

A regular day meeting of the Board of Supervisors of Albemarle County, Virginia, was held on April 4, 2018, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Norman G. Dill, Mr. Ned Gallaway, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Rick Randolph.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:03 p.m., by the Chair, Ms. Mallek.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Mallek said that staff and the applicant requested that Agenda Item No. 19 be moved up on the agenda before Agenda Item No. Item 8. Board members concurred.

Ms. Palmer **moved** that the Board adopt the final agenda as amended. The motion was **seconded** by Ms. McKeel. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.
NAYS: None.

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

Ms. Palmer announced that she will be a guest of North Garden Ruritans at the North Garden Volunteer Fire Department on Thursday, April 5, 7:30 p.m., and will be joined by Mr. Graham Paige, School Board representative for the Samuel Miller District; Planning Commissioner, Karen Firehock; and Greg Harper from County staff. She said they will respond to questions about stormwater.

Ms. Mallek invited the public to attend a celebration of the Dogwood Vietnam Memorial on April 20 at 11:00 a.m., to remember County residents lost in the battles and to refresh the flags. She said her experience at this event two years ago was wonderful.

Ms. Mallek invited the public to participate in "Solarize Piedmont" to be held April 2 – May 31, sponsored by Local Energy Alliance Program (LEAP) in collaboration with the Piedmont Environmental Council. She said they will provide education on cost savings and procedures to assist residents with the installation of solar panels on their homes or commercial properties and have assisted over 1,000 area homes and businesses. She said that information is available on the LEAP website or by calling LEAP and speaking with Cara.

Ms. Mallek introduced the presiding security officer, Officer Riley, and County staff at the dais.

Agenda Item No. 6. Proclamations and Recognitions:

Item No. 6a. Proclamation Proclaiming March, 2018 as Colon Cancer Awareness Month.

Mr. Dill read the proposed Proclamation into the record and **moved** that the Board adopt the same. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.
NAYS: None.

PROCLAMATION

PROCLAIMING MARCH 2018 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, 2018 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.

Ms. Cathy Bauer, Director of UVA Endoscopy, accepted the proclamation, thanked the Board, invited all to come in for a colonoscopy, and encouraged African Americans to begin screenings at age 45.

Item No. 6b. Proclamation Proclaiming April, 2018 as Fair Housing Month.

Ms. Palmer read the proposed Proclamation into the record and **moved** that the Board adopt the same. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.

NAYS: None.

Mr. Ron White, Chief of Housing, accepted the proclamation and thanked the Board for promoting equitable housing, stating that he is pleased that housing complaints are infrequent. He lauded the educational efforts of Piedmont Housing Alliance and encouraged attendance at a presentation about tenants' rights regarding fair housing to be held later in the month. He said he has set up a display with flyers in the County Office Building lobby announcing the presentation.

PROCLAMATION

PROCLAIMING APRIL 2018 AS FAIR HOUSING MONTH

WHEREAS, April is Fair Housing Month and marks the 50th anniversary of the passage of the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988); and

WHEREAS, the Fair Housing Act provides that no person shall be subjected to discrimination because of race, color, national origin, religion, sex, disability, or familial status in the rental, sale, financing or advertising of housing (and the Virginia Fair Housing Law also prohibits housing discrimination based on elderliness); and

WHEREAS, the Fair Housing Act supports equal housing opportunity throughout the United States; and

WHEREAS, fair housing creates healthy communities, and housing discrimination harms us all.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors, do hereby supports equal housing opportunity and seek to affirmatively further fair housing not only during Fair Housing Month in April, but throughout the year.

Item No. 6c. Proclamation Proclaiming April 1-7, 2018 as Local Government Education Week.

Mr. Randolph read the proposed Proclamation into the record and **moved** that the Board adopt the same. The motion was **seconded** by Ms. McKeel. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.

NAYS: None.

Ms. Jody Saunders, Communications Coordinator for the County, accepted the proclamation. She said that in 2017, schools and local government had collaborated to bring the spirit of the proclamation into action with participation by students of Monticello High School in job shadowing, as well as learning from Doug Walker about the Athenian Oath and the important role played by local

government in democracy. She noted that students had addressed the Board of Supervisors at the May 3rd meeting. Ms. Saunders explained that this year she, Ms. Kristy Shifflett, and Mr. Walker have collaborated and engaged with faculty at Monticello High School to address the senior government class about a wide variety of ways to become involved and engaged with local government, strategic plan objectives, and policy issues they might want to research for their senior government capstone project. She said staff has met with students to discuss issues such as Ragged Mountain, Yancey, Bright Stars, the open burn policy and Southwood redevelopment. She described the engagement as “active and collaborative” and expects some students to address the Board about these issues in the coming months. She said they plan to expand this program to the other County high schools in the future.

PROCLAMATION

**April 1-7, 2018 Local Government
Education Week**

WHEREAS, the nation’s 3,141 counties serving more than 325 million Americans provide essential services such as law enforcement, public health and safety, recreational opportunities, and the education of local children to create healthy, safe, economically-resilient, and engaged communities; and

WHEREAS, in celebration and appreciation of the valuable services local governments throughout the Commonwealth provide to the citizens of the communities they serve, the Virginia General Assembly designated the first week in April as Local Government Education Week; and

WHEREAS, Albemarle County takes great pride in our responsibility to protect and enhance the health, well-being and safety of our residents in efficient and cost-effective ways; and

WHEREAS, in order to remain healthy, vibrant, safe, and economically competitive, Albemarle County provides public health, justice, emergency management and economic services that play a key role in everything from resident’s daily health to disaster response; and

WHEREAS, Albemarle County encourages active and meaningful community engagement in local government activities through partnerships like the Community Advisory Committees and community policy groups.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors proclaims that April 1-7, 2018 is hereby designated as Local Government Education Week; and

BE IT FURTHER RESOLVED, that the Albemarle County Board of Supervisors and the Albemarle County School Board will partner to promote civic education and engagement in an effort to educate citizens about their local government, strengthen the sense of community, and engage the next generation of local government managers.

Item No. 6d. Proclamation Proclaiming April, 2018 as National County Government Month.

Mr. Gallaway read the proposed Proclamation into the record and **moved** that the Board adopt the same. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.

NAYS: None.

Ms. Mary Stebbins, Deputy Director of the Department of Social Services, accepted the proclamation and thanked the Board for its ongoing and continued support, particularly for the Bright Stars Program, which she said has a long-term impact. She thanked them for supporting the Family Finder position, which has helped DSS make big strides in keeping the number of foster children down.

PROCLAMATION

NATIONAL COUNTY GOVERNMENT MONTH

WHEREAS, the nation’s 3,069 counties serving more than 325 million Americans provide essential services to create healthy, safe and vibrant communities; and

WHEREAS, Albemarle County’s continuing commitment to “serving the underserved,” this year’s theme, is demonstrated through efforts to increase capacity for education for at-risk four-year-olds through Bright Stars and other community partnerships; the innovative Family Finder program, that places children with trusted family and natural supports who are willing to serve as placements for children, rather than entering the foster care system; and the Public Schools’ Albemarle Forward program, which seeks to provide equity and opportunity for our students; and

WHEREAS, Albemarle County and all counties take pride in their responsibility to protect and enhance the health, welfare and safety of its residents in efficient and cost-effective ways; and

WHEREAS, in order to remain healthy, vibrant and safe, America's counties provide public health, justice, safety, infrastructure, transportation, technology, environmental stewardship and economic services that play a key role in everything from residents' daily commutes to emergency response; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve;

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors, do hereby proclaim

Sunday, April 1 through Monday, April 30, 2018 As
NATIONAL COUNTY GOVERNMENT MONTH

Item No. 6e. Certificate of Appreciation for Joan Bienvenue and the University of Virginia's Applied Research Institute.

Ms. Mallek noted that this certificate does not require a vote and Mr. Dill will present the certificate to the recipient at the Defense Affairs Committee meeting at the end of the month. She read the Certificate of Appreciation into the record.

**CERTIFICATE OF APPRECIATION
TO
JOAN BIENVENUE AND THE UVA APPLIED RESEARCH INSTITUTE**

WHEREAS, Albemarle County places significant value on the overwhelming importance of our region's national defense installations as critical contributors to the overall safety and security of the United States and its citizens both domestically and around the world; and

WHEREAS, The County also appreciates the many positive direct impacts to our community resulting from a vibrant and energetic defense industry presence including quality jobs, internships/mentorships, volunteer and charitable partnerships, and increased economic vitality, among many others; and

WHEREAS, Our regional national defense and intelligence community is strengthened and supported when leaders from government, academia and industry are brought together specifically to focus on critical challenges and to develop a coherent, coordinated approach to those challenges; and

WHEREAS, The University of Virginia's Applied Research Institute, under the leadership of Director Joan Bienvenue, inaugurated the annual Conference on National Defense and Intelligence in 2014 at the University and Rivanna Station to serve as a convening platform for these critical conversations; and

WHEREAS, June 10 – 12, 2018, will mark the fifth year of this very successful and productive conference, helping our region stay in the national and international forefront of efforts to build resilience and partnership in the interests of national security.

NOW, THEREFORE, we the Albemarle County Board of Supervisors would like to express our sincere appreciation to Ms. Bienvenue and the UVA Applied Research Institute for your vision and energetic leadership in establishing and continuing to develop and grow this very important event in support of the national defense industry and thank you for the many positive benefits it brings to our region.

Item No. 6f. Introduction of Roger Johnson, as Albemarle County's Director of Economic Development.

Mr. Richardson introduced Mr. Johnson. He stated that Mr. Johnson has come most recently from the City of Greenville, North Carolina, where he was responsible for the creation and implementation of all economic development strategies, programs, and policies. Mr. Richardson said that prior to his work for Greenville, Mr. Johnson had been employed by the City of Wilmington for five years and also had private sector experience with Progress Energy in a variety of leadership and management roles. Mr. Richardson commented that they are excited to have Mr. Johnson in Albemarle County and reminded the Board that last October they had invited the Economic Development Authority and Planning Commission to a work session to discuss the County's commitment to economic vitality, and the Board has done an excellent job in clarifying and helping to pave the way for a successful recruitment process that attracts candidates from across the country. He said the Chair of the EDA, as well as several community partners, had

participated in the process and Mr. Johnson had been interviewed by 20 to 30 key leaders, partners and staff.

Mr. Roger Johnson, Director of Economic Development, introduced himself. He said this is the most welcoming and engaged community he has been a part of and characterized the hiring process as transparent and thorough, which he said speaks volumes about the community.

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

Mr. Freddy Weinberg, resident of White Hall, addressed the Board. He asked the Board to consider a developing situation on the Route 250 corridor surrounding the Harris Teeter shopping area which has evolved from a few homes and one business with little traffic to one with multiple businesses on both sides of 250. He said that multi-family housing developments east and west of the shopping center have brought pedestrian traffic with no infrastructure, and he requested that the County install a sidewalk from the Fox Chase development east of the shopping area, noting his understanding that there is a plan to install a sidewalk from the west side. He stated that cars drive at high rates of speed, there is no place to walk, and it is only a matter of time before something happens.

Mr. Frank Dukes, resident of Rio District, addressed the Board. He recognized the anniversary of the assassination of Dr. Martin Luther King, Jr. and recalled that he was in high school at the time and could not figure out why someone who was trying to make this a better country would be harmed. He reminded the Board that 11 months earlier, he had requested the County participate in the Equal Justice Initiative, a lynching memorial that both Charlottesville and Fluvanna would participate in. He noted that a confederate battle flag was put up in Louisa County on private property the previous week and that similar flags have also been put up in Danville, with many residents deeply concerned about the impact on residents, businesses and tourists. He read a prepared proclamation, which he suggested be placed in a resolution to be adopted by the County:

Whereas, the so called confederate battle flag began common use during the civil rights era as a symbol of opposition to basic human rights for African Americans; and

Whereas this flag was used during that era in efforts to intimidate citizens of the United States who were exercising their constitutional rights; and

Whereas under this flag terrorists continue acts of violence against African Americans and others advocating for racial equality, including most recently the murder of nine worshipers at Charleston, South Carolina's Emmanuel African Methodist Episcopal Church and murder and additional violence in Charlottesville; and

Whereas recent years had seen communities across the United States remove this flag from public spaces in efforts to achieve our aspirations for a more perfect union;

Therefore Be It Resolved that the County of Albemarle rejects any efforts to intimidate any of its residents and visitors and; be it further resolved that public display of this flag was inconsistent with the values of our county, our commonwealth and these United States.

At this time the Board took up Agenda Item No. 19.

Agenda Item No. 19. **SP 2017-27 Keswick Tier III Personal Wireless Service Facility.**

PROJECT: SP 201700027 Keswick Tier III Personal Wireless Service Facility.

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL: 0940000003900.

LOCATION: Southwest corner of I-64, Black Cat Road (Route 616) interchange

PROPOSAL: Construct a one hundred and fifty (150) foot tall steel monopole with five (5) antenna arrays. Special exceptions have been requested to allow more than three (3) arrays, to allow mounting equipment to exceed the maximum standoff distance, and to allow disturbance of the buffer between C1, Commercial and RA, Rural Areas zoning. The tower is proposed on the rear portion of the site which is zoned RA, Rural Areas. The front portion of the property is zoned C1, Commercial.

PETITION: Section 10.2.2(48) of the zoning ordinance which allows for Tier III personal wireless service facilities in the RA, Rural Areas district.

ZONING: RA Rural Areas agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) and C1, Commercial which allows retail sales and service; residential by special use permit (15 units/ acre).

OVERLAY DISTRICT: EC- Entrance Corridor.

PROFFERS: No.

COMPREHENSIVE PLAN: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/residential density 0.5 unit/acre in development lots.
(Advertised in the Daily Progress on March 19 and March 26, 2018.)

Mr. Bill Fritz, Development Process Manager, addressed the Board. He said the developer had requested to defer action until the Board's June 6, 2018 meeting in order to prepare information to respond to the comments of the Planning Commission. He said if the Board agrees to the deferral, he will

announce it to those on his email distribution list.

Mr. Randolph **moved** that the Board defer SP-2017-00027, as requested by the applicant. The motion was **seconded** by Ms. Palmer. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.
NAYS: None.

Agenda Item No. 8. Consent Agenda.

(Discussion: Ms. Mallek asked that her assigned minutes be pulled.)

Ms. Palmer **moved** that the Board approve the consent agenda with the minutes removed as requested. The motion was **seconded** by Mr. Randolph.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.
NAYS: None.

Item No. 8.1. Approval of Minutes: August 22, 2017; and January 3, January 4, January 10, and January 30, 2018.

Ms. Mallek pulled her assigned minutes of August 22, 2017, January 4, 2018, and January 10, 2018, and carried them forward to the next meeting.

Mr. Gallaway had read the minutes of January 3, 2018 and January 30, 2018, and found them to be in order.

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

Item No. 8.2. FY 2018 Appropriations.

The Executive Summary forwarded to the Board 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.

There is no increase to the FY 2018 budget due to the appropriations itemized in Attachment A and 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.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2018077, #2018079, and #2018080 for local government and school division projects and programs as described in Attachment A.

Appropriation #2018077	\$0.00
Source: Sidewalk Contingency*	\$ 2,680.05

*This appropriation does not increase the total County budget.

This request is to appropriate \$2,680.05 in Sidewalk Contingency funds to the Belvedere Bond Project to pay unanticipated Virginia Department of Transportation (VDOT) Inspection and Administrative fees required for the State's acceptance of Belvedere Boulevard into the State Secondary Street System for maintenance. These fees were necessary because these bonded road improvements were completed by the County as part of the Belvedere Bond Project.

Appropriation #2018079	\$0.00
Source: Reserve for Contingencies*	\$ 14,500.00

*This appropriation does not increase the total County budget.

This request is to appropriate \$14,500.00 from the Reserve for Contingencies to the Department of Voter Registration and Elections for a mass mailing of voter registration cards to the approximately 75,000 Albemarle County registered voters.

The recent adjustments to voting precincts approved by the Board of Supervisors on March 14

require new voting cards be mailed to approximately 8,000 affected voters to advise of new voting locations. Additionally, all registration cards will be updated at this time to update the Registrar's mailing address. The old mailing address was a mailbox located at Pantops, a 14 mile round-trip for Registrar staff. The new mailing address is a mailbox located at a new location that has opened at 5th Street Station, resulting in a one-mile round trip for Registrar staff.

The total cost of this mailing service is \$35,000.00, and \$20,500.00 will be funded through the Department of Voter Registration and Elections' current budget.

Appropriation #2018080		\$0.00
Source:	School Division Health Insurance Savings*	\$ 1,255,000.00

*This appropriation does not increase the total County budget.

This request is to appropriate the following School Division appropriation request approved by the School Board on March 8, 2018:

This request is to appropriate \$1,255,000.00 in health insurance savings from school staff in the Instructional and Transportation appropriation categories into the Building Services and Technology appropriation categories. As part of the School Board's discussion of the School Division's 2nd Quarter Financial Report on February 22, the School Division identified one-time monies for projects to begin and be completed during the current fiscal year. These projects are detailed below:

Appropriation Category	Item	Amount
Instruction	HS Center Planning Leadership Position	\$50,000
	Investigations Teaching Materials	\$85,000
Instruction Subtotal		\$135,000
Transportation	Passenger Vans (2)	\$50,000
Transportation Subtotal		\$50,000
Building Services	Classroom Furnishings	\$160,000
	Pilot HS Center – One-time Costs	\$265,000
	Classroom Interior and Exterior Window Shades	\$300,000
Building Services Subtotal		\$725,000
Technology	LTE Project – Equipment	\$130,000
	LTE Project – Infrastructure Tech	\$40,000
	MESA Senior Computers	\$60,000
	Pilot HS Center – One-time Costs	\$160,000
	Visitor Management System	\$100,000
	New Web System and Paperless System (Initial Costs)	\$40,000
Technology Subtotal		\$530,000
GRAND TOTAL		\$1,440,000

These items will be funded using health insurance savings identified during the current fiscal year from staff in the four categories. Projects in the Instructional and Transportation categories will be funded using \$185,000.00 in savings from within those categories and do not require additional appropriation. Projects in the Building Services and Technology categories will also be funded using savings from the Instructional and Transportation categories. Moving the \$1,255,000.00 from the Instructional and Transportation categories to Building Services and Technology requires Board action.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2018077, #2018079, and #2018080 for local government and school division projects and programs as described:

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1)
- That Appropriations #2018077, #2018079, and #2018080 are approved; and
- 2)
- That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2018077	4-9011-91000-491000-800605-9999	2680	SA2018077 Belvedere Bond Default County Funds
2018077	4-9010-41350-441200-999999-9999	-2680	SA2018077 Sidewalk Contingency
2018079	4-1000-13020-413020-312510-1001	-6000	SA2018079 Moving funds from 312510-ELECTION OFFICIALS
2018079	4-1000-13020-413020-331607-1001	-4000	SA2018079 Moving funds from 331607-R&M voting Machines
2018079	4-1000-13020-413020-600100-1001	-2000	SA2018079 Moving funds from 600100 OFFICE SUPPLIES

2018079	4-1000-13020-413020-231000-1001	-8500	SA2018079 Moving funds from Healthcare savings
2018079	4-1000-99900-499000-999990-9999	-14500	SA2018079 Reserve for Contigencies
2018079	4-1000-13020-413020-520100-1001	35000	SA2018079 Postal Services: Mass Mailing
2018080	4-2000-62100-461565-231000-6599	-755000	SA2018080 Health Insurance Savings
2018080	4-2000-62100-461570-231000-6599	-500000	SA2018080 Health Insurance Savings
2018080	4-2000-62115-468200-301210-6599	140000	SA2018080 Contract Services
2018080	4-2000-62115-468200-540305-6599	100000	SA2018080 Software Licenses
2018080	4-2000-62115-468200-800700-6599	170000	SA2018080 Technology Equipment
2018080	4-2000-62115-468300-800700-6599	120000	SA2018080 Technology Equipment
2018080	4-2000-62433-462420-312000-6599	15000	SA2018080 Other Prof. Services
2018080	4-2000-62433-464600-800200-6599	710000	SA2018080 Furniture and Fixtures
TOTAL		0.000	

Item No. 8.3. Brookdale Affordable Housing Performance Agreement.

The Executive Summary forwarded to the Board states that Brookdale is a proposed 96-unit multifamily rental development proposed for construction on Mountainwood Road and owned by Bluestone Land, L.L.C. The development is supported by tax-exempt bonds and low-income housing tax credits, which require that the units remain affordable and restricted to households at or below sixty percent (60%) of the area median income for thirty (30) years. On September 6, 2017, the Board of Supervisors approved a Performance Agreement that would provide incentives based on tax receipts for the value of improvements associated with the development. These incentives would be made in coordination with the County’s Economic Development Authority (EDA).

After the execution of the Performance Agreement by all parties and during underwriting of the development by the Virginia Housing Development Authority, a minor revision was requested to clarify the responsibility of any future owner of the development. The County Attorney’s Office and Bluestone Land, L.L.C.’s attorney have both reviewed and approved the revised language as shown in Paragraph #6 on Page 6 of the attached revised Performance Agreement (Attachment A). This revised language would allow for the transfer of ownership without approval of the EDA or the County and commits any future owner to comply with the Agreement. The EDA received the revised agreement for approval at its March 20, 2018 meeting.

There is no budgetary impact related to this action.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the revised Performance Agreement (Attachment B).

By the above-recorded vote, the Board adopted the following Resolution to approve the revised Performance Agreement:

**RESOLUTION TO APPROVE
REVISED PERFORMANCE AGREEMENT
BETWEEN THE ECONOMIC DEVELOPMENT AUTHORITY
OF ALBEMARLE COUNTY, VIRGINIA,
BROOKDALE PARTNERS LP, AND ALBEMARLE COUNTY, VIRGINIA
FOR AFFORDABLE HOUSING IN THE BROOKDALE DEVELOPMENT**

WHEREAS, the Board finds it is in the best interest of the County to enter into a revised Performance Agreement with the Economic Development Authority of Albemarle County, Virginia and Brookdale Partners LP for the construction of affordable housing in the Brookdale Development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the revised Performance Agreement between the Economic Development Authority of Albemarle County, Virginia, Brookdale Partners LP, and Albemarle County for the construction of affordable housing in the Brookdale Development, and authorizes the County Executive to execute the revised Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT made and entered into this _____ day of __, 2017, by and between the **ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA**, (“the EDA”) **BROOKDALE PARTNERS LP**, a Virginia limited partnership (the “Developer”), and **ALBEMARLE COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the “County”).

WHEREAS, the Developer intends to develop affordable housing at Albemarle County Parcel Number 07600-00-00-046C1, located on Country Green Road, Albemarle County, Virginia, in substantial conformance with the Initial Site Plan application number SDP201700003 approved by the County on March 20, 2017 (the “Project”); and

WHEREAS, the Albemarle County Board of Supervisors (“Board of Supervisors”) desires to promote and encourage affordable quality housing for all income levels in the County of Albemarle, Virginia

pursuant to Objective 6 of Chapter 9 in the Albemarle County Comprehensive Plan; and

WHEREAS, on September 6, 2017, the Board of Supervisors adopted a Resolution expressing the County's commitment to support the development of affordable housing by agreeing to provide the Project with semi-annual grants through the EDA based on a certain percentage of the taxes paid by the Developer due to the increased real estate assessment; and

WHEREAS, the EDA desires to promote and encourage the economic development and vitality of the County and assist in providing affordable quality housing in the County by agreeing to provide the Developer with any grants submitted to the EDA by the County to support the development of affordable housing in the County; and

WHEREAS, the Board of Directors of the EDA approved a Resolution on _____, agreeing to the terms of this Agreement and authorized the Chairman of the EDA to sign this Agreement on behalf of the EDA; and

WHEREAS, the Board of Supervisors approved a Resolution on _____, agreeing to the terms of this Agreement and authorized the County Executive to sign this Agreement on behalf of the County.

NOW, THEREFORE, in consideration of the mutual promises, covenants and obligations herein contained, and other good and valuable consideration, the parties agree as follows:

1. The Developer agrees to the following:
 - (a) The Developer agrees to develop the Project in substantial conformity with the Initial Site Plan application number SDP201700003 approved by the County on March 20, 2017. The Developer specifically agrees to develop at least eighty-four (84) units reserved for households with incomes less than 60% Area Median Income (AMI). As recommended by County Planning staff during the Initial Site Plan process, the Developer intends to utilize Density Bonus provisions in the Albemarle County Code (Section 18.4.3) to develop up to ninety-six (96) units reserved for households with incomes less than 60% Area Median Income (AMI) to be shown in a Final Site Plan application. This Performance Agreement shall apply to all affordable units developed pursuant to an approved Final Site Plan. The Developer shall certify annually to the County Executive that these affordable housing uses are continuing with respect to the Project.
 - (b) The Developer shall obtain site plan and building permit approval from the County to construct at least eighty-four (84) residences at the Project. The Developer shall certify to the County it has been awarded Federal Low Income Housing Tax Credits eligible for affordable housing development and has obtained approval from a reputable financial institution agreeing to finance the construction of the buildings and appurtenant site improvements.
 - (c) The Developer agrees to begin construction of the Project within One Hundred Eighty (180) days of obtaining building permit approval, subject to force majeure events or written agreement of the parties extending such time period.
 - (d) The Developer shall substantially complete the construction of the Project in substantial accordance with the approved conceptual elevation and site plan and obtain the required certificate of occupancy (which may be a temporary certificate of occupancy) for the first building within thirty-six (36) months from the date construction begins, subject to force majeure events or written agreement of the parties extending such time period.
 - (e) The Developer agrees to continuously operate and to maintain the Project during the term of this Agreement and be responsible for all maintenance, taxes, insurance and other costs associated with the Project. If the use of the Project changes during the term of this Agreement, the Performance Incentive will no longer be provided. If any County taxes on the Project are delinquent during the term of this Agreement, the Performance Incentive will not be provided until the delinquency is satisfied.
2. The County agrees to the following:
 - (a) The County agrees to provide to the EDA funding for a Performance Incentive Grant (the "Grant") over a time period commencing with the first real estate tax bill that is based on an increased assessment of the property due to development of the Project which is billed after a certificate of occupancy (which may be a temporary certificate of occupancy) for the Project is issued and ending nineteen (19) years from the date of issuance of the final certificate occupancy for the Project. The Performance Incentive Grant shall be as follows:
 - (i) Commencing on the date of issuance of the first tax bill reflecting an increased assessment arising out of the development of the Project after issuance of a certificate of occupancy (which may be a temporary certificate of occupancy) for

Project and through 15 years after the issuance of the final certificate occupancy for the Project, the annual grant shall be based on 100% of real estate taxes paid on the tax increment (the amount of future increases in the real estate tax assessment above the existing assessment) (the "Tax Increment") of the property owned by the Developer and comprising the Project (Albemarle County Tax Parcel Number 07600-00-00-046C1), which shall be determined annually by subtracting (i) the stipulated current assessed value of the property of \$1,057,800 from (ii) the future assessed value of the property based upon a re-assessment of the property arising out of development of the Project (as determined by the Albemarle County Commissioner of the Revenue on an annual basis).

ii In year 16, the Grant shall be based on 80% of the real estate taxes aid on the Tax Increment. In year 17, the Grant shall be based on 60% of the real estate taxes paid on the Tax Increment. In year 18, the Grant shall be based on 40% of the real estate taxes paid on the Tax Increment. In year 19, the Grant shall be based on 20% of the real estate taxes paid on the Tax Increment.

- (b) The County shall provide to the EDA the required funding for the Grant semi-annually subject to the terms and conditions of this Agreement. The County shall provide the EDA the required funding for the Grant within fifteen (15) days after the Developer has paid the full amount of the assessed County real estate taxes due for the applicable half of the year.
- (c) The Grant shall commence with the first real estate tax bill issued that is based on an increased assessment of the property due to development of the Project after the issuance of a certificate of occupancy (which may be a temporary certificate of occupancy) for the Project. The Grant shall continue to be paid for a period of nineteen (19) years from the date of issuance of the final certificate occupancy for the Project.

3. The EDA Agrees to the following:

- (a) Subject to the Developer performing each and all of its obligations under this Agreement, the EDA agrees to, on a semi-annual basis, and within fifteen (15) days of receipt of the semi-annual Grant funding from the County, to disburse the Grant funding proceeds to the Developer consistent with the terms and conditions of this Agreement as requested by the County.
- (b) The EDA shall have no obligation to the Developer to provide the Grant if the County does not first provide the EDA with the funds. The EDA's only obligation to the Developer is to provide the Developer with the Grant funds that were provided to the EDA by the County.

4. This Agreement shall be governed by, construed, interpreted and the rights of the parties determined in accordance with the applicable laws of the United States and the Commonwealth of Virginia. The venue for any dispute between the parties relating to this Performance Agreement shall be exclusively state courts of competent jurisdiction in Albemarle County, Virginia or the United States District Court, Western District of Virginia, Charlottesville, Virginia.

5. Notice and other correspondence regarding this Agreement shall be hand delivered or mailed through the U.S. Mail or by national overnight carrier to the following addresses, or to such other or additional addresses as the parties may designate in writing:

EDA: Albemarle County Economic Development Authority
Attention: Chair
401 McIntire Road
Charlottesville, VA 22902

Developer: Brookdale Partners LP
Attention: William Park
1821 Avon Street Extended, Suite 200
Charlottesville, VA 22902

County: Albemarle County Executive's
Office Attention: County Executive
401 McIntire Road
Charlottesville, VA 22902

6. This Agreement shall inure to the benefit of any party acquiring the Project, without the written consent of the EDA or the County so long as the new entity expressly assumes the obligations herein and remains fully liable under this Agreement.

7. Each party shall execute and deliver, or cause to be executed and delivered, any and all instruments, documents and conveyances, and take any and all action as shall be necessary or convenient, required to vest in each party all rights, interests and benefits

intended to be conferred in and under this Agreement.

8. This Agreement may be executed in Counterparts, each one of which, when all parties have signed, may be conformed and shall constitute an original document.
9. This Agreement shall be binding on the parties, their respective successors and assigns.
10. This agreement shall be subject to an annual appropriation by the Board of Supervisors. Failure by the Board of Supervisors to appropriate the Grant shall terminate this Performance Agreement with no further obligation upon the part of either party. Notwithstanding the foregoing to the contrary, provided the Developer pays the full amount of assessed real estate taxes due, the County shall fund the Grant as set forth in this Agreement.
11. This Performance Agreement may be amended by the mutual written consent of all three parties.
12. This Agreement is the full and complete agreement between the parties and no amendment or modification can be made to this Agreement unless and until it is reduced to writing and executed and delivered by all parties.

WITNESS the following signatures and seals.

DEVELOPER:

**BROOKDALE PARTNERS LP,
a Virginia limited partnership**

By: BROOKDALE LLC,
a Virginia limited liability company, its General Partner

By: BLUESTONE LAND, L.L.C.,
a Virginia limited liability company, its Manager

By: _____
William N. Park, Manager

**ECONOMIC DEVELOPMENT AUTHORITY OF
ALBEMARLE COUNTY, VIRGINIA**

W. Rod Gentry, Chair

COUNTY OF ALBEMARLE, VIRGINIA

Jeffrey B. Richardson, County Executive

Item No. 8.4. SUB 201700067 Dunlora Park – Special Exception to Front Setbacks.

The Executive Summary forwarded to the Board states that the developer of Dunlora Park, Phase 1 (SUB2017-67, approved on 9-28-2017) has requested a special exception to increase the maximum front setback for Lots 7, 8, 10, and 11 (TMP 062F0040000700, 062F0040000800, 062F0040001000, and 062F0040001100) from 25' to 50'. These four (4) lots were developed under the by-right R-4 zoning and utilize non-infill setbacks, and are located on a cul-de-sac, Marin Court. In this development the use of cul-de-sacs was essential to provide a minimum of 25% open space and preserve the existing streams and preserved slopes, which make up (3) sides of the property. In order to preserve these environmental features the development included two (2) cul-de-sacs. The density of the development is in conformity with the Comprehensive Plan, which designates a recommended density of 3 - 6 residential units/acre for this area. The development was approved at a density of 4.87 units/acre by providing four (4) affordable homes, which allowed four (4) additional market rate units.

The frontage for the cul-de-sac lots vary in width between 38' and 45'. They narrow at the right-of-way and widen as the lots get deeper. Utilizing the 5' minimum or the 25' maximum front yard setbacks on a cul-de-sac lot creates a serious hardship for any builder. In order to meet these setbacks the homes on a cul-de-sac lot must be front loaded with garages that extend closer to the road, a form of development (often referred to as "snout houses") discouraged by County policies. Allowing the front yard setback to be increased to 50' on these cul-de-sac lots allows the construction of single-family detached homes that does not require a front loaded garage that is stretched to meet the maximum setback. The houses can be developed in a manner that relegates the garages behind the front porches of the proposed units.

Section 4.19(4) of the Albemarle County Zoning Ordinance permits a special exception to be granted for the maximum front setback of a lot within the R-4 district to accommodate low impact design, unique parking or circulation plans, or a unique target market design. With this proposed exception request, the special exception addresses the unique circumstances created by the shape of cul-de-sac lots and allows for a better parking and circulation plan with the garages relegated by the front porches or fronts of the houses on these four (4) lots. Second, by relegating the garages, the design meets the target market design of the neighborhood and a design principle of the neighborhood model within the Comprehensive Plan for this area (relegating parking).

Based on the above-mentioned circumstance staff supports the special exception. Additionally the proposal does not cause an unusual layout or design and does not have any apparent negative affect on neighboring or nearby development. As illustrated in the attached exhibits these four (4) lots will be consistent with the other homes in the development, and all the houses on the cul-de-sac will be constructed on the same plane, creating a homogenous streetscape.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception.

By the above-recorded vote, the Board adopted the following Resolution to approve the special exception:

**RESOLUTION TO APPROVE SPECIAL
EXCEPTION FOR SUB 201700067
DUNLORA PARK**

WHEREAS, the Owner of Tax Map Parcel Numbers 062F0-04-00-00700, 062F0-04-00-00800, 062F0-04-00-01000, and 062F0-04-00-01100 filed a request for a special exception in conjunction with SUB 201700067 Dunlora Park, to modify the required setbacks, as depicted on the pending plans under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Executive Summary prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception(s) in Albemarle County Code §§ 18- 4.19(4), 18-15.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the required setbacks, subject to the condition attached hereto.

* * *

**SUB 201700067 Dunlora Park – Special Exception to Front
Setbacks Special Exception Condition**

1. The maximum front setback on Tax Map Parcel Numbers 062F0-04-00-00700, 062F0-04-00-00800, 062F0-04-00-01000, and 062F0-04-00-01100 shall be fifty feet (50').

Item No. 8.5. Special Exception: Boar's Head Connector Road.

The Executive Summary forwarded to the Board states that the University of Virginia Foundation (UVAF) has recently submitted ZMA201700010, which requests permission to use a private street (the "Boar's Head Connector Road" or "connector road") on a permanent, unrestricted basis. This connector road was previously approved by the County for temporary use, with conditions (SP201700023); and the County is currently reviewing the engineered road plans (SUB201700203).

Because the construction of this connector road in a commercial zoning district would include land disturbance and grading within 20 (twenty) feet of adjacent residential zoning districts, this proposed project requires a special exception pursuant to County Code §18-21.7(c).

More specifically, UVAF is requesting that the County grant a special exception to waive the "buffer zone adjacent to residential and rural areas districts" *requirement contained in County Code §18-21.7(c), to "allow grading within twenty (20) feet of the adjoining R-4 Residential district (Ednam Village) and R-1 Residential district (Birdwood) in order to construct the proposed Birdwood Connector Road (the "Connector Road"), as shown on the attached Roadway Plans (Sheets C4.01 and C4.02, the "Roadway Plans") and Grading Plans (Sheets C7.01 and C7.02, the "Grading Plans"), which are related to SUB201700203, currently under review by the County."* (Attachment A)

With regards to the findings contained in the Staff Analysis (Attachment B), inclusive of the criteria to be considered pursuant to Albemarle County Code 18.21.7(c) (i), (ii), and (iii), staff recommends approval with conditions of this request for a special exception.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception request (Attachment C).

By the above-recorded vote, the Board adopted the following Resolution to approve the special exception request:

**RESOLUTION TO APPROVE SPECIAL
EXCEPTION FOR BOAR'S HEAD
CONNECTOR ROAD**

WHEREAS, the Owner of Tax Map Parcel Number 059D2-01-00-01500 (the "Property") filed an Application for a special exception in conjunction with ZMA201700010 Boar's Head Connector Road and SUB201700203 Temporary Golf Course Connector Road to waive the buffer zone requirements of County Code § 18-21.7(c) to allow grading and construction activity for the permanent use of the "Boar's Head Connector Road," the temporary use of which the Board approved on December 13, 2017 (SP201700023

Birdwood-Boar's Head Temporary Connector Road – Amendment).

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-21.7, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to waive the buffer zone requirement for the development of the Property, subject to the conditions attached hereto.

* * *

**SP201700023 Birdwood-Boar's Head
Temporary Connector Road –
Amendment**

Special Exception Conditions

1. The proposed grading and construction activity within the twenty (20) foot buffer zone along the adjacent R1 and R4 residential districts shall be for the purposes of constructing the Boar's Head Connector Road and installing the required landscaping and screening, in accordance with the specific terms and details of the Roadway Plans and Grading Plans submitted with the Application for this special exception, prepared by Dewberry Engineers, Inc., dated February 1, 2018, and in accordance with the specific terms and details of the Proposed Landscaping and Screening Exhibit submitted with the Application for this special exception, dated March 5, 2018.
2. Grading and construction of proposed improvements are subject to approval of SUB201700203 Temporary Golf Course Connector Road, WPO201700076 Temporary Golf Course Connector Road, and all other applicable plan approval(s) and/or permit(s).
3. Landscaping and screening shall be installed and maintained in accordance with the specific terms and details of the Proposed Landscaping and Screening Exhibit submitted with the Application for this special exception, dated March 5, 2018.

Item No. 8.6. Board-to-Board, March 2018, ***A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, was received for information.***

Item No. 8.7. Albemarle County Service Authority Quarterly Report, ***was received for information.***

Item No. 8.8. Virginia Department of Transportation (VDOT) Quarterly Report, ***was received for information.***

Item No. 8.9. Natural Heritage Committee Annual Report, ***was received for information.***

Agenda Item No. 9. Open Air Burning Regulations for Land Clearing and Development Operations.

The Executive Summary forwarded to the Board states that Albemarle County regulations for open-air burning conform to applicable Federal Codes, Virginia State Code, the Statewide Fire Prevention Code, and regulations promulgated by the Virginia Air Pollution Control Board (Attachment A). Burning regulations are codified in Albemarle County Code, Chapter 6, Article IV (Attachment B) and allow open-air burning under specific circumstances. Open-air burning occurs as part of agriculture management practices, cleanup of yard waste, land maintenance, storm cleanup, and the clearing of land for development. A permit is not required for burning associated with private residence yard maintenance or land maintenance on agricultural/larger properties where owners/staff have attended the County's Certified Open Burn class. Permits are required for land clearing operations associated with construction and land development.

The Board has addressed open-air burning on a number of occasions. The Board was briefed on open-air burning associated with land clearing on July 02, 2008 (Attachment C), barring open-air burning of trash on January 09, 2013, and increasing open-air burning permit fees associated with land clearing on March 04, 2015. The Board most recently discussed open-air burning on December 06, 2017 (Attachment D). During the 12/06/17 meeting, the Board requested staff return with additional information and specific recommendations regarding open-air burning regulation.

The focus of open-air burning regulation in Albemarle County is fire safety and healthy air quality. Current County regulations are more stringent than federal, state, and Air Pollution Control Board regulations. In general, open-air burning is limited to untreated, clean, natural wood, vegetation, and brush though there are very limited circumstances where other items may be burned (e.g. agricultural practices dealing with land management or disease control).

Open-air burning occurs in all of areas of Albemarle County. The intensity varies from a neighbor burning a small amount of leaves and garden trimmings to the burning of large piles of debris waste

(stumps, brush etc.) associated with the clearing of a large tract of land for development. Though complaints occasionally arise from the smaller burns it is the larger burns that receive the most attention. Due to the permit process, most of these burns comply with current regulations, but because of their visibility, still raise concerns amongst citizens. Tools are available within the regulations to deal with burns not in compliance. The problem arises when the burns do comply with regulations but nearby property owners still raise concerns.

Although banning open-air burning outright is an option, it may have unintended consequences. As an example, open-air burning for agricultural/land management has the dual function of increasing fire safety by eliminating fuels that can easily ignite and spread ground cover fires. The lack of municipal leaf/yard trimming removal could curtail yard maintenance or allow for accumulation of debris that adds a fire hazard and is unsightly. Some open air burning may be desirable; focusing exclusively on enhancing regulations for burning involving land clearing/development operations may address the problem.

Other options exist rather than open-air burning for land clearing/development operations such as hauling away the debris waste or grinding on site & hauling. These options, however, are not without their own concerns/issues.

- Higher cost. Contractors/developers advise the average bid for a land-clearing project using open-air burning is \$3500 an acre while the hauling and/or grinding options average \$10,000 an acre. Using these estimates, an 80 acre land clearing project will be \$280,000 for burning and \$800,000 for hauling/grinding. It is presumed that this additional cost is transferred to the per unit cost of a development thereby increasing home costs.
- Truck use and traffic. Using the same 80 acre example, contractors estimate that hauling debris away will take just over 200 trips. Concerns with this option include noise, hazards from large vehicles on roads often not designed for this type of traffic, and the carbon footprint (which may be as large or larger than a properly managed burn operation). Although grinding may reduce the number of truck trips, contractors advised it would not be by much. Some waste debris must still be removed from the site anyway (not all of it is suitable for grinding) and the ground material is most often hauled off as well.

Complaints associated with open-air burning in land clearing/development operations center around three (3) themes: Continuous “round the clock” operations, property damage, and exposure to smoke. When the issue of open-air burning was last addressed with the Board, consensus appeared to be around strengthening existing legislation to address these concerns. These issues may be addressed as follows (specific legislation changes are outlined in the staff recommendation):

- Continuous operations: Limiting the period during which open-air burning for land clearing/development operations may occur coupled with a limit to the number of permits allowed per parcel may address these concerns.
- Damage to personal property: Requiring proof of liability insurance will help ensure that damage issues are addressed.
- Smoke exposure: Increasing the distance from occupied structures requiring permission to 2000 feet, but allow a reduction to 1000 feet if an appropriate special incineration device (e.g. air curtain) and process is utilized. Requiring a site and burn operation plan outlining how the applicant will address specific issues such as adverse atmospheric conditions and pre-burn notification of nearby neighborhoods will help to ensure a clean burn as well as prepare citizens early for the impending operation (thereby reducing smoke exposure).

Any action that results in changes to the Albemarle County open-air burn regulations must receive approval from the Virginia Air Pollution Control Board and a public hearing process.

The staff recommends strengthening the Albemarle County open-air burning regulations specific to land clearing/development operations only. These recommendations are summarized in Attachment E.

The budget impact varies significantly based on the degree to which the Board wishes to regulate open-air burning. The County currently assesses a fee of \$500 for a burn permit specific to land clearing. Should the Board desire to ban burning completely or limit it by district, the budget impact will be a reduction in permit revenue of approximately \$21,000 annually. Should the Board endorse staff's recommendations (see below), there will be some additional workload but significant budget impact is not anticipated at this time.

Staff recommends that the Board:

1. Consider recommendations regarding changes to the County's open burning regulations specific to land clearing/development operations as indicated in Attachment E.
 2. If/when satisfied, direct staff to prepare a draft ordinance to amend the County's open burning regulations for the Board's approval prior to presenting it to the Virginia Air Pollution Control for its approval.
 3. Authorize a public hearing on a draft ordinance; such public hearing to be scheduled once state approval has been obtained.
-

Chief Howard Lagomarsino, Albemarle County Fire Marshal, stated that at the December Board meeting he was asked to return with specific recommendations. He said he took photos around the County Office Building to demonstrate distances. He presented a photo of the Commonwealth Building taken from the County Office Building to demonstrate a distance of 500 feet. He described another photo taken of the County Office Building from a nearby ball field to demonstrate a distance of 1,000 feet. Mr. Lagomarsino stated they have come up with recommendations after looking at how other jurisdictions deal with open air burning by limiting distances, time and permits. He proposed that the County increase the distance to 2,000 feet and allow this to be reduced to 1,000 feet if the property owner uses an incineration device such as an air curtain to reduce smoke emissions.

Ms. Palmer asked for clarification that he is referring to regulations from commercial properties and not residential. Mr. Lagomarsino confirmed this. He explained that typical complaints involve burning of debris waste from large, land clearing operations. He said they have spoken with developers and discussed the cost of burning vs. non-burning and learned it costs \$3,500 - \$4,500/acre for burning and up to \$10,000/acre to haul the product off. He said an issue that arises out of non-burning is increased truck traffic and on-site grinders. He explained that they have taken both sides into account.

Mr. Randolph commented that in Mr. Lagomarsino's calculation of the costs of burning vs. hauling he had not factored in the externalities of increased carbon resulting from burning and ancillary effects of climate change.

Mr. Lagomarsino explained that according to the manufacturers, incinerators push smoke emissions down into the fire and burn off the carbon emission and, if operated properly, result in emissions levels below the emissions resulting from hauling.

Mr. Randolph said he hopes someone in the area would rent these, as it would have an impact in reducing carbon emissions and result in a more effective burn.

Ms. Palmer noted that Mr. Lagomarsino said emissions would be reduced if the incinerators were used properly and asked if they are often not used properly.

Mr. Lagomarsino said the incinerator devices are usually owned by the user and not rented since the rental companies do not receive a favorable return. He explained how other jurisdictions require a burn plan that addresses location on the site, responses to complaints, and related issues. He said the County does not require a written plan, though this could be put in the ordinance language. He explained that he had learned from other jurisdictions that they limit the time when burning is allowed, and he proposed that they limit burning from 8:00 a.m. – 8:00 p.m. Monday through Friday, to lessen the impact on neighbors who are likely to be at work. Further, he proposed that during state forestry restrictions from February 15 through April 30 they not allow any land clearing burning.

Mr. Randolph noted that while they have time limits, they do not have environmental or atmospheric limits for burning, and he suggested the Board discuss potentially limiting burning during windy conditions.

Mr. Lagomarsino replied that this is addressed in State Fire Code Section 307.1.1, which allows a fire official to restrict burning based on atmospheric conditions.

Mr. Randolph said it would be valuable for the Board to make that clear and to include time limits according to atmospheric conditions.

Mr. Lagomarsino explained that some jurisdictions require a minimum liability policy – including Henrico County, which requires liability insurance of \$1.5M. He said they could also limit the number of permits for each parcel and proposed a limit of three as a starting point.

Mr. Randolph suggested they discuss the possibility of allowing burning at certain times, such as at the end of fall and spring, to make it easier for fire officials.

Mr. Lagomarsino emphasized that permits only apply to land development operations and not to agricultural maintenance. He said the ridding of debris improves fire safety by reducing ground cover for a fire to spread.

Mr. Lagomarsino presented a list of next steps: draft ordinance for Board of Supervisor's approval to proceed to public hearing; after public hearing process, submit document to Virginia Air Pollution Control Board for review; and upon approval by Virginia Air Pollution Control Board, final presentation to the Board of Supervisors for adoption.

Mr. Randolph asked how long a fire might smolder, assuming a permit had been issued. Mr. Lagomarsino replied that the fire is supposed to be put out when people leave it.

Ms. Palmer asked how easy it is to stop and start a commercial burn, assuming an air curtain is used.

Mr. Lagomarsino explained that the pit is smothered with dirt to put out the fire, and a new pit is dug the next morning.

Mr. Lagomarsino offered to respond to a question posed by Ms. Mallek in an email regarding how far from a home a burn must be. He said the code requires a distance of 50 feet from a structure, which may be reduced to 25 feet if the pile is reduced to a size of 3 feet by 2 feet or less.

Ms. Palmer asked if there is a time restriction for residential burns. Mr. Lagomarsino replied that there currently is not a time, though these burns are usually carried out on weekends. He explained they have a Certified Open Air Burner class for farm workers to learn how to conduct safe burns and prevent fire spread.

Mr. Randolph asked if there is ever a reason to limit the amount of burn material, as this question had recently been posed to him by a constituent. Mr. Lagomarsino replied that if the size of a burn pile is addressed in the burn plan, it would require farmers to consider whether a burn would be out by the end of the day. He noted that residential burns are usually small piles.

Ms. Palmer asked about a new state law prohibiting residential burning after 4:00 p.m. Mr. Lagomarsino replied that this law has been in effect for a while and explained that the air is drier during the daytime, which allows for fire spreading. He said they propose to prohibit open air burns at certain times for land clearing operations.

Ms. Mallek expressed concern that burning is so cheap and easy that many developers do not keep majestic, giant trees that require days to burn, or have a forester take these trees to the lumber mill. She said leaving these trees alone provides value for the future homeowner and the neighborhood versus bulldozing the trees. She said Mr. Lagomarsino had made some suggestions that are a good step forward, though perhaps they should strengthen regulations. She said she understands that land clearing before replanting is under the supervision of the Forestry Department and they should not confuse the County's regulations with what they can allow. Ms. Mallek stated that the state agriculture rules exempt plastic ground cover from the regulations, which she described as atrocious due to petrochemicals contained in them – and does not want this to be condoned by their ordinance. She also expressed concern with the burning of fertilizer and chemical containers that are also exempt and hopes the Board will carefully examine what the state allows and determine what they can ask for that would be important to local citizens. Ms. Mallek noted that some people with respiratory problems cannot go outside for weeks at a time due to burnings, and she also expressed concern with wood brought in from another site to Foothills Crossing to be burned. She described the current rules as being “very weak” and giving staff limited enforcement ability. She described a recent occurrence when an approved burn caught on fire and jumped into a forest, causing large flames.

Ms. Palmer asked Mr. Lagomarsino to elaborate on what a commercial burn involves. Mr. Lagomarsino explained that much of the clearing and burning involves what is left over after logs and trees have been sold to a lumberyard. He said that agricultural burning is regulated by the Forestry Department, and his office has not witnessed the burning of plastics and fertilizers in their inspections. He reminded the Board that farmhands that maintain large agricultural properties attend the Certified Open Burn class. He said a large part of the burning involved the creation of new fields and storm damage maintenance.

Ms. Palmer asked if they examine commercial burn operations prior to the fire being started. Mr. Lagomarsino confirmed this and said if a complaint is received, staff returns.

Ms. Palmer asked about the effectiveness of enforcement. Mr. Lagomarsino explained their approach is to first educate and provide a warning with court proceedings as the next step.

Ms. Mallek asked if they impose a fee the first or second time they respond to a complaint. She also asked about the time period covered by a permit and how often they check on the applicant. Mr. Lagomarsino replied that the fee is built in and the permit is active for 60 days.

Ms. McKeel asked for an idea as to how many are not obeying the rules and whether it is an issue of several bad players or a countywide problem. Mr. Lagomarsino responded that they issue over 40 permits annually and receive complaints for many of them, though they found that 90% of the complaints were unfounded when they followed up. He said the typical complaint they receive is that no one is present at the burn pile after a fire has been covered up with dirt.

Ms. McKeel expressed agreement with comments made by Mr. Randolph that they should go forward with best practices to address environmental concerns. She noted that Vito Cetta, the developer of the Out of Bounds development, had done a really good job recently in her neighborhood with a burn.

Mr. Lagomarsino explained that they receive more complaints about smaller developments than larger ones, as neighbors are closer to the property and more likely to witness a burn.

Ms. Palmer asked how they can have more oversight for larger burns to prevent bad actors from making people sick. Mr. Lagomarsino recognized that they have competing demands every day, and he would have to crunch the numbers to provide an answer.

Ms. Mallek asked if he has access to the ticketing process used by Zoning. Mr. Lagomarsino replied that their ticketing process goes through the Magistrate in criminal court.

Ms. Mallek commented that people know the civil process takes forever and continue to do what they are doing. With the ticketing, process it is immediate and more effective. She said she hopes the Board will consider – and the legal department can determine – if this option were available.

Mr. Lagomarsino responded that they could revoke the permit and then issue a criminal summons, with a possible charge as a Class 1 misdemeanor and a penalty of up to one year in jail and \$2,500 fine, if the burn continues after revocation.

Mr. Kamptner asked how long it typically takes to get to a court hearing after a summons has been issued. Mr. Lagomarsino replied that they are held the third Tuesday of every month and they can go through the process within 60 days.

Ms. McKeel said she had heard from staff that those who do not follow the rules wait until fines reach a certain level before paying attention, and \$50 to \$100 fines are not effective and would have to be higher to deter people from ignoring them.

Mr. Kamptner stated that civil penalties for zoning ordinance violations start at \$250 and reach a maximum of \$5,000, after which they could resort to criminal enforcement. He said since the ordinance was adopted, they have had about three violators of the zoning ordinance that reached the \$5,000 maximum.

Mr. Lagomarsino asked Mr. Kamptner if they have the authority to impose civil penalties. Mr. Kamptner said he would research this.

Ms. Palmer asked how often curtains are used for commercial burns. Mr. Lagomarsino replied that companies now own curtains and use them regularly.

Ms. Palmer expressed agreement with the proposals and she would like to deal with bad actors faster and more effectively.

Mr. Lagomarsino replied that that they must go to trial within a certain timeframe. He explained that each day a violation occurs is considered to be a separate offense under the County code.

Ms. Palmer asked how long it takes to respond to complaints and whether they are able to return day after day to address repeat offenders. Mr. Lagomarsino replied that the Fire Marshal is on call 24/7, they respond immediately, and can make multiple visits.

Ms. Mallek expressed support for higher fines.

Ms. Palmer said the proposal appears to be reasonable and addresses problems people have with breathing and getting too close to the fire.

Ms. McKeel expressed surprise that the existing rule does not require liability insurance.

Ms. Palmer asked if Community Development reviews liability insurance when working with a larger developer, and if insurance is proposed to be required for just burning or for additional things they may do on a property. Mr. Lagomarsino explained that his department looks only at burning, though most companies carry blanket liability insurance. He stated that the proposal would require them to furnish a copy of the policy when applying for a burn permit.

Ms. Mallek asked for clarification that what is up for consideration are distances of 500 and 1,000 feet that requires prior notice to neighbors. Mr. Lagomarsino confirmed this.

Ms. Mallek asked Supervisors if there is interest in setting the higher standard that was followed by Out of Bounds, which she is in favor of. Ms. Palmer replied that she would be uncomfortable with a blanket requirement, as there are circumstances when it makes more environmental sense to have a burn rather than to have trucks come and haul debris out.

Ms. Mallek said she would encourage the use of compost piles onsite.

Mr. Gallaway clarified that the constituent email mentioned by Mr. Randolph concerns private residential property. He asked if the Board intends to resume discussion of burns on private property at a future time so he can address questions he may receive about this.

Ms. Mallek expressed support for having a second discussion about the residential component to address real safety and health issues.

Mr. Randolph said this is a good idea.

Ms. Palmer related that in 2011, a resident of her district had caused a large fire as a result of a burn and said she wants to learn more about this issue.

Mr. Randolph remarked that they would need more material and asked Mr. Lagomarsino to furnish statistics about the number of fires that burn out of control and require the fire company to come out. He recognized that two groups of Monticello High School students are studying this issue and would report to the Board.

Mr. Lagomarsino explained the next step is to present a draft ordinance to the Board, followed by a public hearing and review by the Air Pollution Control Board.

Ms. McKeel agreed with earlier comments by Supervisors that they need more information before addressing the issue of residential burning.

Ms. Mallek asked if the County's ability to require residential burn permits would have to be reviewed by the Air Pollution Control Board, as she believes this element would have the greatest impact at deterrence. Mr. Lagomarsino responded that any change to the ordinance must be reviewed by them.

Ms. Palmer asked if it is better to have both commercial and residential ordinances reviewed by the Air Pollution Control Board simultaneously or to first have them review the commercial aspect. Mr. Lagomarsino expressed a preference to submit both commercial and residential changes to the Board at the same time.

Ms. Palmer **moved** that the Board approve the staff recommendations as presented. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.

NAYS: None.

Ms. Mallek asked if there are topics in addition to residential burns to address. She suggested that Supervisors take a week to think about this and they could discuss ideas at the next meeting.

Mr. Gallaway asked if the initiative to address the issue of burns was triggered by staff or the Board. He asked if a public hearing would involve both proposed commercial and residential changes and if two public hearings would be required. Ms. Mallek replied that the Board had requested this last fall.

Mr. Lagomarsino explained that it could be addressed as two separate issues and processes or combined into one.

Mr. Gallaway asked Mr. Lagomarsino for his opinion regarding potential changes to residential burn regulations. Mr. Lagomarsino replied that the County code can adopt existing state requirements to address distances and pile size.

Ms. McKeel asked Mr. Lagomarsino to come back to the Board with some history and recommendations.

Ms. Palmer remarked that many people conduct burns unaware that there are regulations, and she believes educational efforts could have an impact.

Mr. Walker summarized how he envisions the process moving forward and explained that staff would conduct due diligence and schedule a work session with the Board, obtain feedback, and come back with a proposal. He asked if the Board prefers them to work on the commercial aspect now or to wait and address both commercial and residential aspects later.

Mr. Kamptner asked Mr. Lagomarsino if there is any concern about the time of year when new regulations take effect. Mr. Lagomarsino replied that the land clearing from February 15 to April 30 would be the only thing to be concerned about.

There was Board consensus to address the issue of commercial burns now and residential burns separately, at a future date.

Ms. McKeel **moved** that the Board direct staff to follow the recommendations as presented by staff and to authorize a public hearing. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.

NAYS: None.

Ms. McKeel asked Mr. Lagomarsino to include information about the larger environmental and climate impacts of burning when he returns to present on the questions they have raised. Mr. Lagomarsino agreed.

Proposed Strengthening to County Open-Air Burning Regulations

Specific to land/clearing development operations

REQUIREMENT	CURRENT	RECOMMENDATION
PERMISSION FROM OCCUPANTS	Within 500 feet	Within 2000 feet. * Exception – within 1000 feet with use of a special incinerator device (e.g. Air Curtain).
WRITTEN SITE AND BURN PLAN	Not Required by County Code	Submitted with application and subject to approval
TIME LIMITS FOR BURNING	May burn any time outside of State Forestry restriction (must comply with noise ordinance). During Forestry restriction - Feb 15 th through April 30 th – burning allowed between 4 pm and 10 pm.	Burning only allowed Monday through Friday, between 8 am and 8 pm and only outside of State Forestry restriction. No burning during State Forestry restrictions – Feb 15 th through April 30 th
PROOF OF LIABILITY INSURANCE	Not required by County Code	Require proof of a minimum of \$1.5 million liability insurance
LIMIT TO NUMBER OF BURN PERMITS ALLOWED PER PARCEL	No limit in current County Code	Limit 3 permits/annually per parcel

Mr. Kamptner addressed Mr. Lagomarsino’s earlier question about the County’s ability to impose civil penalties. He said he could not find anything in Title 27 of the Code of Virginia and so it appears the County only has a criminal enforcement option, and under the public nuisance law for injunctive relief.

Agenda Item No. 10. Biodiversity Action Plan for Albemarle County.

Mr. David Hannah, Natural Resources Manager, presented and introduced Ms. Nancy Weiss, Chair of the Natural Heritage Committee, as a co-presenter.

Ms. Weiss said she moved to the area 10 years ago and has always had an interest in the natural world. She explained that her organization consists of all volunteers and remarked on the beauty of the County and their efforts to keep it that way.

Mr. Hannah reminded the Board that the consent agenda includes the 2017 annual report from the Natural Heritage Committee and encouraged Supervisors to review this. He said the Biodiversity Action Plan is nearly complete and today’s discussion will be included in the final report. He said they will finalize priorities and recommendations and come back to the Board in July for a work session, at which time he will seek decisions from the Board about the plan’s recommendations. He requested input from Supervisors after the presentation. Mr. Hannah recognized the contributions to the report made by the Natural Heritage Committee, former committee members and supporters, the Green Infrastructure Center, the Virginia Department of Conservation and Recreation, County staff and the Biodiversity Work Group. He said the Biodiversity Work Group existed from 2002 –to 2004 and created a report to set the stage for the work of the Natural Heritage Committee and its report.

Mr. Hannah read the goal in the Natural Resources Chapter of the Comprehensive Plan: Albemarle’s ecosystems and natural resources would be thoughtfully protected and managed in both the Rural Area and Development Areas to safeguard the quality of life of present and future generations. He next read Objective 4 from the same chapter: protect the biological diversity and ecological integrity of the County in both the Rural Area and Development Areas. He read Strategy 4a: develop an Action Plan for Biodiversity to protect significant areas of biological importance in the County. He explained that the plan calls for landscape-level analysis, identification of priority areas, and periodic updates and revisions to the plan. He said the Comprehensive Plan illustrates several basic concepts and principles of conservation biology and protection of biodiversity. As an example of biodiversity, he pointed out interior forest and edge habitat, which he said contains different species that has evolved to thrive in these areas. He emphasized that today there is more edge habitat and less interior forest than in the past and many species are in decline as a result. He explained the Comprehensive Plan’s goal to have connectivity that allows animals to move across the landscape and reduce the impact of fragmentation.

Mr. Hannah presented a definition of biodiversity from Malcom Hunter (1996): the diversity of life in all its forms and at all levels of organization. He recognized three levels of biodiversity: species, genetic, and ecosystem. He said the biodiversity plan emphasizes diversity of the ecosystem as a diverse and healthy landscape that allows movement of animals and plants, helping protect species and genetic diversity over time. He said an unhealthy and fragmented landscape has the opposite effect. He listed the five types of ecosystems recognized in the plan: 1) forests, 2) outcrops, bluffs, and other xeric habitats, 3) relict piedmont prairies, meadows, and grasslands, 4) rivers, streams, and riparian areas, 5) wetlands.

Mr. Hannah began with the first ecosystem, forests, and presented a slide with photos of various characteristics of closed-canopy forests. He next presented a slide with photos of outcrops and bluffs under the ecosystem of outcrops, bluffs, and other xeric habitats, and noted that some of these landscape features harbor uncommon vegetation. He presented photos of meadows and grasslands under the ecosystem of piedmont prairies, meadows, and grasslands. He noted these are desirable to butterflies, insects and other animals. He next reviewed the fourth type of ecosystem; rivers, streams, and riparian areas; and presented various photos of County rivers and streams. He emphasized the importance of large stream buffers to salamanders and to protecting biodiversity by reducing fragmentation. He concluded with wetlands and presented photos of a vernal pool near Rio Mills Road, Avon Swamp at Biscuit Run and a seepage swamp at Biscuit Run.

Mr. Hannah presented photos of the striped skunk and spotted salamanders, which inhabit developed areas of the County. He pointed out there are 45,000 unused development rights in the rural area and these are examples of open space that are not as supportive of biodiversity as some other types of open space. He said if these land uses come to dominate the landscape, this will be detrimental to biodiversity and it should not be assumed the rural area is protected over the long term.

Mr. Hannah said he would next discuss known threats to biodiversity, including fragmentation. He explained that fragmentation reduces habitat, creates more edge habitat, reduces interior forest, and isolates wildlife populations, which can lead to a decrease in genetic diversity and local extinctions. He presented an aerial photo of a forest patch with powerlines running through it and pointed out that powerline corridors and roads allow for the movement of invasive species. He listed the wood thrush, red-shouldered hawk, and red-spotted newt as examples of species that are affected by fragmentation. He presented photos of some invasive plant species including kudzu, autumn olive, Japanese stilt-grass, and the multiflora rose followed by photos of non-native wildlife including the hemlock wooly adelgid, and emerald ash bore.

Mr. Hannah next reviewed important sites and presented a definition from the Biodiversity Work Group: locations of special plant communities, unusual habitats, or species rare to scarce in Albemarle County. He presented photos of a bald eagle nest and beaver pond as examples of important sites. He explained that 53 important sites have been identified in the County ranging in size from less than half an acre to 21,000 acres, which include many locally rare species and, in some cases, globally rare habitats. Mr. Hannah stated the committee will focus on visiting and reassessing these sites and educating landowners as to how they can help preserve these areas. He presented a County map with the important sites represented by dots. He said the committee has identified 24 important sites as priorities in the next five years and will recommend that the County take responsibility for 9 of these sites, the committee to take responsibility for 13, and 2 would be shared. He presented a color-coded map of the County with forest and tree cover, stating that areas in dark green represents areas of 100+ acres of interior forest, areas in tan represents areas of 10-99 acres of forest, and areas in red represents small areas of forest.

Mr. Hannah listed the reasons why identification of forest blocks is important: forest is the dominant land cover type in the natural landscape; species have evolved in this landscape, and many rely on undisturbed forest; and special habitats exists (prairie, mafic barrens, etc.) and are verified with field work.

Mr. Hannah explained that they ranked forest blocks on a scale of 1 – 10, with darker green areas representing areas of the highest value. He said they have recommended four areas that are rich in biodiversity for focus in the plan and pointed out that each area of focus borders on an adjacent county, adding that there may be opportunities to work with partners. He presented a map of the northwestern portion of the County and pointed out a concentration of forest blocks with high conservation value in the area around Shenandoah National Park and emphasized that the park could serve as a regional anchor for biodiversity due to its size and diverse geography. He said the County and the park need to complement each other with habitat connectivity. He noted that this area also includes three County parks, conservation easements, and other protected land that contributes to conservation value.

Mr. Hannah presented a slide with photos of plants and wildlife that are found in this area. He next focused on the southern Albemarle mountains, which he described as a forested, topographically diverse area similar to the northwest area of the County. He emphasized that this area also includes five smaller areas of importance, conservation easements, and have the potential for connectivity with Ragged Mountain and Dudley Mountain to the northeast. He presented photos of animals and plants found in the area. He identified the third focus area, the Rivanna River Corridor, which he said includes aquatic and terrestrial habitat as well as cultural and historic resources. Mr. Hannah pointed to the area of the floodplain, which he said could be an asset to conserving areas in the future, and he noted the many tributaries that feed into the river and extend riparian buffers. He noted that the community has come to appreciate the Rivanna River and to understand the importance of protecting it. He emphasized that the area has several existing and planned County parks, additional County-owned land, and conservation

easements. He presented photos of various wildlife and plant species found in this area, which he said they hope to preserve over time.

Mr. Hannah summarized his presentation, stating that they had taken a broad look at the landscape of the County and not a parcel-level analysis, though it would lay the groundwork for parcel-level analysis in the future. He said there are numerous threats to biodiversity, including climate change and non-native invasive species. He emphasized that loss and degradation of habitat through fragmentation continues to be the greatest threat to wildlife and biodiversity globally, as well as in the United States. Mr. Hannah stated that they recommend the plan be updated every five years and also recommends that forests and related landscape features be conserved. He commented that although they have highlighted areas of focus, all areas of the County are important and should not be neglected. He explained that they are trying to trim the list of priorities in the plan to focus on the most important ones over the next five years. He reminded the Board that he will return in July to discuss this in more detail.

Ms. Weiss said Mr. Hannah has been wonderful to work with, is knowledgeable, and always provides complete information. She explained that biodiversity is usually discussed in terms of ecosystem services, which are divided four ways: provisioning services, which provides fresh water and food; regulating services; supporting services, which consists of nutrient recycling and water cycling; and production of atmospheric oxygen. She expressed hope that the biodiversity plan will help inform the decisions made by staff, acknowledged the level of attention devoted by Supervisors, and invited questions.

Ms. Mallek asked if parcel-level analysis would involve a flag layer. Mr. Hannah replied that the flag layer has been in operation for over a year. He explained that a red flag is sent up if there is a hit on a potential rezoning or special use permit and he then discusses this with the project coordinator and brings this into account when working with the developer.

Ms. Mallek asked about a driveway access permit for a single-family house building permit. Mr. Hannah said the committee is generally not made up of land use planners but biologists and naturalists. They do not want to get into a very detailed level of policy recommendations, but will instead obtain the assistance of specialists for these cases.

Ms. Mallek said her question is if the flag layer goes to that level of permit, which may be outside his sphere.

Mr. Hannah said a driveway permit would not be subject to the flag layer unless it were a legislative decision or project.

Mr. Dill recounted that on Easter, he and his son had walked along the river path from Milton to Free Bridge. He asked how much of the area to the sides of the river is considered important for biodiversity.

Ms. Weiss responded that it is generally the floodplain, which can vary in size.

Mr. Hannah added that it depends on the focus, as one may consider just water quality, which will involve a narrower area, or all animals and plants, which will involve a much larger area. He noted that Natural Resources Conservation Service assists farmers with fencing and stream buffers and requires a 30-foot minimum buffer but will pay farmers to create a wider buffer, with the general principle being that wider is better.

Mr. Dill asked about the problem of invasive species within stream buffers. Mr. Hannah acknowledged that invasive species are an issue and they will have to accept a certain level of this and strive towards managing them and prioritizing areas where they can have the most impact in mitigating this. He said they would like to create incentives and tools to help farmers address this.

Ms. Palmer thanked Mr. Hannah for his work and said she looks forward to the recommendations, recognizing that the problem of invasive species is overwhelming.

Ms. Mallek recognized Tom Olivier for his contributions to this effort.

Mr. Gallaway asked if the committee had considered what daylighting streams and open spaces in the development areas of the small area plan should look like from a biodiversity perspective. Mr. Hannah replied that they have not addressed specific locations, but guidance would be to control invasive species and promote locally native species in landscape design. He said they cannot ignore the development areas and that open space and green space parks should be considered.

Mr. Gallaway mentioned the wildflower pollinator park in a road median and asked if efforts like this make sense.

Ms. Mallek said she believes a list of suggested plantings has been created.

Mr. Hannah replied that there are many lists and different lists are needed for various types of applications such as buffers and landscaping. He said he believes the committee would love to be an asset and resource for these questions.

Ms. Weiss added that they are encouraging a County representative to attend their monthly committee meetings to learn how things in the County work.

Ms. Palmer expressed hope that the wildflower pollinator would only include local area flowers and that Mr. Hannah would confer with VDOT to ensure this.

Mr. Hannah replied that he does not know how much influence they can have over VDOT, but will bring it up for discussion.

Ms. Weiss noted that her organization works with VDOT on the tree stewards' volunteer planting program and ensured that they plant appropriate, native species.

Ms. McKeel remarked that Mr. Gallaway had a great question and said she is setting up a tour of the dell at UVA for her CAC, as this represents an example of a daylighted stream.

Ms. Weiss invited Supervisors to forward the names of anyone they think the committee should engage.

Mr. Hannah informed the Board that the committee meets the third Thursday of each month and invited Supervisors to attend.

Recess. The Board recessed 3:25 p.m. and reconvened at 3:35 p.m.

Agenda Item No. 11. Rivanna Water and Sewer Authority Quarterly Report.

Mr. Bill Mawyer, Executive Director of the Rivanna Solid Waste Authority and Rivanna Water & Sewer Authority, presented. He said that four of the five reservoirs are full, with Ragged Mountain Reservoir at two feet below normal. He reported that the odor control project at Moore's Creek, which is nearly complete. Mr. Mawyer said they will invite the community and the Board of Supervisors to a grand opening celebration to be held at Riverview Park at noon on May 17. Mr. Mawyer stated that Riverview Park is the site of the old pump station, which would often back up, and this issue has been addressed with the project.

He next reviewed the granular-activated carbon project, which he said is substantially finished and is working in Scottsville and North Rivanna, with all five pumping stations expected to use the granular-activated carbon vessels by April. He announced a celebration on May 8 in honor of National Drinking Water month, at the South Rivanna Water Treatment Plant, to which the Board will be invited. He said a second celebration will be held May 9 at the Crozet plant, followed by a celebration at the Scottsville plant on May 16. He noted that all celebrations will be at 10:00 a.m.

Mr. Mawyer announced that they will begin work on improvements at all water treatment plants to increase capacity. He said the Crozet Finished Water Pump Station is under construction and scheduled for completion this fall, which will increase their capacity to pump treated water into the system. He stated that the Crozet wastewater storage tank will advertise for bids this fall and he expects construction to begin next year. Mr. Mawyer explained that this will allow them to store wastewater flows in the tank, so they do not overflow in other areas of the wastewater system as they make their way back to the Moore's Creek Treatment Plant. He said they have been working on the drinking water plan, in coordination with the Department of Environmental Quality (DEQ), to verify they have a 50-year supply of water in Crozet through Beaver Creek Reservoir. He noted that they will expand the treatment plant and do work on the Beaver Creek Dam.

Mr. Mawyer announced that a briefing of the Crozet Community Advisory Committee (CAC) is planned for June 20 at the downtown Crozet Library, at which time they will provide updates on these initiatives. He said they believe the Beaver Creek Reservoir has an adequate safety field, though they are reviewing their calculations with DEQ. He explained that Beaver Creek is grandfathered under old regulations and does not have a minimum instream release requirement below the dam into Mechums River, and the new permit will require a minimum instream flow. He explained safe yield as the amount of drinking water a reservoir can supply through a drought of record over 18 months, and he said they are determining this level at Beaver Creek. Mr. Mawyer noted that after this decision is made, they will know how to modify Beaver Creek Dam.

Mr. Mawyer reminded the Board that they have acquired property at Kohl's to design a new pump station to help send water to the northern area of the County, known as the North Rivanna Zone. He pointed on a map to the route of a planned major pipeline that will run from the Avon Street area to the Pantops area. Mr. Mawyer stated that this will help distribute water around the urban ring with better pressure. He said the Ivy Transfer Station is moving along well, and he presented photos of the construction progress. He noted that completion is planned for September, although they believe they can obtain an occupancy permit before then, provided the weather is favorable and things go well. He explained that there is a sense of urgency because the Van Der Linde recycling facility would soon be closing.

Mr. Mawyer next reviewed the pipeline from South Fork Rivanna to Ragged Mountain Reservoir. He explained that the community water supply plan includes the construction of a nine-mile pipeline. He said they had drafted a letter to send to 100+ property owners in the Samuel Miller and Jack Jouett

districts earlier in the week that asked for permission to come onto their properties to conduct surveying work. Mr. Mawyer said he will provide the Board with a copy of the letter and a list of recipients.

Ms. Palmer noted that there are some affected properties on Woodburn in the Rio District.

Mr. Mawyer responded that he will check into this. He said they are working with the University of Virginia Foundation on plans to install a section of the pipe along Birdwood Golf Course prior to work to modify the golf course. He noted that the pipeline will cross some County school properties, St. Anne's Belfield School, and the University of Virginia, as well as businesses and trusts.

Ms. McKeel noted that St. Anne's Belfield will be doing construction in the near future and said it would be nice to approach them now.

Mr. Randolph asked what the right-of-way width is and if the letter to property owners provided this, which he supports. Mr. Mawyer replied that it would be about 40 feet, with an area of 60 feet during construction and temporary construction easements on both sides. He said the current draft does not include the right-of-way, but will include this before it goes out.

Mr. Mawyer explained that part of the theory of the community water supply plan was that when there is high flow in South Rivanna Reservoir, if they could capture 25 MGD and pump this to Ragged Mountain, they can keep Ragged Mountain full more frequently and thereby increase the safe yield of the system. He said an additional safe yield of almost 3 MGD would give redundancy so if they were to have an issue at either of the two largest reservoirs, they would be able to switch from one to the other. He said Ragged Mountain is currently the sole supplier to Observatory and Rivanna is the sole supplier to South Rivanna Water Treatment Plant. He explained that by way of the pipeline, they could pump water from Ragged Mountain and treat it at South Rivanna plant.

Mr. Randolph asked for confirmation that if Ragged Mountain were elevated by 12 feet it would have greater capacity for water than the amount delivered by the new pipeline.

Mr. Mawyer replied that elevation of Ragged Mountain by 12 feet is in the community water supply plan, though this would be when the demand equals 85% of the safe yield but it is declining as the reservoirs silt in over time. He explained that they evaluate the safe yield every 10 years and will conduct an evaluation this year, noting that they can add safe yield by adding water to Ragged Mountain, but this is dependent on having the pipeline to fill the reservoir. He stated that Sugar Hollow fills at 4 MGD and the pipeline would supply 25 MGD and explained that safe yield is not only a calculation of how much volume can be held, but also how quickly it can be recharged. Mr. Mawyer explained that the addition of 12 feet of water, together with the pipeline, would add 2.4 MGD of safe yield. He said they will ask their hydrologic consultant to calculate how much safe yield there would be without the pipeline, though it would clearly be less than 2.4 MGD. He said Rivanna estimates that by 2040, the safe yield of the urban reservoirs would equal demand, and the Rivanna Board has established a completion timeline of 2027–2040.

Mr. Randolph said Mr. Mawyer is suggesting that adding 12 feet to Ragged Mountain would only yield 2.4 MGD.

Mr. Mawyer replied this would be the case with the pipeline.

Mr. Randolph asked what the yield would be without a pipeline. Mr. Mawyer replied that 12 feet represents 600 million gallons, but safe yield considers the amount of additional daily water supply that can be taken out over 18 months during a drought of record.

Mr. Randolph commented that he is presenting a rationale for why Ragged Mountain alone would not provide safe yield water under a worst-case scenario, which also assume that Observatory Hill would not be improved and upgraded.

Mr. Mawyer clarified that if they have the pipeline and an additional 12 feet of water, the 12 feet would add 2.4 MGD of safe yield. He said that without the pipeline, they could add the water but would have to recalculate the safe yield, which would be less than 2.4 MGD.

Mr. Randolph asked when the 12 feet would be added to Ragged Mountain. Mr. Mawyer said the Ragged Mountain agreement calls for this when either Charlottesville or the Rivanna Water and Sewer Authority sees a demand equal to 85% of the safe yield.

Ms. Palmer stated that the City and County could agree to fill it at any time, and one or the other could compel the filling. She said they could start to fill the reservoir tomorrow if the City and County were to request this.

Ms. Mallek pointed out that during droughts, there is no water coming from Sugar Hollow and very little from South Fork. She said they have to plan ahead.

Mr. Randolph said he wants to make it clear to ratepayers that for around \$2 million, they could add 12 feet to Ragged Mountain that would ensure an immediate additional level of capacity to address any drought scenario they have seen in the past and are likely to see in the future. He said the cost of the pipeline connection is \$80 million, and he would like ratepayers to be aware of built-in rate escalators going forward as a result of infrastructure improvements.

Ms. Mallek noted that Rivanna will hold public hearings on this. She commented that 4 MGD is coming from Sugar Hollow to fill Ragged Mountain and they are using this water and not getting ahead, even on days when it is spilling. Ms. Mallek said that without the pipeline, they cannot get the extra 12 feet to keep it going. She emphasized that everything is interconnected, and nothing works without the important elements.

Ms. Palmer stated the ratepayers are extremely important in this situation and they would have to have Gary O'Connell from the Albemarle County Service Authority talk to them about this and rate studies. She noted that safe yield is not the only thing to consider in the water supply plan.

Mr. Mawyer offered to review the arithmetic, stating that Ragged Mountain being two feet low equals 120 million gallons. He explained that if they brought 4 million gallons to Ragged Mountain and subtracted 1 million out through Observatory to treat and drink, it would take 40 days to fill Ragged Mountain. He said the addition of the pipeline and pump station would allow them to pump 25 MGD and enable them to replace 120 million gallons within five or six days. Mr. Mawyer stated that this helps them gain 2.9 MGD with the pipeline and 2.4 MGD with a 12-foot elevation. He summarized that they could fill Ragged Mountain from Sugar Hollow, as they have been doing, but it limits the safe yield if they trickle it through Sugar Hollow. He emphasized that the DEQ permit to build the pipeline expires in 2018 so they have requested a 10-year extension so if they were to start by 2027, it would fall within the permit period. He noted that the authority's debt service begins to decline in 2030, which could be a good time to add the additional debt required for the pipeline project.

Ms. Palmer commented that the water supply plan's purpose is to balance the needs of humans and the rivers, which is what the DEQ permit looks at. She said the pipeline is very important for this as it provides safe yield, relies on redundancy, and balances environmental needs with the needs of human consumption and those of ratepayers.

Mr. Mawyer reminded the Board that during fall's water restrictions, DEQ would not allow them to reduce the release to the river below the dam unless the community was under mandatory water restrictions. He commented that both the community and the river must sacrifice collectively.

Mr. Randolph noted that Mr. Mawyer had presented a series of options to his board regarding the timeline, with the latest date presented as the year 2050, while they plan to construct the pipeline in the 2020's, which is 25 years earlier than the calculation of the latest possible date. He emphasized that ratepayers will pay for a pipeline they may not need for 25 years.

Mr. Mawyer clarified that the current projected end date is 2035, which represents a 15-year difference.

Ms. Palmer emphasized that alternatives are based predominantly on safe yields, though the Board has to take other things into consideration.

Ms. Mawyer confirmed that safe yield is one factor and the Board has other prerogatives to consider. He said they will conduct studies of the reservoirs this summer to calculate and reevaluate safe yield and are also conducting studies on future demand projections to recalculate the numbers, which were last updated in 2011.

Ms. Mallek noted the takeaway from the 2003 drought was that the community asked that they plan ahead the next time, and she applauded Mr. Mawyer for looking ahead.

Mr. Randolph referenced a communication to the Board from Ms. Palmer indicating that Mr. Mawyer had been asked to review what RWSA had done to investigate the cause of the water supply shortage in late summer and early fall. He asked if the cause was leaking gates, the drought, a misunderstanding of DEQ release requirements, or all three of these.

Mr. Mawyer recounted that the Rivanna Reservoir had dropped by 490 million gallons from 883 million and attributed this to drought conditions, as well as to unreliable readings from the gauge located in the Mechums River that was used to determine inflow to the reservoir and how much water to release to the Rivanna River. He said DEQ had agreed that readings from the gauge were not correct and had reduced the readings by 15%. He said their consultant, Hyrdologics, was studying the watershed – which spans from Greene County almost to Nelson County. He emphasized that the gauge measured one point in the Mechums River to determine inflow, Hydrologics believed the calculation they use overstated the volume of water inflow, and they are in discussions with DEQ about this. He said the third factor was that leaking pipes at the gates of the dam leaked 3 MGD, which represented 180 million gallons lost over a 60-day period.

Ms. Palmer pointed out that the United States Geological Service (USGS) owned the Mechums gauge, which is maintained by DEQ, and they have been dealing with the gauge issue for a long time.

Mr. Mawyer pointed out that readings from the gauge are available online. He said they use the gauge to calculate how much water is entering the reservoir and then use this to calculate how much water to release to satisfy DEQ's minimum in-stream release requirement.

Ms. Palmer emphasized that it was not a misunderstanding of DEQ's requirements, but readings from the gauge for which they still do not know the level of accuracy.

Mr. Mawyer agreed, adding that it was believed the gauge was miscalculating the inflow and the formula may need to be changed. He said they are dealing with the issue of the leaking gates by calibrating the meter that determines outflow, and they have tightened the gates and will have divers work on the gates once the flow comes down. He added that under their latest operational procedures, they will switch to Observatory and Ragged Mountain as soon as they see the level at Rivanna come down.

Mr. Randolph said that if the valves release 184 million gallons and 130 million gallons are released accidentally, it would appear the drought would never have taken out 184 million gallons. He added that it sounds like the biggest factor was the valves, followed by the release of additional water, followed by the drought. He said the drought had been presented to the public as the sole cause of the emergency and asked Mr. Mawyer to comment for the public record.

Mr. Mawyer estimated that the valves released 180 million gallons out of 490 million, representing 36%.

Mr. Gallaway asked if there was an expected amount of leakage from the gates. Mr. Mawyer replied that although they have tightened the gates, they still leak an estimated 500,000 gallons per day and they subtracted this outflow in the calculation of the minimum in-stream release. He said the permit requires them to make a gate adjustment every three days, though this is not frequent enough, so they plan to begin daily adjustments this summer.

Ms. Mallek emphasized that the drought was real and that several farmers had to sell their herds because streams had dried up, so everyone should be prepared.

Mr. Mawyer remarked that the reservoir had dropped from 77% to 45% of capacity between mid-September and October 1, and Rivanna believed the gates were responsible for one-third of this.

Ms. Palmer pointed out that the lack of rainfall was unusual for that time of year.

Mr. Mawyer said they believe that even if the gates had not leaked, they still would have imposed water restrictions by early to mid-October.

Agenda Item No. 12. Autonomous Vehicles.

Ms. Cathy McGhee, Director of the Virginia Transportation Research Council (VTRC), addressed the Board and explained that her organization is located in Charlottesville and is part of VDOT's research division. She invited Supervisors to pose questions during her presentation rather than waiting until the end. Ms. McGhee reported that she will talk about connected and automated vehicles and what they might mean for the community and the nation as a whole. She said the VTRC looks at transportation planning with a 20-year horizon and emphasized that it is difficult to project what technology would be available that far into the future, though they have to consider what technology would mean for our infrastructure and what changes they need to make now to accommodate this technology as it rolls out.

Ms. McGhee explained that connected vehicles communicate with each other through various modes. She described the communication modes of Dedicated Short-Range Communication (DSRC), a radio transmission between two vehicles or between a vehicle and the infrastructure. The first mode she reviewed was V2V, bidirectional information-sharing between vehicles. The second mode was V2I, bidirectional information-sharing between a vehicle and the roadway, such as a traffic signal. The third mode was V2X, bidirectional information-sharing between a vehicle and pedestrians, cyclists, trains, etc. She explained that this connectivity brings safety and mobility improvements. Ms. McGhee presented a slide with a list of V2V applications: emergency electronic brake lights, forward collision warning, blind spot/lane change warning, left turn assist, intersection movement assist, and do not pass warning. She next presented a slide with a list of V2I applications: queue detection and warning, red light violation warning, merge assistance, emergency vehicle preemption, transit signal priority, eco-traffic signal timing, dynamic driver messaging, and ATM integration.

Ms. McGhee reviewed some examples of applications that are already being tested. She explained that Audi is working on a feature that communicates with traffic signals in Northern Virginia and communicates with the driver as to what speed to maintain to stay within the green band and avoid red traffic signals. She said they are looking at audio systems rather than visual systems to reduce driver distraction, which leads to a loss of efficiency at traffic signals as drivers react more slowly to the light change. She stated that they called this "start-up loss time," and the benefit of the system being studied by Audi is that it would use a countdown to tell the driver how much time remains until the signal changes.

Mr. Randolph said some traffic lights in Europe change from red to yellow to green to alert drivers when the light is about to change.

Ms. McGhee replied that the driver would still have to look up to notice. She said anything they can do to get the driver's attention is a good thing.

Ms. McGhee listed some benefits from connected vehicle deployment. She said it is estimated that 81% of crashes involve unimpaired drivers, which V2V may address.

Mr. Randolph commented that automobile manufacturers are permitted to put computer interface in automobiles, which encourages people to be online at traffic lights, yet they are installing technology to train them to be prepared for the light to change. He said that automobile manufacturers are making the front of a car like a living room.

Ms. McGhee acknowledged that it is a challenge and said that responsible manufacturers are doing everything they can to keep the attention of the driver on the driving task. She stated that every driver has a phone and very few put them down. She noted that a car travels the length of a football field in the time it takes to read a text message, and she does not allow her two teenage sons to drive with their phones. Ms. McGhee reviewed mobility impacts, as drivers can be provided with information about the network, how to avoid incidents, and how to better move through traffic signals. She explained that there are also environmental benefits, as smoother traffic flow reduces emissions.

Ms. McGhee explained that the Society of Automotive Engineers has identified six levels of automation. She explained that Level 0 refers to a vehicle with no automation; Level 1 is known as driver assistance and includes adaptive cruise control; Level 2 is known as partial automation, which combines adaptive cruise control with a lane-keeping system. She said it is not until levels 4 and 5 that a driver can disengage from driving. Ms. McGhee stated that studies indicate it takes a driver 20 minutes to become complacent and believes the vehicle can do what it needs to do. She said the maturity levels of systems as they exist today are not at a point where the vehicle can drive itself.

Ms. McGhee reviewed difficult challenges faced by automated vehicles. She stated one example is at heavy pedestrian crossings where pedestrians keep crossing and thus the vehicle would never move. Another problem she cited was GPS not functioning in tunnels, adding that work zones and bad weather are additional examples.

Ms. McGhee asked the Board for the percentage of accidents they believe are caused by human error, noting that it is 90%. She said if they could take this piece out of the equation, the number of crashes should go way down. Ms. McGhee explained that there would be a mixed fleet of vehicles, with some that are driverless and some that are not, and they do not know what the safety implications of this would be but they are conducting research. She reviewed some implications of automated vehicles. She stated that vehicles would be able to move with much smaller gaps between them and at higher speeds, which could entail narrower lanes and the ability to move more vehicles through a physical space, though this would require 100% of vehicles to be automated. Ms. McGhee said she expects that initially, there would be automated vehicle lanes. She said they do not know what impact automated vehicles would have on travel demand, and some believe vehicles would be shared and summoned when needed. She posed the possibility that people may become more productive as they could conduct work while in the vehicle, which may lead some to move further away from work and hence increase travel demand.

Mr. Dill said he envisions that many vehicles traveling around are doing specialized tasks, such as making deliveries.

Ms. McGhee explained that the impact on the use of transit is not known, though they are hopeful that automation will benefit transit. She imagined the potential for paratransit and a more flexible transit system. She stated that they expect Uber and Lyft to be the first to use driverless vehicles.

Mr. Dill said he has heard that long-haul trucks would be the first to use automation.

Ms. McGhee said they had conducted a demonstration of truck platooning in which the first truck in the platoon controls braking and acceleration for the following two trucks, which had drivers that controlled steering. She said large trucks are particularly complicated as they have very different operating characteristics from one truck to another, such as braking capabilities, load, and engine capacity. She said they do not envision having trucks without drivers, but the workloads of the drivers would change.

Ms. McKeel noted this technology could have an impact on jobs.

Ms. McGhee remarked that Uber and Lyft have set goals to have driverless vehicles in five years.

Mr. Gallaway commented that manufacturers cannot be forced to install technology, competition would make them come up with the best, and people would have different levels of access because of affordability. He said it seems like policymakers could put things in the environment that enhance what they have control over. He asked if research was conducted on things like the color of road stripes and how this could affect systems in cars.

Ms. McGhee replied that a study conducted the previous year looked at how to make pavement marking redundant. She said that today's automated vehicles rely heavily on lane lines and there are many areas of unmarked pavement in rural areas, which would pose a problem to an automated vehicle, noting that automated vehicles have not been tested on gravel roadways. Ms. McGhee commented that it is fairly easy to design a vehicle that could operate at low speed in well-marked conditions. She stated that the VTRC is analyzing visibility requirements for an automated system and have looked at putting antennas into the pavement markings that would send a signal for the vehicle to detect when the marking is covered by snow or debris. She said the project was not as successful as they had hoped, and they are continuing to look at options to make pavement markings redundant.

Mr. Gallaway remarked that there are a lot of cars that look at striping, and the combination of a rumble strip and proper striping could keep people in lane, which a public policy could help control.

Ms. McGhee noted that a national study is underway to identify visibility requirements, though the question as to how this would become a standard is something else.

Mr. Dill commented that while it may be great for Uber or Walmart to have driverless cars or trucks, the financial burden to provide roads that are safe is the responsibility of the government.

Ms. McGhee agreed that during the time when there are both human and self-driven vehicles on the road, there would be increased costs; however, once the transition to having to meet only the needs of automated vehicles has occurred, there would be savings in some areas. She gave the example that they would no longer need large, dynamic message signs on the interstate.

Ms. McGhee said the Governor's Highway Safety Group has come out with a document for local government that offers advice as to what to do to be ready as this technology emerges. She said they have offered five areas of advice: know where the technology is today and how fast it is moving; be a player in your state; understand the role of states, and it is not yet clear what the role of the federal and state governments would be; do not rush into passing laws or regulations, as it is difficult to undo laws that have been passed and they should not attempt to limit technology or innovation with unnecessary regulation; and be flexible, as nobody knows where this will be five years from now and they are learning along the way. She noted that the VTRC is working with some localities that are interested in an automated shuttle, a small bus that travels at low speed on its own pathway and does not require an operator.

Ms. McGhee presented a slide with a list of things VDOT is doing:

- Taking an evolutionary approach
- Focusing on implementation from the beginning
- Targeting existing challenges with new, technology-based solutions
- Supporting private development with minimal regulation

Ms. McGhee reviewed recent activities, including the establishment of connected and automated corridors in northern Virginia with dedicated short-range communication devices on I-66 as well as at signals on Routes 50 and 29, to communicate with drivers that are properly equipped. She said they have created a smart phone-based application that provides the same information to the driver with text to voice. She said at equipped intersections, they put real-time signal data out with broadcasts of Signal Phase and Timing (SPAT), which is used for red light violation and crash warnings. Ms. McGhee stated that they are also putting this out through a database that allows companies like Audi to pick up signals and work within their own applications. She recounted a recent truck platoon demonstration on I-66 that was very successful, and she was amazed at the short headways the trucks were able to maintain despite cars cutting into the platoon under the presence of state police vehicles. She invited questions and provided her email address as Cathy.McGhee@VDOT.Virginia.gov.

(Note: The next two agenda items were discussed concurrently.)

Agenda Item No. 13. County Transportation Planner Quarterly Report.

Agenda Item No. 14. Transportation Priorities for Smart Scale and the Secondary Six-Year Plan.

The Executive Summary forwarded to the Board states that this work session is intended to present information on the Albemarle County Transportation Priorities, including road paving priorities, in advance of the development of the 2019 Secondary Six-Year Plan (SSYP) and the pre-submission deadline for the Smart Scale Grant Program. The Draft FY19 SSYP will come back to the Board for final approval by June of 2018. The Smart Scale Grant program has a pre-application deadline of June 1, 2018 by which all projects must be initially submitted with general information. The information and Board direction elicited from this work session will be used to develop the Draft FY19 SSYP and determine which projects the County should submit for funding through the Smart Scale program.

The SSYP allocates funding for the construction, maintenance, and improvement of roads in the State secondary system. The funds allocated to Albemarle County through the SSYP include State and Federal funds for a variety of road improvement programs. The SSYP for Albemarle County is updated and approved annually and identifies the specific funding source, use, and levels allocated for the immediate fiscal year. The SSYP also identifies projected funding allocations for the next five fiscal years. The Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads, is a listing of all Secondary Roads that have been requested to be paved by the public, County staff, and other agencies. This list is reviewed annually and approved by the Board, and forms the basis of the SSYP for Albemarle County. Other Secondary road improvements are also included in this as determined by VDOT, the Board of Supervisors, and County Staff.

The Smart Scale grant program is the primary method for funding large-scale transportation projects in the State. The Program provides State and Federal funds for the design/engineering, right-of-way, and construction of transportation projects and runs on a biennial cycle. The pre-application period is open now and the final application deadline is on August 1, 2018. There is a four-project limit for

Albemarle County and the CA-MPO is able to submit an additional four projects, as is the TJPDC.

The Secondary-Six Year Plan Priorities and Recommendations Report (Attachment A) provides the background on the SSYP, the Virginia Department of Transportation paving programs, and Albemarle County's paving requests and priorities. This report and work session is held annually prior to development of the Draft SSYP in order to inform the development of that Plan. The SSYP establishes the program for expending state funds allocated to Albemarle County for road improvements to the Secondary Road System. The majority of available funding must be used for paving unpaved roads. The report also provides information on the projected funding allocations, the status of the projects currently in the SSYP, and County and VDOT staff recommendations for any changes or additions to the SSYP. Also included in the report is information regarding the process for reviewing and prioritizing unpaved road projects.

The Smart Scale Grant Application recommendations are taken directly from the Albemarle County Transportation Priorities list, which was approved by the Board on August 9, 2017. Attachment B is the First Tier Transportation Priorities list with updates on potential funding and implementation of each project. Between the County, the CA-MPO, and the TJPDC, it is expected there could be between five and eight applications for projects in Albemarle County after the MPO makes its applications for the Hydraulic/29 improvements. Staff is recommending the following projects as applications in priority order:

1. Rt 20/US 250 Intersection improvement.
2. Berkmar to Lewis & Clark Connector (Southern Segment).
3. Rt. 20 South Improvements - Phase 1: Rt 20/Rt 53 Intersection Improvements.
4. Rio Road East Improvements - Phase 1: Rio Rd/Pen Park Rd Roundabout.
5. Barracks Road/SB 250/29 Bypass Ramp Left Turn Lane - Project was not on First Tier Transportation Priority List because of need for Right of Way but was previously a prioritized project. Worsening congestion conditions, innovative design options, and potential for funding have made it a good consideration for Smart Scale Funding.
6. Fontaine Ave/US29 Bypass Interchange Improvements (Diverging Diamond) - Project is a phase of the I-64/Rt 29 Exit 118 Intersection Improvements, which is Ranked at #2 on the Second Tier Transportation Priority List.
7. US 29 Shared-Use Path from Polo Grounds Road to Carrsbrook Drive - Segment of Northtown Trail.
8. US 29/Frays Mill/Burnley Station Road Intersection Improvements (R-Cut) - This project was not on First Tier Transportation Priority List but was recently identified as the top safety priority in the VDOT Culpeper District.
9. Park and Ride Lot at Exit 107 - This project was not on First Tier Transportation Priority List but was recently identified as a need through the CA-MPO SHRP2 Interstate 64 Corridor Study.

This work session is focused on receiving input on project recommendations for the SSYP for FY 2018 through FY 2023 and the potential Smart Scale Grant applications. Based on the direction received from the Board staff will make any adjustments to the priority lists of projects and will work with VDOT to finalize the SSYP for public hearing and adoption in June and will continue to work towards the recommended applications for Smart Scale.

The SSYP and Smart Scale Grant applications would involve the expenditure of State/VDOT primary and secondary road construction funds allocated to the County. Neither program requires the expenditure of County funds unless the Board directs additional funding from the County general fund be appropriated to a project.

Staff recommends that the Board:

1. Approve the recommended prioritized list of paving projects and expenditure of other State funds through the Secondary Road Programs as set forth in the staff report for inclusion in the County's draft FY18-22 SSYP;
2. Schedule a public hearing on the SSYP for June 7, 2017;
3. Approve the recommended prioritized list of Smart Scale Grant applications.

Mr. Kevin McDermott, County Transportation Planner, presented. He informed the Board that Work Zone Safety Week is the following week and he has brought some posters to hang in the County Office Building. He reviewed a list of existing efforts: US 250 West Task Force meeting held February 21, Crozet Community Association meeting held March 8, work with planners on the entrance corridors, and Commonwealth Transportation Board Six-Year Plan public hearing to be held May 7 in Culpeper. He said they will have the opportunity to comment on projects placed in the six-year plan, and he invited Supervisors to attend.

Mr. McDermott reviewed the list of transportation priorities: Smart Scale Grant Process, FY19 – 24 Secondary Six-Year Plan, FY19 Revenue Sharing Application Funded at 85%, and FY19 Transportation Alternatives Grant. He said they had recently received good news as all four revenue sharing applications made the previous year were proposed to be funded in the FY19 Six-Year Plan, at 85% of the amount requested. He said they would have to do some work to reduce the scope or get costs down a bit and said the four projects approved were the Library Avenue Extension to Parkside Village, Commonwealth Drive/Dominion Drive Sidewalks, Berkmar Drive Bicycle and Pedestrian Improvements, and the Crozet Square/Oak Street improvements. He noted that for the Transportation Alternatives Grant,

the Cale Elementary School project was the highest scoring project, by merit, in the state. He said the Greer/Jouett Elementary School project was the third highest in the Culpeper District, and they are likely to find out by the end of this month if funding has been approved.

Mr. McDermott next reviewed major planning projects, beginning with the Pantops Master Plan update, and he informed the Board that a transportation issues focus meeting had been held two weeks earlier. He said he is working with the planning team on the Rio/29 Small Area Plan and transportation design for a Comprehensive Plan amendment. He said they are developing the scope for the Avon Street Corridor Plan, which is a NIFI project. He said the MPO Long-Range Transportation Plan is proceeding and they have provided estimates of population and employment growth, with expectations the plan will be finalized in a year. Mr. McDermott stated that the Thomas Jefferson Planning District Commission had a draft of the Rural Long-Range Transportation Plan and would present recommendations to the Board in the next several months.

Mr. McDermott reviewed the transit development plan and said there are some draft recommendations for service changes, which will come before the Board at a later date. Additional items he listed were Charlottesville Area Transit bus stop improvements, the regional transit partnership, and bike/pedestrian projects.

Mr. McDermott presented a list of major development projects that impacts the transportation system, including an economic development access grant for Lighthouse Industries off Avon Street and multi-modal connectivity in Woolen Mills redevelopment. He related that the Miller School Road/Owensville Road through-truck restriction study is underway, with recommendations expected by this summer. He said they have also been working on issues at Park Ridge Road and Fontana/Key West.

Mr. Randolph thanked Mr. McDermott for his thorough report, which he said provides a clear understanding of where things stand. He urged Mr. McDermott to speak with Brad Sheffield about the issue of new and improved public transit service, under which they may wish to consider utilizing JAUNT to service the neighborhoods of southern Charlottesville, as Charlottesville Area Transit is conducting a cost analysis of providing this service. He suggested that JAUNT may be able to deliver this after-hours service more effectively and at less cost than the CAT buses.

Mr. McDermott agreed to speak with Mr. Sheffield and noted the transit development plan process is underway and is tying planning for JAUNT with planning for CAT, and he would make them aware of this possibility.

Ms. Palmer asked where they are in the process of the Miller School Road/Owensville Road through-truck restrictions. Mr. McDermott replied that traffic counts had been conducted two and a half weeks earlier, and he expects to see a draft of the report at the beginning of May. He noted that after his review, he expects to finalize recommendations to the Board by mid-summer.

Ms. Palmer asked if the impact of heavy trucks on rural roads was taken into consideration, as it has been getting torn up with potholes. Mr. McDermott replied that he would discuss this with Joel DeNunzio and the consultants to see if there is a way to consider it.

Ms. Mallek asked if there would be a public hearing process similar to the Earlysville Road process. Mr. McDermott replied that a public hearing would be held to present the recommendations.

Ms. McKeel asked about an additional turn lane at Ivy Creek Natural Area. She said she learned from Mr. Joel DeNunzio that money was available in a fund for the upgrading of parks and entranceways, and someone is willing to give them the right-of-way. She emphasized that this is a really important transportation improvement for the community.

Mr. McDermott replied that Mr. DeNunzio had expressed that he thought it was a good candidate for the recreation access fund. He said the first step is to develop a conceptual design and cost estimate in order to submit a grant application, and he had reached out to Trevor Henry of Facilities and Environmental Services to see if they could get an in-house design or if they would need to work with one of their consultants, and to determine where to obtain funding.

Ms. McKeel commented that she does not want to see this languish as it is a dangerous area, and they should at least figure out what they need to do.

Mr. McDermott added that Ivy Creek Foundation had expressed interest in future upgrades to the site. He said he would get back to the Board after consulting with Facilities and Environmental Services and Community Development.

Ms. Mallek related that she recently learned from the Parks Department that 60,000 vehicles pass through Ivy Creek annually and each vehicle must either jump across traffic or make a northbound turn.

Mr. Randolph expressed interest in discussing the entrance options to Biscuit Run at some point. He said he had reviewed plans for three options that were considered in 2017: Stony Creek Drive, a non-roundabout at Avon Street Extended, and off Route 20 approximately 370 feet to the south of Avon Street Extended. He said when there was discussion about the Biscuit Run transfer and lease arrangement between the state and County, they had considered the installation of a roundabout at the convergence of Avon Street, Biscuit Run, Route 20, and a facility owned by UVA on the east side of Route 20. He urged them to discuss considering this for Smart Scale and to determine how much money they should be

prepared to commit or whether the state might be willing to provide an increased amount of support, considering it is a state-owned property, though the County is leasing it.

Mr. McDermott offered to bring this up with VDOT and asked if this is something they would consider or to take another look at. He said the recreation access fund grant may be a funding option for the entrance to Biscuit Run.

Mr. McDermott continued with a presentation on transportation priorities for Smart Scale and the Secondary Six-Year Plan, and asked the Board to endorse some recommendations. He reminded the Board that Smart Scale is the primary source of state funds for transportation projects, with a biennial application cycle through which applications are accepted in even years. He said Albemarle has a limit of four submissions, and the Metropolitan Planning Organization (MPO) and Thomas Jefferson Planning District Commission (TJPDC) each have four projects, including for Hydraulic Road/Rt. 29. He explained that May 31 is the deadline to apply, and project selection is based on the Board-approved transportation priorities. He proposed submissions in order of priority: 1) Route 20/US 250 Intersection Improvements, 2) Berkmar to Lewis & Clark Connector (Southern Segment), 3) Route 20/Route 53 Intersection Improvements, and 4) Rio Road/Pen Park Road Roundabout.

Mr. McDermott listed MPO/TJPDC submissions: 1) Barracks Road/SB 250/29 Bypass Ramp Right Turn Lane, 2) Fontaine Ave/US 29 Bypass Interchange Improvements (Diverging Diamond), 3) US 29 Shared-Use Path – Polo Grounds Rd to Carrsbrook Dr, 4) US 29/Frays Mill/Burnley Station Rd Intersection Improvements (R-Cut), 5) Park & Ride Lot at Exit 107. He noted that all of these projects are still being evaluated by VDOT and it may be several months before they have all the design details, but they have to submit the applications by the deadline.

Mr. Randolph expressed a desire to avoid a perfect storm if both the Shadwell intersection of US 250 and I-64 and the Route 20/US 250 intersection are approved at the same time, as it would lead to traffic bottlenecks on both sides of Pantops. He emphasized that they should be phased in one at a time.

Mr. McDermott agreed. He next reviewed the background of the Secondary Six-Year Plan:

- Allocates state and Federal funding for construction, maintenance, and improvement of roads in state secondary system.
- Updated and approved by the Board of Supervisors annually.
- Approximately \$573,000 available in FY19 funds that must be appropriated to paving unpaved roads.
- Project selection for paving projects based on County priority list for secondary road improvements, unpaved roads.
- An additional \$350,000 was available in FY19 Telefee funds which could be used for a broader array of projects.

He asked for the Board's endorsement of the plan outline and said he would come back with the actual plan in a few months. He presented a slide listing of project updates under the FY18-23 Secondary Six-Year Plan:

- Rio Mills Connector (Rt. 643): balance of project funded through Smart Scale, construction estimate in 2022
- Bunker Hill Road (Rt. 685): paving project – complete
- Keswick Drive (Rt. 731): underway
- Preddy Creek Road (Rt. 747): Rt. 600 to Rt. 640 paving project – underway
- Patterson Mill Lane (Rt. 824): Rt. 688 to one mile north of Rt. 608 – paving project expected to begin in FY10. Board approved resolution for Rural Rustic Program
- Dick Woods Road (Rt. 637): Rt. 151 to the Nelson County line, paving project expected to begin in FY10. Board resolution expected in July
- Berkmar Drive to Lewis and Clark Connector Study: \$800,000 being used for design.
- North Garden Lane (Rt. 712): Rt. 29 to Rt. 692 – possible funding in FY19
- Coles Rolling Road, Hammocks Gap Road: currently funded in out years

Ms. Mallek clarified for the public that the Dick Woods Road project is from Rt. 151 south and west to the Nelson County line, which is up and over the mountain, very steep, and impossible for VDOT to maintain – and not the portion of the road towards Batesville.

Mr. McDermott related that they continue to hear many complaints about the condition of Coles Rolling Road and Hammocks Gap Road, as they are often in poor condition.

Mr. Randolph commented that some of the complaints involve noise and speeding and once the roads are paved, there would probably be more speeding and more noise.

Ms. Palmer asked if it is correct that only 70 cars a day use Bunker Hill Road, which is a dead end, and that it would not have made it through under the new method of establishing priorities. Mr. McDermott confirmed this was his understanding and that under the new process they prioritize roads with the highest levels of daily traffic, whereas in the past they prioritized by how long a project was on the list. He said this is likely to be the last project from the former priority list.

Mr. Dill added that Bunker Hill has some unique qualities, such as a collapsing culvert and some dangerous situations.

Mr. McDermott commented that the Dick Woods Road project has moved ahead of several others that had higher levels of daily traffic volume because there were other improvements that needed to be made to the road to make it more financially possible to do it early, as opposed to waiting two more years.

Ms. Mallek said she was disappointed in the length of time between now and the Rio Mills Connector construction, as it had been described as something pending soon and it was harsh to have an extra four or five years added during which people must live with a gravel road. She said this was supposed to have had funding available a year ago, left over from what they did not spend on Rio Mills, and she does not know what happened to this.

Mr. McDermott replied that there was a bucket of spending put towards Smart Scale, but they did not have enough money to complete the project. He said there is still a chance it could be moved up, as other projects with dedicated funding sometimes get delayed and VDOT could move money around. He said the need to move projects up could be brought up at the six-year plan public hearing.

Mr. McDermott presented a slide of the following FY 19-24 Secondary Six-Year Plan recommendations:

- Complete Keswick Road and Preddy Creek Road
- Move Patterson Mill Lane and Dick Woods Road to highest priorities
- Continue to use the established prioritization policy to advance projects
- New projects added based on available funding include Stony Point Pass and White Mountain Road (County and VDOT continue to receive a high number of resident complaints regarding condition of both routes)
- \$2 million available to leverage for Berkmar to Lewis & Clark Connector construction should be retained
- Out year Telefee funding could be directed to a new line item (countywide sidewalk maintenance, additional paving funds, other transportation priority projects)

Mr. McDermott said they could create a new line item in the six-year plan if the Board desires.

Ms. Mallek asked if they could create a line item that contains a bucket to fill in gaps of future projects in this category and not have to pick one. Mr. McDermott confirmed this.

Ms. McKeel commented that they are always having projects that fall short and then have to scale them back.

Mr. McDermott stated that Mr. Darryl Shifflett had said they could put this in line items for districtwide funds and let it sit there until they are ready to move it to a project.

Ms. Palmer commented that there are people for and against the paving of White Mountain Road. She said the Sunset Road Extended/Old Lynchburg Road Extended area is getting a lot of new housing and increased density within a very small area having poor transportation infrastructure. She said that she and Mr. McDermott would sit down with a planner and take a comprehensive look at this to bring back to the Board, with the potential to move it up. She noted that a small project that had been under discussion for several years was to get a safe passage under I-64 along the section that goes from the new affordable housing complex in Timberlake to Azalea Park and could get into the new trails the City is putting in. Ms. Palmer said she had heard rumors they were moving their project up and this might be something to put on the list for new planning money, with the goal of eventually obtaining money to address this very short distance. She said Mr. McDermott is going to confer with staff to figure out how much planning money would be needed and asked if a portion of this money could potentially be used for this if the Board so desires.

Mr. McDermott replied that his understanding is they could do this, as it would be a secondary road improvement and fall under the category of Other Transportation Priority Projects. He said the area consists of 650 feet of sidewalk within existing VDOT right of way and is not expensive, but they would have to find funding for it.

Ms. Palmer emphasized the danger of this walk and encouraged others to try it.

Ms. Mallek asked for cost estimates of the Stony Point Pass and White Mountain Road projects.

Mr. McDermott pointed out that cost estimates are listed on a chart and based on standard, per-mile estimates provided by VDOT. He said the estimate for White Mountain is \$450,000, as it considers the entire 2.6-mile length of the road, though it could be broken into segments. He said the estimate for Stony Point Pass is \$437,000, which could also be broken into segments.

Ms. Palmer said that both she and Ms. Mallek had spoken with Joel DeNunzio, who explained it would be a very expensive project due to its hills and length.

Mr. McDermott remarked that it is 2.5 miles in length and sections are already paved in the area of a major drainage issue.

Mr. Dill remarked that Stony Point Pass is only going to be paved 1.5 miles on either end and not in the middle. He asked if significant drainage issues, such as a collapsing culvert and a portion of the road being washed away by a stream, could be fixed in the short term with an allocation of funding.

Mr. McDermott invited Assistant Resident Administrator for Maintenance, Mr. Ed St. Nicholas, to address this question.

Mr. Ed St. Nicholas confirmed they would be paving Stony Point Pass from both ends and there is a paved area coming in from Route 231. He said he had ridden the road from Route 20 inward and estimates the same amount of distance. He said he would speak with Mr. DeNunzio about the drainage issue.

Ms. Mallek asked if maintenance and drainage work would involve a different funding pool. Mr. St. Nicholas replied that it would likely be from routine maintenance, which is outside of the Rural Rustic Road program. He pointed out that estimates of the Rural Rustic Road program are based on a planning factor, and they would have to look at the unique characteristics of the road to determine the cost of drainage work.

Mr. McDermott presented a summary of staff's recommendations to the Board: endorse the recommended prioritized list of paving projects and expenditure of other state funds through the Secondary Road Programs as set forth in the staff report for inclusion in the County's draft FY19-24 SSYP; schedule a public hearing on the SSYP for June 13, 2018; and endorse the recommended prioritized list of Smart Scale grant applications.

Ms. McKeel **moved** that the Board approve the recommended prioritized list of paving projects and expenditure of other state funds through the Secondary Road Program as set forth in the staff report for inclusion in the County's draft FY19-24 SSYP; that a public hearing be scheduled on the SSYP for June 13, 2018; and to approve the recommended list of Smart Scale Grant applications. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.

NAYS: None.

Mr. McDermott clarified that the Board would recommend they put out-year Telefee money into an existing UPC for a later decision.

Recess. At 5:40 p.m., the Board recessed and then reconvened at 6:02 p.m.

Agenda Item No. 18. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Mallek announced that due to a change in the agenda and a deferral of the public hearing, they would see if anyone from the public wished to address the Board now and then go into a closed meeting.

No one came forward to address the Board, and Ms. Mallek closed this portion of the meeting.

Agenda Item No. 15. Closed Meeting.

At 6:04 p.m., Mr. Gallaway **moved** that the Board go into a Closed Meeting, pursuant to Section 2.2.3711(A) of the Code of Virginia, under Subsection (1), to discuss and consider appointments to boards, committees and commissions in which there were pending vacancies or requests for reappointment; under Subsection (3), to discuss and consider the disposition of real property in the City of Charlottesville related to court facilities where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: pending applications for emergency communications facilities; and negotiating an agreement for, and the possible relocation of, court facilities. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.

NAYS: None.

Agenda Item No. 16. Certify Closed Meeting.

At 7:39 p.m., the Board reconvened into open meeting and Mr. Gallaway **moved** that the Board of Supervisors certify by recorded vote that, to the best of each Supervisor'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. The motion was **seconded** by Ms. Palmer.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.
NAYS: None.

Agenda Item No. 17. Boards and Commissions: Vacancies and Appointments.

Mr. Dill **moved** that the Board appoint/reappoint the following individuals to various boards and commissions:

- **reappoint**, Mr. Rob Farrell to the Acquisition of Conservation Easements Committee (ACE), with said term to expire August 1, 2019.
- **appoint**, Mr. Josh Rector and Ms. Katya Spicuzza to the Crozet Community Advisory Committee, with said terms to expire March 31, 2020.
- **appoint**, Mr. Kennon Williams to the Natural Heritage Committee, with said term to expire September 30, 2021.
- **reappoint**, Ms. Lynda White to the Village of Rivanna Community Advisory Committee, with said term to expire March 31, 2020.

The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.
NAYS: None.

Agenda Item No. 20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Randolph reported that the executive committee of Southwood had met with representatives of Habitat for Humanity to discuss increasing the number of affordable housing units in the first phase, the need to have onsite recreational spaces, and the need for street parking. He said the County and Habitat for Humanity would enter into a performance agreement that is being prepared by staff of the County Attorney to ensure accountability for both parties and a commitment to an effective process, and to set clear expectations of work to be done. He reported that 12-14 residents attended a presentation by the director of the Rockfish Community Center. He said this was a former elementary school converted to a community center, was established as a 501(c)3, and had consistently raised funds through fundraising, membership, special events, space rentals, and operation of a clothing closet. He said the presentation raised interest among the Yancey group about rental fees in combination with County and nonprofit uses of space at Yancey, which could contribute to maintenance costs. He said they agreed to allow the use of space by the County and nonprofit organizations after June 30 and reviewed several rent paying businesses as potential tenants. He described the meeting as very productive and the best of all those he had attended.

Ms. Palmer asked for a list of members of the Southwood Community Center Executive Committee. Ms. Mallek reminded her that the Board had appointed Ms. McKeel and Mr. Randolph as liaisons.

Mr. Randolph noted that Habitat for Humanity had created several operational committees to implement Phase 1. He said in addition to himself and Ms. McKeel, the meeting was attended by Mr. Walker, Mr. Kamptner, Mr. Graham, staff liaisons Kristy Shifflett and Meghan Nedostup, and Dan Rosensweig and Rush Otis on behalf of Habitat for Humanity.

Ms. Palmer requested that she be provided with an overview of the committees.

Mr. Kamptner offered to obtain this from Ms. Shifflett the following day.

Ms. Mallek addressed issues at Sugar Hollow, stating that dealing with parking, traffic, public safety, and abandoned trash has been challenging. She said the City would take down the dam keeper's house by August, and she hopes that by then they could determine where to have a control gate to prevent cars from parking near the dam that blocks emergency vehicles from getting in. She said CenturyLink had buried the fiber all the way to the dam, so Rivanna now has a much better technology interface for safety purposes and other community members are buying in to supply a \$40,000 return on investment gap, with one business taking out a \$20,000 loan and other neighbors planning to pay them back over several years. She said neighbors have spent two years organizing this, and the benefit is that it will allow them to address many mechanical issues from a distance.

Ms. Palmer noted that CenturyLink offered packages to businesses in which upfront costs could be paid in installments with the monthly bill.

Agenda Item No. 21. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson informed the Board that he would attend continuing education classes about the federal budget process on April 6, 2018, and Doug Walker will act in his stead.

Agenda Item No. 22. Closed Meeting. *(if needed)*

There was no need for an additional closed meeting.

Agenda Item No. 23. Adjourn to April 10, 2018, 4:00 p.m., Lane Auditorium.

At 7:50 p.m., Ms. Mallek adjourned the Board until April 10, 2018 4:00 p.m., Lane Auditorium.

Chairman

Approved by Board
Date 08/01/2018
Initials CKB