mr. Foley reported that the working groups with the Board of Supervisors and School Group will be meeting in the near future, and there is a standing meeting with the schools on Friday – so if they have identified their members for the groups, they can move forward. He said that there were some questions about the charges of each of the groups, and it might be helpful for staff to pull together some thoughts on that. Mr. Foley said that some of the efforts might be simpler than others, but staff will connect with the Board on all of that over the next few days.

Ms. Dittmar said that the idea was not to create standing committees, but to work better with their school counterparts, but if a group wanted to continue that would be possible.

Mr. Foley said that with the County-City working groups, the courts group has already started and the MPO would address regional transit issues. He stated that he reached out to Chip Boyles of the TJPDC regarding the Rivanna River corridor planning group, and he would be contacting Mr. Boyd and Ms. Mallek in the near future.

Agenda Item No. 25. Adjourn.

With no further business to come before the Board, the meeting was adjourned at 8:04 p.m.

Chairman

| |
|-------------------|
| Approved by Board |
| Date: 05/06/2015 |
| Initials: EWJ |