

ACTIONS
Board of Supervisors Meeting of March 20,2019

March 27, 2019

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>	
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:01 p.m., by the Chair, Mr. Gallaway. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 			
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 			
<p>5. Brief Announcements by Board Members.</p> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Invited citizens to attend a town hall on April 4, 2019 at 7:00 p.m. at the North Garden Volunteer Fire Station. <p>Diantha McKeel:</p> <ul style="list-style-type: none"> Announced that Superintendent Dr. Matt Haas and County Executive Jeff Richardson would host a town hall meeting on March 21 at 6:00 p.m. at Woodbrook Elementary <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Mentioned a meeting of the 5th and Avon Citizen Advisory Committee on March 21, 2019 and would discuss a resolution for a town center small area plan. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Reminded citizens that the Thomas Jefferson Soil and Water Conservation District has funds available to assist property owners with the repair and replacement of failing septic systems. 			
<p>6. Proclamations and Recognitions.</p> <p>a. Proclamation Recognizing March 2019 as Colon Cancer Awareness Month</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation and presented to Cathy Bauer. <p>b. Proclamation Recognizing Census Awareness Day.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation. <p>c. Government Finance Officers Association (GFOA) Budget Award.</p> <ul style="list-style-type: none"> Curtis Doughtie, President, Virginia's Government Finance Officers Association, RECOGNIZED the Office of Management and Budget. 	<p>(Attachment 1)</p> <p>(Attachment 2)</p>		Link to video
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <p><u>The following individuals spoke in regard to Climate Change and the reduction of Carbon Emissions:</u></p> <ul style="list-style-type: none"> Tom Olivier Pete Borches Stella O'Conner Lila Lunsford Reese McCardie Sahalia Muenchechanya Sienna Robinson 			

<ul style="list-style-type: none"> • Asha Parmar • Asher Grunden • Eddie Stembard • David Jaffee • Joshua O'Neill • John Kluge • Susan Kruse • Kirk Bowers • Dave Redding • Sean Tubbs • Neil Williamson <p><u>Colleen Keller</u>, Executive Director of the Charlottesville Free Clinic, spoke towards the importance of health care and thanked the Board for funding for the medical and dental clinics. <u>Sheila Herlihy</u>, IMPACT, spoke towards affordable housing needs in Albemarle County. She Invited the Board to the Nehemiah Action meeting on April 11, 2019.</p>		
<p>8.1 Adoption of Amended Board Rules of Procedures and Adoption of Amended Board Administrative Policies.</p> <ul style="list-style-type: none"> • ADOPTED. 	(Attachment 3 and 4)	
<p>9. Amendment to the FY 20 Proposed Budget.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED amendment to the Proposed FY 20 Budget. 		
<p>10. Religious Land Uses.</p> <ul style="list-style-type: none"> • ENDORSED the process. 		
<p>11. Climate Action Plan Update.</p> <ul style="list-style-type: none"> • HELD. 		
<p>12. Planning Consideration for FY 21 - 25 CIP Development Process.</p> <ul style="list-style-type: none"> • DISCUSSED. 	Clerk: Schedule Joint meeting with the School Board.	
<p>13. Closed Meeting.</p> <ul style="list-style-type: none"> • At 3:16 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (1), to discuss and consider appointments to the Albemarle County Economic Development Authority for which there are pending vacancies or requests for reappointments; and • Under Subsection (3), to discuss and consider the acquisition of real property for a public sidewalk and related improvements in the Jack Jouett Magisterial District, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and • Under Subsection (6), to discuss and consider the investment of public funds in an affordable housing project in the northern portion of the Scottsville Magisterial District and infrastructure improvements in Crozet where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County; and • Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to litigation between the Board and 		

<p>Global Signal Acquisitions, where consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and</p> <ul style="list-style-type: none"> • Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: <ol style="list-style-type: none"> 1. The County's duty to maintain and repair real property that it owns in the Scottsville Magisterial District; and 2. A pending zoning map amendment and the law pertaining to conditions; and 3. The terms and status of a possible agreement with a volunteer rescue squad. 		
<p>Non-Agenda: The Board agreed there was not a need for the March 28, 2019 Budget Work Session.</p>	<p><u>Clerk:</u> Cancel the meeting on the Board calendar and all public calendars.</p>	
<p>14. Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:07 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>15. Vacancies and Appointments.</p> <ul style="list-style-type: none"> • REAPPOINTED, Mr. David Shreve to the Economic Development Authority, as the Jack Jouett District representative, with said term to expire January 19, 2023. • REAPPOINTED, Mr. Donald Long to the Economic Development Authority, as the At-Large representative with said term to expire January 19, 2023. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>16. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Janie Pudhorodsky</u>, Rio District and member of IMPACT, spoke regarding the need for affordable housing for seniors. • <u>Tom Eckman</u>, Rivanna District and member of IMPACT, spoke regarding the need for affordable housing for seniors. • <u>Eric Macallan</u>, Jack Jouett District, spoke towards the volume of traffic and the speeding between the Earlysville General Store and Broadus Wood Elementary School. • <u>Nancy Carpenter</u>, City of Charlottesville, spoke regarding the need for affordable housing. • <u>Valerie Long</u>, White Hall District, spoke towards item #8.3 on the agenda. 		
<p>17. <u>Pb. Hrg: ZMA201800006 3223 Proffit Road.</u></p> <ul style="list-style-type: none"> • By a vote of 5:0:1 (Dill absent), ADOPTED ordinance to approve ZMA201800006 3223 Proffit Road. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 5, 6 and 7)</p>	
<p>18. <u>Pb. Hrg: CPA201800006 Birdwood.</u></p> <ul style="list-style-type: none"> • By a vote of 5:0:1 (Dill absent), ADOPTED the CPA201800006 Birdwood resolution. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 8)</p>	
<p>19. <u>19-03(1) – Agricultural and Forestal Districts.</u></p> <ul style="list-style-type: none"> • By a vote of 4:1:1 (Palmer) (Dill absent), ADOPTED ordinance, subject to the condition that the Board may modify the district during its next review by removing parcels with no 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 9)</p>	

<p>development rights that cannot be further divided to create one or more parcels less than 21 acres in size, but which qualify for open-space use valuation because of their being in the district.</p>		
<p>19. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Rick Randolph:</u></p> <ul style="list-style-type: none"> • Reminded staff that he had requested an update on the status of Chris Greene Lake and had yet to receive it. • Asked Ms. Mallek to update the Board regarding Little Discovery School. Ms. Mallek replied that she heard from staff and the church pastor that they had agreed to plans for planting shrubbery and a fence. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Commented that there needs to be further discussion on the Wireless Policy. 	<p><u>Parks and Recreation:</u> Provide the update as requested. <u>Clerk:</u> Schedule on agenda when ready.</p> <p><u>Clerk:</u> Schedule on agenda when ready.</p>	
<p>20. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Reported that the March 9, 2019 Ribbon Cutting for the opening of Yancey School Community Center in Esmont was attended by around 200 citizens and many non-profit organizations. 		
<p>21. Adjourn to April 3, 2019, Lane Auditorium.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 7:50 p.m. 		

ckb/tom

Attachment 1 – Proclamation Recognizing March 2019 as Colon Cancer Awareness Month

Attachment 2 – Census Awareness Day

Attachment 3 – Albemarle County Board of Supervisors Rules of Procedure

Attachment 4 – Policies of the Albemarle County Board of Supervisors

Attachment 5 – Ordinance No. 19-A(3) ZMA 2018-00006 an Ordinance to Amend the Zoning Map for Tax Map and Parcel 032A0-02-00-00200

Attachment 6 – Proffer Statement

Attachment 7 – Concept Plan

Attachment 8 – Resolution to Approve CPA 2018-00006 Birdwood Mansion and Grounds

Attachment 9 – Ordinance No. 19-3(1)

**PROCLAMATION
RECOGNIZING MARCH 2019
AS COLON CANCER AWARENESS MONTH**

WHEREAS, Albemarle County recognizes the month of March as Colon Cancer Awareness to bring greater awareness to colon cancer and the importance of being screened; and

WHEREAS, colon cancer is the second leading cause of cancer death in the United States, and 1 in 20 people will develop colon cancer, and every 10 minutes a life is lost to the disease; and

WHEREAS, this year alone, 142,000 new cases of colon and rectal cancer will be diagnosed in America and nearly 50,000 deaths are expected; and

WHEREAS, a simple screening test is recommended to individuals over age 50 and those with a family history to help combat the disease, and through recommended screenings, this cancer can be caught early when treatment is most effective; and

WHEREAS, Albemarle County recognizes that increase screening can save lives in Albemarle County and across the country, and education and increased awareness can help inform the public of methods of prevention and the early detection of colon cancer.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors, do hereby proclaim the Month of March 2019 to be Colon Cancer Awareness Month in the County of Albemarle and encourage all individuals to work together to promote awareness and understanding of colon cancer and the need for screening to eradicate the disease.

CENSUS AWARENESS DAY

WHEREAS, every ten years, Article 1, Section 2 of the United States Constitution mandates a count of all the people living in the United States and its territories; and

WHEREAS, the 2020 Census will address every household in the nation with a simple questionnaire with the goal of counting everyone once, only once, and in the right place; and

WHEREAS, data obtained by the survey will be used to help determine how approximately \$675 billion will be distributed from the federal government to state, local, and tribal governments annually; and

WHEREAS, up to \$2,000 of federal funding will be lost for each person not counted; as well as upwards of \$20,000 of federal funding lost every ten years; and

WHEREAS, a complete count requires that we bring together leaders from all communities of the Commonwealth, so that every Virginian regardless of racial, social, or economic background is counted; and

WHEREAS, Governor Ralph S. Northam has established the Virginia Complete Count Commission, which is comprised of 40 members to collaborate with community partners and local Complete Count Committees to ensure an accurate 2020 Census count.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors, do hereby proclaim April 1st, 2019, as Census Awareness Day.

Albemarle County Board of Supervisors

Rules of Procedure

Adopted March 20, 2019

Rules of Procedure of the Albemarle County Board of Supervisors

1. Purpose

- A. **General.** The purpose of these Rules of Procedure (the “Rules”) is to facilitate the timely, efficient, and orderly conduct of public meetings and decision-making, and they are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors (the “Board”).
- B. **Rules Do Not Create Substantive Rights in Others.** The Rules do not create substantive rights in third parties or participants in matters before the Board.
- C. **Compliance with These Rules.** The Rules that are parliamentary in nature are procedural, and not jurisdictional, and the failure of the Board to strictly comply with them does not invalidate any action of the Board. The Rules that implement the requirements of State law are jurisdictional only to the extent that Virginia law makes them so.

2. Supervisors

- A. **Equal Status.** Except for the additional responsibilities of the Chair provided in Rule 3(A), all Supervisors have equal rights, responsibilities, and authority.
- B. **Decorum.** Each Supervisor will act in a collegial manner and will cooperate and assist in preserving the decorum and order of the meetings.

3. Officers and Their Terms of Office

- A. **Chair.** When present, the Chair shall preside at all Board meetings during the year for which elected. The Chair shall have a vote but no veto. (Virginia Code §§ 15.2-1422 and 15.2-1423) The Chair shall also be the head official for all of the Board’s official functions and for ceremonial purposes.
- B. **Vice-Chair.** If the Chair is absent from a Board meeting, the Vice-Chair, if present, shall preside at the meeting. The Vice-Chair shall also discharge the duties of the Chair during the Chair’s absence or disability. (Virginia Code § 15.2-1422)
- C. **Acting Chair in Absence of Chair and Vice-Chair.** If the Chair and Vice Chair are absent from any meeting, a present Supervisor shall be chosen to act as Chair.
- D. **Term of Office.** The Chair and Vice-Chair shall be elected for one-year terms, but either or both may be re-elected for one or more additional terms. (Virginia Code § 15.2-1422)
- E. **References to the Chair.** All references in these Rules to the *Chair* include the Vice-Chair or any other Supervisor when the Vice-Chair or the other Supervisors is acting as the Chair.

4. Meetings

- A. **Annual Meeting.** The *Annual Meeting* is the first meeting in January held after the newly elected Supervisors qualify for the office by taking the oath and meeting any other requirements of State law, and the first meeting held in January of each succeeding year. At the Annual Meeting, the Board shall:

1. **Elect Officers.** Elect a Chair and a Vice-Chair.
 2. **Designate Clerks.** Designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board, who shall have the duties stated in Virginia Code § 15.2-1539 and any additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)
 3. **Establish Schedule for Regular Meetings.** Establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code § 15.2-1416)
 4. **Adopt Rules and Policies.** Adopt Rules of Procedure and Policies that will apply in the calendar year, subject to amendment under Rule 12.
- B. Regular Meetings.** *Regular Meetings* are those meetings established at the Annual Meeting to occur on specified days and at specified times and places.
1. **Regular Meeting Falling on a Holiday.** If any day established as a Regular Meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)
 2. **Adjourning a Regular Meeting.** Without further public notice, the Board may adjourn a Regular Meeting from day to day, from time to time, or from place to place, but not beyond the time fixed for the next Regular Meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416) If a quorum was not established or was lost during the meeting, the Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).
 3. **Continuing a Regular Meeting When Weather or Other Conditions Create a Hazard.** If the Chair finds and declares that weather or other conditions are hazardous for Supervisors to attend a Regular Meeting, the meeting shall be continued to the next Regular Meeting date. The Chair's finding, and the continuation of the meeting, shall be communicated by the Chair or the Clerk of the Board (the "Clerk") to the other Supervisors and to the general news media as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code § 15.2-1416)
 4. **Establishing a Different Day, Time, and Place of a Regular Meeting.** After the Annual Meeting, the Board may establish different days, times, and places for Regular Meetings by adopting a resolution to that effect. (Virginia Code § 15.2-1416)
- C. Special Meetings.** A *Special Meeting* is a meeting that is not a Regular Meeting. The Board may hold Special Meetings as it deems necessary at times and places that it deems convenient. (Virginia Code § 15.2-1417)
1. **Calling and Requesting a Special Meeting.** A Special Meeting shall be held when called by the Chair or requested by two or more Supervisors. The call or request shall be made to the Clerk and shall specify the matters to be considered at the meeting. (Virginia Code § 15.2-1418)
 2. **Duty of Clerk to Provide Notice: When Notice May Be Waived.** Upon receipt of a call or request, the Clerk, after consultation with the Chair, shall immediately notify each Supervisor, the County Executive, and the County Attorney about the Special Meeting. The notice shall be in writing and be delivered to each Supervisor, the County Executive, and

the County Attorney at their place of residence or business. Any Supervisors may request that the notice be delivered to him or her by email or facsimile in lieu of personal delivery. The notice may be waived if all Supervisors are present at the Special Meeting or if all Supervisors sign a waiver for the notice. (Virginia Code § 15.2-1418) The Clerk shall also notify the general news media about the Special Meeting.

3. **Contents of the Notice Provided by the Clerk.** The notice provided by the Clerk shall state the date, time, and place of the meeting and shall specify the matters to be considered.
4. **Matters That May Be Considered.** Only those matters specified in the notice shall be considered at a Special Meeting unless all Supervisors are present. (Virginia Code § 15.2-1418)
5. **Adjourning a Special Meeting.** A Special Meeting may be adjourned from time to time as the Board finds necessary and convenient to complete the business of those matters identified in the notice of the Special Meeting. (Virginia Code § 15.2-1417) If a quorum was not established or was lost during the meeting, the Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).

5. **Order of Business for Regular Meetings**

A. **Establishing the Agenda.** The Clerk shall establish the agenda for all Regular Meetings in consultation with the County Executive and the Chair. The County Executive and the Clerk shall review the agenda with the Chair and the Vice Chair prior to the meeting. The Clerk shall set the order of business as provided in Rule 5(B), provided that the Clerk may modify the order of business to facilitate the business of the Board. The draft agenda shall be provided to the Board six days prior to the Regular Meeting date.

1. **Resolutions Proposed by Supervisors.** Resolutions may be proposed by a Supervisor requesting the Board to take a position on an issue of importance to the Board. A Supervisor requesting the Board to adopt a resolution should give notice of the intent to request action on the resolution on a specified meeting date and submit a draft of the proposed resolution. The request shall be made at least seven days before the meeting at which the resolution may be considered. The Clerk will distribute the draft resolution with background information, if available, to all Supervisors. Any Supervisor may submit proposed changes to the proposed resolution to the Clerk in a redline format. The Clerk shall forward all comments received from any Supervisor to the Board. The Supervisor requesting the resolution will then coordinate with the Clerk to prepare a resolution for consideration by the Board. The Clerk shall poll the Supervisors to determine if a majority of the Supervisors supports adding the resolution to the agenda for consideration. If a majority of the Supervisors indicates support for considering the resolution, the resolution will be added to the proposed final agenda. If all Supervisors indicate support for the resolution, the resolution may be placed on the proposed consent agenda unless any Supervisor requests otherwise.

2. **Other Items Proposed To Be Added to the Clerk's Draft Agenda.**

- a. **By Supervisors.** Any Supervisor may propose to add items, other than resolutions subject to Rule 5(A)(1), to the Clerk's draft agenda for action if notice of that item has been given in writing or by email to all Supervisors, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting or upon the unanimous consent of all Supervisors present.
Any item that has been timely proposed and

properly noticed shall be added to the end of the agenda for discussion or action unless a majority of the Supervisors present agrees to consider the item earlier on the agenda.

- b. By the County Executive.** The County Executive may add items to the Clerk's draft agenda for action by 5:00 p.m. two days before the date of the meeting if the item requires consideration and action by the Board at its next meeting. In an emergency, the County Executive may add an item at any time with the consent of the Chair and the Vice Chair. When the County Executive adds an item to the agenda, he shall provide information about the item to all Supervisors as soon as practicable and prior to the meeting.
- 3. Proclamations and Recognitions Proposed by Citizens.** A request by a citizen to place a proclamation or recognition on the agenda must be made at least four weeks in advance of the Board meeting date. The citizen shall submit the request to advance a proclamation or recognition to the Clerk. If the request is made to a Supervisor, the person making the request will be directed to make the request to the Clerk. The Clerk will advise the person making the request of the process and submittal requirements. Upon submittal of the request, the Clerk will review the submittal for completeness and forward it to the Supervisors for review. The Clerk shall poll Supervisors to determine whether a majority of the Supervisors supports adding the proclamation or recognition to the agenda. The Clerk will advise the person requesting the proclamation or recognition whether the proclamation or recognition will be considered by the Board.
- 4. Public Hearings for Zoning Map Amendments: Prerequisites.** Public hearings for zoning map amendments are subject to the following rules in order for the item to be placed on the agenda and heard by the Board:

 - a. Public Hearing Should Not Be Advertised Until Final Documents Are Received.** The Board's preference is that a public hearing for a zoning map amendment should not be advertised until all of the final documents for a zoning application have been received by the County and are available for public review. To satisfy this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than two business days prior to the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks' advance notice of the deadline.
 - b. Effect of Failure to Timely Receive Final Documents.** If the County does not timely receive the required final documents, the public hearing shall not be advertised and the matter shall not be placed on the agenda. If the matter is not advertised, a new public hearing date will be scheduled.
 - c. Receipt of Final Signed Proffers.** Final signed proffers shall be submitted to the County no later than nine calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Supervisors at the public hearing.
- 5. Public Hearings: Zoning Map Amendments: Deferral at Applicant's Request.** Zoning map amendments advertised for public hearing shall be on the agenda for public hearing on the advertised date, provided that an applicant may request a deferral as provided in County Code § 18-33.52 *et seq.*

B. Order of Business at Regular Meetings. At Regular Meetings of the Board, the order of business shall generally be as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of the Final Agenda.
5. Brief Announcements by Supervisors.
6. Proclamations and Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.
8. Consent Agenda.
9. General Business.
10. From the Board: Committee Reports and Matters Not Listed on the Agenda.
11. From the County Executive: Report on Matters Not Listed on the Agenda.
12. Adjourn.

C. Closed Meetings. A Closed Meeting may be held at any point on the agenda, as necessary. Generally, a Closed Meeting will be scheduled either at the midpoint of the agenda or at the end of the agenda prior to adjournment. The Clerk shall promptly post and make available for public inspection the motion to convene a Closed Meeting after it is distributed by the County Attorney; provided that: (i) the contents of the motion may be subject to change without further posting or availability; and (ii) the failure of the Clerk to comply with this subsection does not affect the legality of the Closed Meeting.

6. Rules Applicable to the Items of Business on the Agenda

A. Adoption of the Final Agenda. *Adoption of the Final Agenda* is the first order of business for a Regular Meeting of the Board. The Board may modify the order of business as part of its adoption of the Final Agenda. Any changes to the Consent Agenda should be made when the Final Agenda is adopted. The Final Agenda must be adopted by a majority vote of the Supervisors present and voting. No item for action not included on the Final Agenda shall be considered at that meeting.

B. Brief Announcements by Supervisors. *Brief Announcements by Supervisors* are announcements of special events or other items of interest that are not considered committee reports and are not otherwise on the meeting agenda.

C. Proclamations and Recognitions. *Proclamations* are ceremonial documents or recognitions adopted by the Board to draw public awareness to a day, week, or month to recognize events, arts and cultural celebrations, or special occasions. *Recognitions* are ceremonial acknowledgements by the Board of a person for service or achievement.

D. From the Public: Matters Not Listed for Public Hearing on the Agenda. *From the Public: Matters Not Listed for Public Hearing on the Agenda* allows any member of the public to speak on any topic of public interest that is not on the Final Agenda for a public hearing at that meeting. The following rules apply:

1. **Time.** Each speaker may speak for up to three minutes, provided that if the anticipated number of speakers may exceed 10, or for other reasons related to the Board efficiently conducting its business, the Chair may reduce the amount of time allowed for each speaker to speak to two minutes.
2. **Place.** Each speaker shall speak from the podium.

3. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker shall comply with Rules 6(D)(1) and 6(D)(2), shall address the Board and not the audience, and shall not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation.
- E. **Consent Agenda.** The *Consent Agenda* shall be used for items that do not require discussion or comment and are anticipated to have the unanimous approval of the Board.
1. **Questions to Staff.** Supervisors should ask the County Executive or the staff member identified in the executive summary any questions regarding a Consent Agenda item prior to the Board meeting.
 2. **Discussion and Comment.** There shall be no discussion or comment on Consent Agenda items at the Board meeting except as provided in Rule 6(E)(3).
 3. **Removing an Item from the Consent Agenda.** Any Supervisor may remove an item from the Consent Agenda. Any item removed from the Consent Agenda shall be moved to a specific time or to the end of the meeting agenda for further discussion or action. An item requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.
 4. **Effect of Approval of the Consent Agenda.** A motion to approve the Consent Agenda shall approve those Consent Agenda items identified for action and accept Consent Agenda items identified for information.
- F. **General Business.** *General Business* includes public hearings, work sessions, appointments, and other actions, discussions, and presentations.
1. **Public Hearings.** The Board shall not decide any item before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of the item. The procedures for receiving a presentation from the applicant and comments from members of the public shall be at the discretion of the Board. However, unless otherwise decided by a majority of the Supervisors present during a particular public hearing, the following rules apply:
 - a. **Time.** The applicant shall be permitted up to 10 minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted to make one appearance for that public hearing and speak for up to three minutes on the item. Following comments by members of the public, the applicant shall be permitted up to five minutes for a rebuttal presentation.
 - b. **Place.** The applicant and each member of the public presenting and speaking shall do so from the podium.
 - c. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker shall comply with Rules 6(F)(1)(a) and 6(F)(1)(b), shall address the Board, shall speak to issues that are relevant to the item for which the public hearing is being held, and shall not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation.

2. **Public Hearings: Zoning Map Amendments: Applicant's Documents Not Available During Advertisement Period.** If the public hearing is held without the applicant's final documents being available for review throughout the advertisement period due to the late submittal of documents, or because substantial revisions or amendments are made to the submitted documents after the public hearing has been advertised, it is the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application. In deciding whether to defer action or to deny the application, the Board shall consider whether deferral or denial would be in the public interest or would forward the purposes of this policy.

G. **From the Board: Committee Reports and Matters Not Listed on the Agenda.** *From the Board: Committee Reports and Matters Not Listed on the Agenda* shall be limited to matters that are not substantial enough to be considered as agenda items to be added to the final agenda. Reports include routine committee reports and information updates by Supervisors. Any matters discussed during this part of the agenda may not be acted upon by the Board at that meeting.

H. **Report from the County Executive.** The *Report from the County Executive* is a report on matters that the County Executive deems should be brought to the Board's attention and provide updates, if necessary, to the monthly County Executive's Report.

7. **Quorum**

A. **Establishing a Quorum.** A majority of all of the members of the Board that is physically assembled is a quorum for any meeting of the Board, except as provided in Rule 7(B)(2). (Virginia Code § 15.2-1415)

B. **Quorum Required to Act: Exceptions.** The Board may take valid actions only if a quorum is present. (Virginia Code § 15.2-1415) There are two exceptions:

1. **Quorum Not Established: Adjournment.** If a quorum is not established, the only action the Supervisors present may take is to adjourn the meeting.

2. **Quorum Not Established or Lost Because of a Conflict of Interests: Special Rule.** If a quorum cannot be established or is lost because one or more Supervisors are disqualified from participating in an item because of a conflict of interests under the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3100 *et seq.*), the remaining Supervisors are a quorum and they may conduct the business of the Board.

C. **Loss of Quorum During Meeting.** If a quorum was established but during a meeting the quorum is lost, the only action the Supervisors present may take is to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415)

D. **Quorum Required to Adjourn Meeting to Future Day and Time.** A majority of the Supervisors present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning the meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

8. **Remote Electronic Participation**

The Board will permit a Supervisor to participate in a Board meeting through electronic communication means from a remote location, provided that:

- A. **Notification to Clerk of Inability to Attend Because of Personal Matter, Disability, or Medical Condition.** On or before the day of the meeting, the Supervisor shall notify the Chair that he or she is unable to attend the meeting due to a personal matter or that the Supervisor is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the Supervisor's physical attendance. The Supervisor must identify with specificity the nature of the personal matter.
- B. **Quorum Physically Assembled: Approval of Remote Electronic Participation.** A quorum of the Board must be physically assembled at the primary or central meeting location. The Supervisors present must approve the participation; however, the decision shall be based solely on the criteria in Rule 8(A), without regard to the identity of the Supervisor or items that will be considered or voted on during the meeting.
- C. **Duty of Clerk to Record Action.** The Clerk shall record in the Board's minutes the specific nature of the personal matter, disability, or medical condition, and the remote location from which the absent Supervisor participated. If the absent Supervisor's remote participation is disapproved because participation would violate this policy, the disapproval shall be recorded in the Board's minutes with specificity.
- D. **Audibility of Absent Supervisor.** The Clerk shall make arrangements for the voice of the absent Supervisor to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent Supervisor cannot reasonably be heard, the meeting may continue without the participation of the absent Supervisor.
- E. **Limitation on Remote Electronic Participation in Calendar Year.** Electronic participation by the absent Supervisor as provided in this Rule shall not exceed two Board meetings in each calendar year.

(Virginia Code § 2.2-3708.2)

9. **Conducting the Business of the Board**

- A. **Enable Efficient and Effective Conduct of Business.** Meetings shall be conducted in a manner that allows the Board to efficiently and effectively conduct its business, without actual disruptions.
- B. **Minimizing Disruptions.** To minimize actual disruptions at meetings:
 - 1. **Speakers.** Members of the public who are speaking to the Board shall comply with Rules 6(D) and 6(F)(1), as applicable. Members of the public invited to speak to the Board during any agenda item other than From the Public: Matters Not Listed for Public Hearing on the Agenda or during a public hearing shall comply with Rule 6(D).
 - 2. **Persons Attending the Meeting.** Any person attending a Board meeting shall comply with the following:
 - a. **Sounds.** Persons may not clap or make sounds in support of or in opposition to any matter during the meeting, except to applaud during the Proclamations and Recognitions portion of the meeting. Instead of making sounds, persons who are not speaking at the podium are encouraged to raise their hands to indicate their support or opposition to any item during the meeting. Cell phones and other electronic devices shall be muted.

b. **Other Behavior.** Persons may not act, make sounds, or both, that actually disrupt the Board meeting.

c. **Signs.** Signs are permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons attending the meeting.

C. **Guidelines Printed on the Final Agenda.** The Guidelines printed on each Final Agenda apply during each Board meeting. The Board may amend the Guidelines from time to time without amending these Rules provided that the Guidelines are consistent with these Rules.

D. **Chair May Maintain Order.** The Chair may ask any person whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may order the removal of that person from the meeting.

10. **Motion and Voting Procedures**

A. **Action by Motion Followed by a Vote.** Except as provided in Rules 10(B)(2) and 11(D), any action by the Board shall be initiated by a motion properly made by a Supervisor and followed by a vote, as provided below:

1. **Motion Must Be Seconded: Exception.** Each action by the Board shall be initiated by a motion that is seconded; provided that a second shall not be required if debate immediately follows the motion. Any motion that is neither seconded nor immediately followed by debate shall not be further considered.

2. **Voting and Recording the Vote.** The vote on any motion shall be by a voice vote. The Clerk shall record the name of each Supervisor voting and how each Supervisor voted on the motion.

3. **Required Vote. Generally Required Vote for Specific Items.** Each action by the Board shall be made by the affirmative vote of *a majority of the Supervisors present and voting* on the motion; provided that an affirmative vote of *a majority of all elected Supervisors* of the Board shall be required to approve an ordinance or resolution:

a. **Appropriations.** Appropriating money exceeding the sum of \$500.

b. **Taxes.** Imposing taxes.

c. **Borrowing.** Authorizing money to be borrowed. (Article VII, § 7, Virginia Constitution; Virginia Code §§ 15.2-1420, 15.2-1427, 15.2-1428)

4. **Tie Vote.** A tie vote shall defeat the motion voted upon. A tie vote on a motion to approve shall be deemed a denial of the item being proposed for approval. A tie vote on a motion to deny shall not be deemed an approval of the item being proposed for denial.

5. **Abstention.** Any Supervisor who will abstain from voting on any motion must state that he or she is abstaining before the vote is taken and state the grounds for abstaining. The abstention will be announced by the Chair and recorded by the Clerk.

B. **When a Motion and a Vote is or is not Required.** An action by the Board is or is not required to be made by a motion followed by a vote as follows:

1. **Motion and Vote Required.** Any action by the Board to adopt an ordinance or a resolution, and any other action when a motion is required by law or by these Rules, shall be made by a motion followed by a vote.
2. **Motion and Vote Not Required: Unanimous Consent.** On any item in which the Board is not adopting an ordinance or a resolution, or for which a motion and a recorded vote is not otherwise required by law, the Board may make a decision by unanimous consent. This procedure is appropriate, for example, to provide direction to County staff on an item.

C. Other Motions.

1. **Motion to Amend.** A *motion to amend* a motion properly pending before the Board may be made by any Supervisor. Upon a proper second, the motion to amend shall be discussed and voted on by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both Supervisors making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
2. **Motion to Call the Question.** The discussion of any motion may be terminated by any Supervisor making a *motion to call the question*. Upon a proper second, the Chair shall call for a vote on the motion to call the question without debate on the motion itself, and the motion shall take precedence over any other item. If the motion is approved, the Chair shall immediately call for a vote on the original motion under consideration.
3. **Motion to Reconsider.** Any decision made by the Board may be reconsidered if a *motion to reconsider* is made at the same meeting or an adjourned meeting held on the same day at which the item was decided. The motion to reconsider may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the item for discussion in the exact position it occupied before it was voted upon.
4. **Motion to Rescind.** Any decision made by the Board, except for decisions on zoning map amendments, special use permits, special exceptions, and ordinances, may be rescinded by a majority vote of all elected Supervisors. The *motion to rescind* may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Decisions on zoning map amendments, special use permits, special exceptions, and ordinances may be rescinded or repealed only upon meeting all of the legal requirements necessary for taking action on the items as if it was a new item before the Board for consideration; otherwise, decisions on zoning map amendments, special use permits, special exceptions, and ordinances shall only be eligible for reconsideration as provided in Rule 10(C)(3).

11. Other Rules: Robert's Rules of Order Procedure in Small Boards

Procedural rules that are not addressed by these Rules shall be governed by *Robert's Rules of Order Procedure in Small Boards*, which provide:

- A. **Not Required to Obtain the Floor.** Supervisors are not required to obtain the floor before making motions or speaking, which they can do while seated.

- B. **No Limitation on the Number of Times a Supervisor May Speak.** There is no limitation on the number of times a Supervisor may speak to a question, and motions to call the question or to limit debate generally should not be entertained.
- C. **Informal Discussion.** Informal discussion of a subject is permitted while no motion is pending.
- D. **Chair: Putting the Question to a Vote.** The Chair need not rise while putting questions to vote.
- E. **Chair: Speaking During Discussion.** The Chair may speak in discussion without rising or leaving the chair, and, subject to rule or custom of the Board (which should be uniformly followed regardless of how many Supervisors are present), the Chair usually may make motions and usually votes on all questions.

12. **Amending the Rules of Procedure**

These Rules may be amended only as follows:

- A. **Rules Eligible for Amendment.** Any Rule may be amended.
- B. **Procedure to Amend.** Any Rule eligible for amendment may be amended only by a majority vote of the Supervisors present and voting at the next Regular Meeting following a regular meeting at which notice of the motion to amend is given. Notice of the motion to amend a Rule may be made by any Supervisor. The motion to amend a Rule may be made by any Supervisor. Upon a proper second, the motion shall be discussed and voted on. In deciding whether and how to amend a Rule, the Board shall consider that Rules 3, 4, 6(D), 6(F)(1)(a) through (c), 7, 8, 9(B), 10(A)(3), and 10(B)(1) address statutory or constitutional requirements.
- C. **Limitation on the Effect of an Amendment.** The Board's approval of a motion to amend one or more Rules shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

13. **Suspending the Rules of Procedure**

These Rules may be suspended only as follows:

- A. **Rules Eligible to be Suspended.** Rules 1, 2, 5, 6, 9(A), 10 (except for Rules 10(A)(3) and 10(B)(1)), 11, and 12 may be suspended.
- B. **Procedure to Suspend. Generally.** Any Rule eligible for suspension may be suspended by a majority plus one vote of the Supervisors present and voting. The motion to suspend a Rule may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to suspend a Rule, if approved, is to make that Rule inapplicable to the item before the Board.
- C. **Suspending Rules Pertaining to Motions When There is Uncertainty as to Status or Effect.** If one or more motions have been made on an item, and there is uncertainty as to the status or effect of any pending motions or how the Board is to proceed at that point, the Board may, by a majority vote of the Supervisors present and voting, suspend the Rules in Rule 10 for the sole purpose of canceling any pending motions and to permit a new motion to be made. The motion to suspend a Rule pertaining to any pending motions may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on.

D. Limitation on Effect of Suspended Rules. The Board's approval of a motion to suspend one or more Rules shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

* * * *

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012; 1-09-2013; 1-8-2014; 7-9-2014; 1-7-2015; 1-6-2016; 1-4-2017; 2-8-2017; 1-3-2018; 3-20-2019).

Albemarle County Board of Supervisors

Policies

Adopted March 20, 2019

**Policies of the
Albemarle County Board of Supervisors**

1. Travel Reimbursement

Supervisors will be reimbursed travel expenses pursuant to uniform standards and procedures that will allow Supervisors to travel for official County business purposes consistent with the prudent use of County funds as follows:

- A. Routine Travel Expenses.** Supervisors may be reimbursed for the following routine travel expenses at the County's authorized car mileage reimbursement rate, provided there are available funds:
1. **Mileage for Board and Committee Meetings.** Mileage for travel by personal vehicle or other travel costs to scheduled Board meetings and Board committee meetings for committees to which a Supervisor is appointed, from home or work, if a work day, which is not part of routine personal travel. Travel to use the Board's County Office Building office between other personal travel or meetings, is not eligible for reimbursement.
 2. **Mileage to Prepare for Matters to be Considered by the Board.** Mileage for travel by personal vehicle or other travel costs to events reasonably necessary to prepare for matters scheduled for consideration on the Board's agenda which is not part of routine personal travel (*i.e.*, site visits, informational meetings).
 3. **Parades and Other Community Gatherings.** Parades and other community gatherings not advertised as Supervisor's town hall meetings to discuss County business.
- B. Educational Conference Travel Expenses.** Supervisors may be reimbursed for the following educational conference travel expenses, provided there are available funds:
1. **Regional, Statewide, and National Meetings.** All necessary, actual, and reasonable meal, travel, and lodging costs (including gratuity and excluding alcohol) of attending regional, statewide or national meetings at which the Supervisor represents the County, as approved by the Board.
 2. **Legislative or Congressional Hearings.** All necessary, actual, and reasonable meal, travel, and lodging costs (including gratuity and excluding alcohol) of attending legislative or congressional hearings relating to official County business.
- C. Matters for Which Supervisors will not be Reimbursed.** Supervisors will not be reimbursed for the following travel expenses:
1. **Political Events.** Travel to events which are political in nature (*i.e.*, campaigning or partisan events).
 2. **Personal Expenses.** Personal expenses incurred during travel.
 3. **Travel Not Part of Duties.** Other travel which is not part of the statutory governmental duties of the Board of Supervisors that are not provided for in Subsections (C)(1) or (C)(2).
- D. Implementation.** This policy will be applied and overseen in the following manner:
1. **Reimbursement Requests.** Reimbursement requests shall be made in writing on forms provided by the Clerk of the Board (the "Clerk") and shall itemize the date, number of miles of travel, and purpose of the meeting. Mileage for use of a personal vehicle shall be reimbursed at the County's authorized car mileage reimbursement rate. Other

reimbursements shall be for the amount of costs expended and shall be documented by receipts for actual amounts paid.

2. **Clerk Review.** The Clerk, or his/her designee, will review all travel reimbursement requests and the Director of Finance will approve all travel reimbursement requests prior to reimbursement. No payment will be made for incomplete submissions or information.
3. **Exhaustion of Funds.** When all allocated funds for Board reimbursements have been expended, there will be no further reimbursement for that fiscal year unless the Board appropriates additional funding.

2. **Supervisors Appointed to Boards, Committees, and Commissions**

The Board appoints its members to a variety of boards, committees, and commissions to represent the interests of the Board on those bodies. It is important that the Board have confidence that its policies and positions are being reflected in that representation.

- A. **Voting Representatives.** Supervisors who are appointed to boards, committees, and commissions are required to vote on matters that come before those bodies in a manner which is consistent with the policies and positions of the Board as reflected in previously adopted resolutions or official actions of the Board on those matters.
- B. **Liaison Representatives.** Supervisors who are appointed to boards, committees, and commissions as liaisons are to act as a resource for the board, committee, or commission and are to report to the Board on the activities of the board, committee, or commission.
- C. **Alternates.** Supervisors may serve as alternates for the Board-appointed voting representatives or liaison representatives when the representative is unable to attend a meeting. The organizational documents for the board, committee, or commission must allow alternates to be appointed. Any alternate must be appointed by the Board to serve as an alternate for the particular board, committee, or commission.

3. **Boards, Commissions, and Committees**

A. **Review and Creation of Boards, Commissions, and Committees are as Follows:**

1. **Annual Report.** By October 1 of each year, all boards, commissions, and committees shall submit a report to the Board covering the prior fiscal year (July 1 to June 30) that includes the key activities that support their mission and a summary of their activities and the attendance of each appointee.
2. **Annual Evaluation.** On an annual basis, the list of active boards, commissions, and committees will be evaluated and purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior 12-month period.
3. **Combining Functions and Activities.** Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.
4. **Short-Term Task Forces and Ad Hoc Committees.** Any newly created task force or ad hoc committee which is intended to serve for a limited duration may be comprised of magisterial or at-large members at the discretion of the Board. The appointment process shall follow that adopted in Section 3(B) for other magisterial and/or at-large positions.

B. Appointments to Boards, Commissions, and Committees

1. **Appointments, Generally.** All appointments to boards, commissions, and committees based upon magisterial district boundaries will be made by the Board. The Board will consider and/or interview candidates recommended by the Supervisor of that district.
2. **Compilation of List of Expired Terms and Vacancies.** Prior to the first regular Board meeting each month, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next 60 days. The Board will then advise the Clerk which vacancies to advertise.
3. **Advertising Positions.** When the Board advises the Clerk which vacancies to advertise, the Clerk shall, in collaboration with the County's Director of Communications and Community Engagement, distribute notice of the vacancy on any board, commission, or committee through available and appropriate media in order to reach as many citizens as possible. The advertisement shall provide a brief description of the duties and functions of the board, commission, or committee, the length of term of the appointment, the frequency of meetings, the minimum qualifications necessary to fill the position, and the Board's expectations for appointees to attend meetings and to participate in other activities of the board, commission, or committee. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.
4. **Application Content.** The application form shall request information in the following areas: (i) the name of the board, commission, or committee to which the applicant seeks to be appointed; (ii) the name, address, and other contact information of the applicant; (iii) employment; (iv) County resident status and resident history; (v) family relationship (natural or legal offspring, parent, grandparent, spouse, or sibling) to any County Supervisor or other officer, employee, or appointee; (vi) education; (vii) offices or memberships in civic, not-for-profit, and similar organizations; (viii) activities and interests; (ix) reasons for seeking to serve on the board, commission, or committee; and (x) how the applicant learned about the vacancy.
5. **Application Period.** All interested applicants will have a minimum of 30 days from the date of the first notice to complete and return to the Clerk a detailed application, with the understanding that the application may be released to the public, if requested. No applications will be accepted if they are received or, if the application is mailed through the United States Postal Service, postmarked after the advertised application deadline, however, the Board, at its discretion, may extend the deadline.
6. **Distribution of Applications.** After the application deadline has passed, the Clerk will distribute all applications received to the Supervisors before the Board meeting at which the applications will be considered. For magisterial appointments, the Clerk will forward applications as they are received to the Supervisor of that district who will then recommend his or her appointment.
7. **Interviews: Appointments Without Interviews.** From the pool of qualified candidates, the Board, in its discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held on the day of a regular or special Board meeting.
8. **Appointments Within 90 Days.** The Board will make all reasonable efforts to interview selected applicants and make appointments within 90 days after the application deadline.

For Board-designated agency appointments to boards, commissions, and committees, the Clerk shall ask the agency to recommend a person for appointment by the Board.

9. **Vacancies Filled as They Occur: Exception.** All vacancies will be filled as they occur, except that vacancies occurring on a Community Advisory Council will be filled on an annual basis at the time regular terms expire unless there are more than three vacancies on that Council at the same time and more than three months remaining from the annual appointment date.
10. **Appointees Required to File Real Estate Disclosure Form.** As a condition of assuming office, all citizen members of boards, commissions, and committees shall file a

real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3100 *et seq.*) and thereafter shall file the form annually on or before February 1.

11. Termination of Appointment for Excessive Absences. If a member of a board, commission, or committee does not attend and participate in at least 75 percent of that body's meetings, the Chair of the body may request the Board to terminate the appointment, if permitted by applicable law, and refill it during the next scheduled advertising period. If permitted by applicable law, the Board may establish different attendance requirements and procedures to terminate an appointment for excessive absences for a particular board, commission, or committee.

12. Appointees to Advisory Bodies Serve at the Pleasure of the Board. Any person appointed by the Board to an advisory board, commission, or committee serves solely at the pleasure of the Board.

4. Supervisors Serving Without Remuneration on the Board of Trustees of Not-for-Profit Entities

A. State Law. The State and Local Government Conflict of Interests Act (the "Act") recognizes that a system of representative government depends in part upon: (i) Supervisors representing fully the public in the legislative process; and (ii) the County's citizens maintaining the highest trust in the Board of Supervisors. The Act establishes rules designed to assure that the judgment of any Supervisor is free of inappropriate conflicts of interest. Under the Act, a Supervisor who serves without remuneration as a member of the board of trustees of a not-for-profit entity, where neither the Supervisor's nor his or her immediate family has a personal interest in the not-for-profit entity, is not required to disclose or disqualify themselves from participating in any transaction related to the not-for-profit entity.

B. Board Policy. A Supervisor who serves without remuneration as a member of the board of trustees of a not-for-profit entity must disclose that fact at each meeting of the Board of Supervisors at which a matter pertaining to the not-for-profit entity is considered or acted upon. The disclosure should be made at the beginning of the Board meeting at which the matter will be considered.

ORDINANCE NO. 19-A(3)
ZMA 2018-00006

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX MAP AND PARCEL 032A0-02-00-00200**

WHEREAS, the application to rezone 7.29 acres from RA Rural Areas to R-15 Residential for Tax Map Parcel 032A0-02-00-00200 is identified as ZMA 2018-00006, 3223 Proffit Road (“ZMA 2018-00006”); and

WHEREAS, staff recommended approval of ZMA 2018-00006, provided recommended revisions were made to the proffers and the concept plan; and

WHEREAS, on January 29, 2019, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2018-00006, with provisos; and

WHEREAS, subsequent to the Planning Commission meeting, the applicant voluntarily submitted revised proffers and a revised concept plan, which staff believes address the issues raised by staff, the Planning Commission, and the public; and

WHEREAS, on March 20, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2018-00006.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2018-00006 and their attachments, including the proffers and the concept plan, the information presented at the public hearing, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2018-00006 with the proffers dated February 14, 2019, and the concept plan entitled “Zoning Map Amendment – 3233 Proffit Road”, prepared by Roudabush, Gale & Associates, dated June 28, 2018, last revised on February 14, 2019.

PROFFER STATEMENT

ZMA No. **201800006 – 3223 Proffit Road**

Tax Map and Parcel Number(s): **032A0-02-00-00200**

Owner(s) of Record: **JANET H. LEE, TRUSTEE, THE JANET H LEE REVOCABLE TRUST**

Date of Proffer Signature: February 14, 2019

7.3 acres to be rezoned from RA to R-15

JANET H. LEE, TRUSTEE, THE JANET H LEE REVOCABLE TRUST, is the owner (the "Owner") of Tax Map and Parcel Number **032A0-02-00-00200** (the "Property") which is the subject of rezoning application ZMA No. **201800006**, a project known as "**3223 PROFFIT ROAD**" (the "Project").

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

The property shall be developed in general accord with the Zoning Map Amendment prepared by Roudabush, Gale & Associates, dated June 18, 2018 revised February 14, 2019 and shall reflect the following major elements as shown and noted on the plans:

- 1. The internal street network grid and interparcel connections between the subject parcel and TMPs 03200-00-00-03000 and 032A0-02-00-001B0;**
- 2. Right-of-way reservation and associated improvements along Proffit Road;**
- 3. A minimum of 44 total dwelling units shall be developed on the property.**
- 4. A 25' Undisturbed Buffer and an additional 25' Minimally Disturbed Buffer in Block B adjacent to TMP 32A-03-0B-2 and TMP 32A-03-0B-4 as shown on the Conceptual Grading Plan:
 - a. Undisturbed Buffer allows for the removal of brush and/or dead vegetation.**
 - b. Minimally Disturbed Buffer allows for minimal grading and/or the removal of brush and/or dead vegetation.****
- 5. Garage Setbacks - Single-family attached and single-family detached units located outside of Block A, Area 1 as shown on Sheet 3 shall be subject to the following: front-loading garages shall be setback a minimum of 3 feet from the front building façade or front porch.**
- 6. Parking Standards – The following standards shall apply to uses located within Block A, Area 1 as shown on Sheet 3 of the plans:
 - a. For single-family attached and single-family detached units — Front building facades shall face Proffit Road. No individual lot driveways shall enter directly onto Proffit Road; driveways shall be rear-loaded and only enter onto "Road B". Front building facades shall face Proffit Road.**
 - b. For multi-family - off-street parking shall be relegated to the side or rear of buildings adjacent to Proffit Road and shall be accessed from the internal road****

network. If a drop-off/pick-up area is proposed between multifamily buildings and Proffit Road, a limited off-street parking area can be included to accommodate ADA accessible and guest spaces. This limited off-street parking shall be screened by landscaping, permanent structures or other acceptable methods per Section 32.7.9 of the Albemarle County Zoning Ordinance.

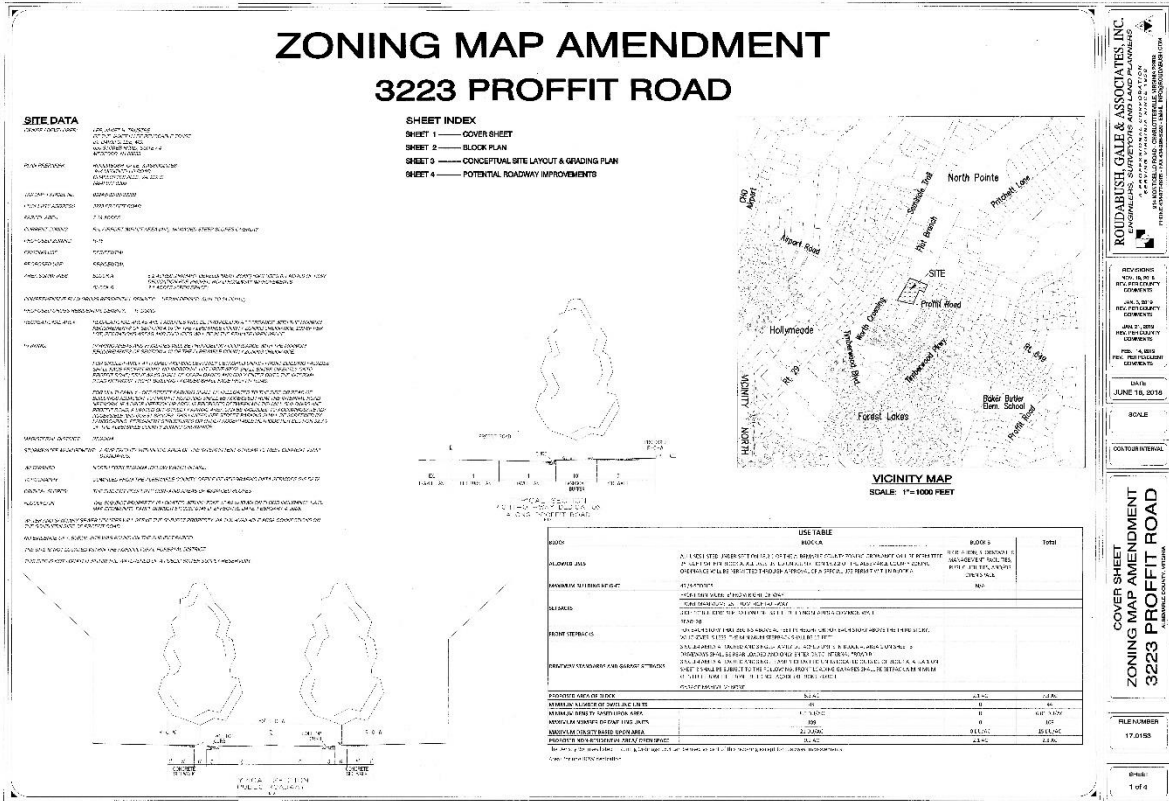
OWNER



By: **DAVID C. LEE**

Title: **TRUSTEE**

JANET H. LEE, TRUSTEE, THE JANET H LEE REVOCABLE TRUST



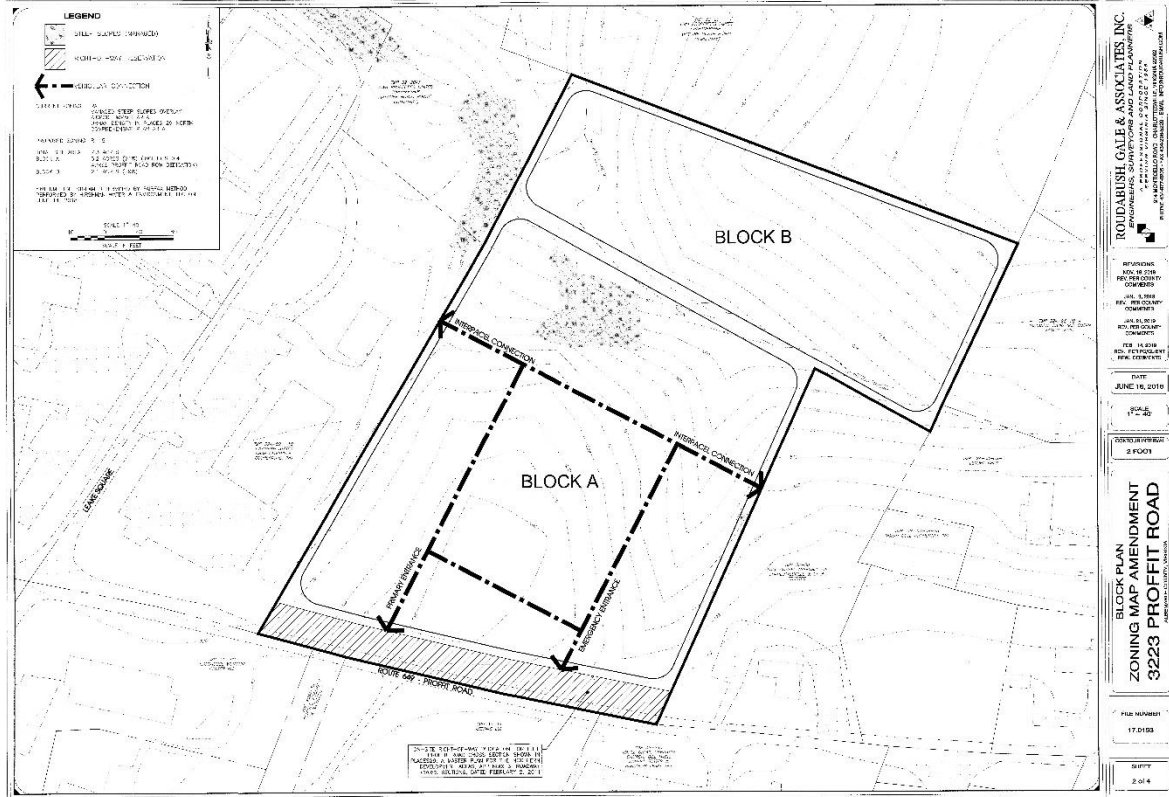
COVER SHEET
ZONING MAP AMENDMENT
3223 PROFFIT ROAD

SCALE: 1" = 1000 FEET

DATE: JUNE 16, 2018

SHEET: 1 of 4

FILE NUMBER: 17-0193



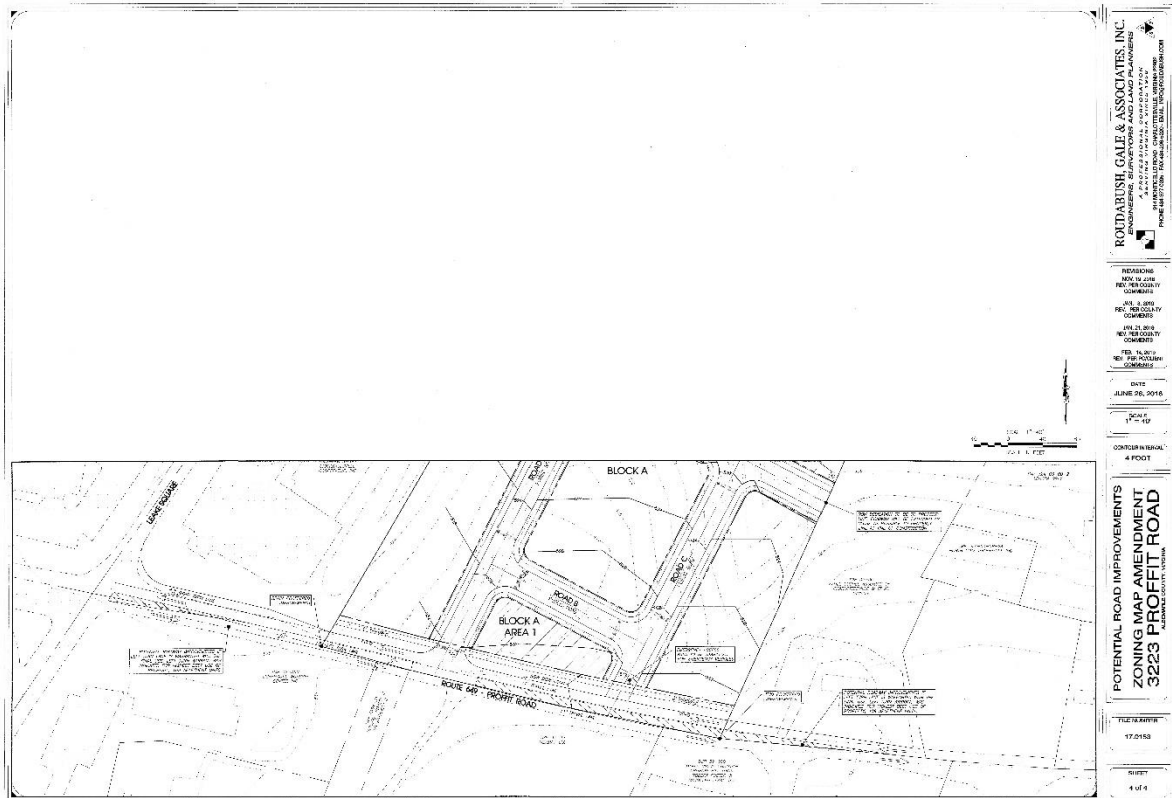
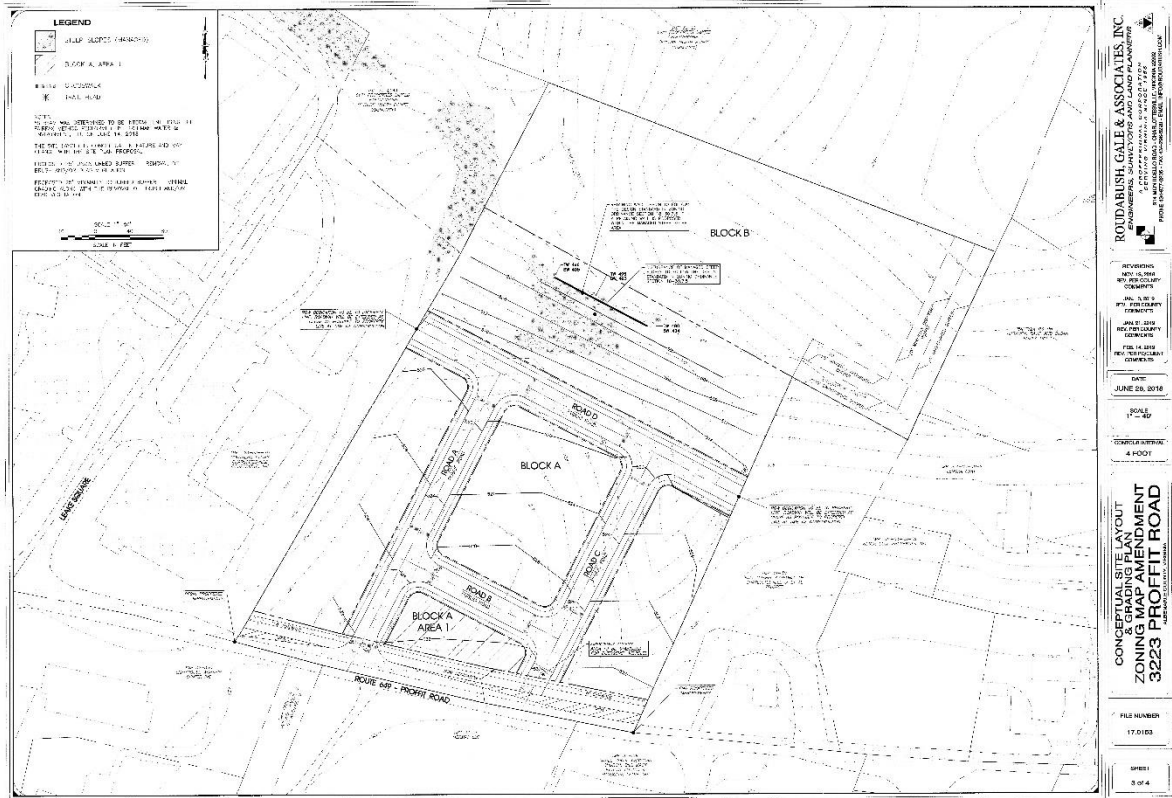
BLOCK PLAN
ZONING MAP AMENDMENT
3223 PROFFIT ROAD

SCALE: 1" = 100 FEET

DATE: JUNE 16, 2018

SHEET: 2 of 4

FILE NUMBER: 17-0193



**RESOLUTION TO APPROVE CPA 2018-00006
BIRDWOOD MANSION AND GROUNDS**

WHEREAS, the Birdwood Property is located on Tax Map Parcel 75-63, and within Area B as identified in a 1986 planning agreement between the University of Virginia, the City of Charlottesville, and Albemarle County, which requires the University and the County to work together on the master plan for the Property; and

WHEREAS, the University of Virginia Foundation completed a master plan for the Birdwood property in 2018, and developed the Birdwood Area B Study in close coordination with the County's Community Development Department to inform future uses on the Property; and

WHEREAS, the Albemarle County Planning Commission adopted a Resolution of Intent on April 10, 2018 to initiate a Comprehensive Plan Amendment to the Southern and Western Urban Neighborhoods Master Plan pending the completion of the Birdwood Area B Study; and

WHEREAS, the Planning and Coordination Council endorsed the concepts in the Area B Study on September 20, 2018; and

WHEREAS, on February 12, 2019, the Albemarle County Planning Commission held a duly noticed public hearing on CPA 2018-00006, at which it recommended approval of CPA 2018-000006; and

WHEREAS, on March 20, 2019, the Board of Supervisors held a duly noticed public hearing on CPA 2018-00006.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, and for the purposes articulated in Virginia Code § 15.2-2223, the Albemarle County Board of Supervisors hereby approves CPA 2018-00006 and amends the "Existing Land Use" and the "Future Land Use – Other Areas of Importance" sections of the Southern and Western Urban Neighborhoods Master Plan, which is part of the Albemarle County Comprehensive Plan, as shown on Attachment F of the staff report, attached hereto and incorporated herein.

CPA-2018-00006 Birdwood – Staff Report Attachment F
Southern and Western Urban Neighborhoods Master Plan

Existing Land Uses: Institutional (page S+W 16)

Existing:

UVA represents the largest institutional use in the Western Neighborhood. In addition, there are several large office complexes related to UVA that include the Fontaine Research Park, the University Health Sciences Foundation, the Kluge Children’s Rehabilitation Center, and the University Development offices.

Proposed:

UVA and Birdwood represent the largest institutional uses in the Western Neighborhood. In addition, there are several large office complexes related to UVA that include the Fontaine Research Park, the University Health Sciences Foundation, the “Ivy Mountain” redevelopment of the former Kluge Children’s Rehabilitation Center, and the University Development offices.

Future Land Use – Other Areas of Importance (pages S+W 44-45)

Existing:

Figure 27: Birdwood Golf Course Property



1. The **Birdwood** property (Figure 27), currently owned by the UVA Foundation, is the University’s golf course. It is shown for Institutional uses. It is affiliated with the adjacent Boar’s Head Resort, which is also owned by the UVA Foundation. Encompassing over 500 acres, the property is in **Area B** and includes an 18-hole golf course as well as a historic mansion. Dependencies are present near the entrance to the property. The golf course is available to students, faculty, and the general public. The mansion provides a venue for small University related events.

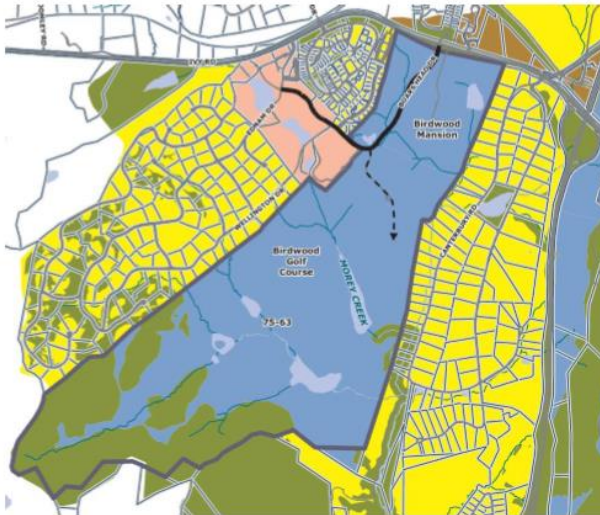
In the future, this large property may serve a more intensive function than it does presently. Possible considerations include, but are not limited to, a mixed-use area near the entrance and residential uses for other parts of the property

not designated as a part of the Parks and Green Systems. Before further development of the property occurs, an amendment to the Future Land Use Plan for the Southern and Western Neighborhoods will be needed.

The historic mansion and important dependencies should be retained in any future development. An interconnection to the Boar’s Head property should be provided. Pedestrian connections to nearby residential developments should also be considered.

Proposed:

Figure 27: Birdwood Property



1. The historic **Birdwood** property (Figure 27) encompasses over 540 acres in the Development Area. The property, which is owned by the UVA Foundation, is also located in Area B. Birdwood is designated for Institutional future land uses.

The 18-hole Birdwood Golf Course is used by the University's varsity golf programs, and is also available for use by students, faculty, guests at Boar's Head Resort, and the general public. In October 2018, a new facility for UVA Golf opened at Birdwood and an extensive renovation of the 18-hole Birdwood Golf Course was initiated for improved play and to incorporate a new par-3 short course. The Birdwood property is also

designated for use by the University's varsity tennis programs, with a UVA Tennis facility permitted in proximity to the adjoining Boar's Head Sports Club. The uses and improvements at Birdwood will be increasingly affiliated with the adjacent Boar's Head Resort, which is also owned by the UVA Foundation, and which also hosts UVA varsity sports in the Boar's Head Sports Club and McArthur Squash Center. A new interparcel connection was constructed in 2018 to better facilitate vehicular and pedestrian movement between these two affiliated properties.

The Birdwood property also includes the historic Birdwood Mansion, which is listed on the National Register of Historic Places and the Virginia Landmarks Register. This 14-acre historic site includes the Birdwood Mansion, several contributing dependencies, and the surrounding historic landscape. In the past, the mansion has provided a venue for small University related events. The historic mansion, the surrounding historic landscape, and important dependencies should be carefully retained in any future development.

The PACC-endorsed Birdwood Area B Study includes near-future plans for the Birdwood Mansion, dependencies, and surrounding grounds to be rehabilitated and repurposed for University-related events, other special events associated with the adjoining Boar's Head Resort, and other hospitality and short-term lodging uses. Such planned reuse of the Birdwood Mansion would bring a new era of utility and vitality to this historic site that is currently vacant, provided that it is done in a context-sensitive way that does not compromise the historic integrity of the buildings or landscape, and does not jeopardize its listing on the state or national register.

In the long-range future, portions of this large property could potentially serve a more intensive function than it does presently. Possible considerations include, but are not limited to, a mixed-use area near the entrance; additional University-related institutional, athletic, and/or hospitality uses; and/or residential uses for other parts of the property not designated as a part of the Parks and Green Systems. Before Birdwood could be further developed in ways that are not contemplated in this Master Plan or contained in the PACC-endorsed Birdwood Area B Study, an amendment to the Southern and Western Urban Neighborhoods Master Plan would be needed.

Future use and development of the property should include pedestrian and bicycle connections to nearby residential developments as well as to the Boar's Head Resort. A future connection providing vehicular, bicycle, and/or pedestrian access between Birdwood and the Centers envisioned at Morey Creek and Fontaine Research Park is also important; further study would be required to determine the most feasible alignment and the most appropriate mode(s) of travel. Additionally, future use and development of Birdwood should endeavor to accommodate the planned Three Notch'd Trail – a shared-use path envisioned as a commuter and recreational connection between Crozet and Charlottesville.

The Parks and Green Systems portion of the Birdwood property, which adjoins the Ragged Mountain Natural Area – a County-designated Important Site for biodiversity – should continue to be preserved as an undeveloped sanctuary for biodiversity and as a valuable resource for outdoor recreation in a pristine natural setting within the Development Area.

ORDINANCE NO. 19-3(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, 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 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 3-218 Hardware Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS**ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE****DIVISION 2. DISTRICTS****Sec. 3-218 Hardware Agricultural and Forestal District.**

The district known as the "Hardware Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on November 4, 1987.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 72: parcel 51C.
 - 2. Tax map 73: parcels 38, 41A, 41B1, 41B2, 42, 42A, 43, 44.
 - 3. Tax map 74: parcels 6H, 6N, 26, 28, 28B.
 - 4. Tax map 75: parcels 4A, 5.
 - 5. Tax map 86: parcels 16, 16A, 16C, 16D, 16F, 16F1, 16F2, 16H, 27, 27A.
 - 6. Tax map 87: parcels 10, 13A1, 13A2, 13E (part consisting of 89.186 acres), 16A.
 - 7. Tax map 88: parcels 2A, 3M, 3R, 3T, 3U, 3V, 6A, 20A, 20B, 20C, 20D, 20F, 23, 23E, 23F, 24, 24A, 24B, 26B (part), 29, 40, 42.
 - 8. Tax map 99: parcels 10 (part), 29, 52, 52B.
- C. *Review.* The district is reviewed once every five years and will next be reviewed prior to March 20, 2024.

(Code 1988, § 2.1-4(h); § 3-214, Ord. No. 98-A(1), 8-5-98; Ord. 00-3(2), 7-12-00; Ord. 07-3(2), 9-12-07; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-13(2), 11-12-14; Ord. 15-3(1), 12-2-15; § 3-218, Ord. 18-3(1), 11-7-18)