

An adjourned meeting and a regular night meeting of the Board of Supervisors of Albemarle County, Virginia, was held on April 11, 2018, in the Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The adjourned meeting was held at 2:00 p.m., and was adjourned from April 10, 2018. The regular night meeting was held at 6:00 p.m.

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 2:03 p.m., by the Chair, Ms. Mallek.

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Agenda Item No. 2. **Work Session:** Ordinance to Amend County Code Chapter 3, Agricultural and Forestal Districts.

The Executive Summary forwarded to the Board states that the Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 3 contains provisions related to the County's agricultural and forestal district ("AFD") program by which the County protects its agricultural and forestal lands of statewide and local significance. A current revised draft of Chapter 3 is Attachment A.

The purpose of this work session is to discuss the following three substantive issues as part of revising County Code Chapter 3 prior to scheduling public hearings. The sections in Chapter 3 applicable to the issues to be discussed at the work session are Attachment B. Staff's analysis of the three issues are Attachment C. The three issues that will be discussed at the work session are:

1. Whether the uses and activities allowed on a parcel in an AFD should be further restricted.
2. How parcels in an AFD with no development rights should be evaluated during district review.
3. Whether appointees to the Advisory Committee should be subject to term limits.

An ordinance reflecting the Board's direction at this work session will be forwarded to the Planning Commission for its public hearing and recommendation in June. Staff will schedule the Board's public hearing on the ordinance soon thereafter.

There is no expected budget impact.

Staff recommends that the Board provide direction to Staff on the three issues presented.

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Mr. Kamptner explained that at this meeting they will hold a work session to discuss some issues identified during the redrafting process, with the first item emerging from the Board's December 13, 2017 review of several agricultural/forestal districts, in particular the Hardware Agricultural/Forestal District. He presented a slide with a list of three issues for which staff will review and seek direction from the Board:

- 1) Whether the uses and activities allowed on a parcel in an AFD should be further restricted.
- 2) How parcels in an AFD with no development rights should be evaluated during district review.
- 3) Whether appointees to the advisory committee should be subject to term limits.

For Issue 1, Mr. Kamptner explained that under the state law and Albemarle County Code, the general rule is that parcels in a district may not be developed to a more intensive use, with some exceptions. He stated that the County allows any use by right to take place in an AFD with any special use also allowed, subject to Board approval both under the AFD rules and under approval of the special use permit. He said that state law allows some exceptions, such as family divisions and persons who work on the farm.

Mr. Kamptner stated that at this meeting, they will focus on uses allowed in the RA district and by special use permit. He emphasized that any changes to allow use of an AFD parcel becomes effective when they are up for a periodic review and that state law grants the Board the authority to continue, modify, or terminate a district. He said the changes, if the Board approves, will apply to all parcels in an AFD. He said he is not aware of a significant issue with parcels in AFDs being used for commercial-type activities that are allowed by right in the rural areas zoning district, though it might not hurt to put this in writing. He next presented a slide with a sampling of uses by right and by special use permit within the rural area zoning district:

By Right:

- Veterinary Services—offsite treatment of animals
- Agricultural Service Occupations

- Bed and Breakfast
- Borrow Areas and Borrow Pits (<50,000 square feet)
- Commercial Stables

By Special Use Permit

- Community Centers
- Clubs and Lodges
- Swim, Golf, Tennis, or Similar Athletic Facilities
- Private Schools
- Private Airports, Heliports, and Flight Strips
- Gift, Craft, and Antique Shops
- Public Garages
- Borrow Areas and Borrow Pits (<50,000 square feet)

Mr. Kamptner noted that he has not included the types of uses very directly related to agricultural or forestal activities, as well as public uses and public utilities, which comprise a fairly large number of by-right uses in the rural area district. He said there are five on the list that stand out as being more commercial in nature and while veterinary services and agricultural service occupations have a connection to agriculture, it is not a very direct, onsite connection. He noted the types of uses under special use permit he has listed are probably the furthest removed from agricultural use and emphasized that both a special use permit and Board review are required.

Mr. Kamptner listed options for the Board to consider:

- A. Retain the current restrictions or limit the by-right uses and activities to those directly related to agriculture or forestry.
- B. Amend the current restrictions to allow the by-right uses, but prohibit land being removed from agricultural or forestal production.
- C. Amend the current restrictions to allow the by-right uses and activities but require Board approval under an AFD analysis.
- D. Amend the current restrictions to limit the range of special uses a landowner of a parcel in an AFD may ask the Board to allow.

Mr. Kamptner next reviewed Issue 2, relating to how parcels in an AFD with no development rights should be evaluated during district review. He explained that this issue arose out of a change in the Albemarle County Code, approved by the Board, to no longer allow parcels to be added to a district if they do not have development rights. He said that although it is not a hard and fast rule, the Board had expressed its policy to not allow these parcels to be added to a district. He said staff has counted 116 AFD parcels that receive open space land use valuations, though they have not yet determined how many of these do not have development rights, as this is a time-consuming process. He said there are 53 parcels under open space use agreements that are not in AFDs, under an alternative way that land to be used as open space could qualify for land use valuation.

Mr. Kamptner stated that 383 of 915 parcels fall within AFD or a combination criteria for land use valuations. He reiterated that any changes would take effect upon the district review that occurs every 10 years and although they have parcels in an AFD that might now qualify for an agricultural/forestal land use valuation, it is possible to fall out of this category into open space use for the 10-year period.

Mr. Kamptner next reviewed development rights, stating that the Board's policy addresses parcels under 21 acres in size that do not have development rights. He explained that development rights fall under the zoning ordinance adopted in 1980. He said the ordinance permits owners in the rural areas zoning district to create as many 21-acre parcels as possible, and each parcel of record as of the date of adoption was given five development rights for parcels between 2 and 21 acres. He emphasized that development rights are theoretical and that parcels with steep slopes or within the floodplain might not be able use them all, as there must be a building site. He said the other component is that development rights also may allow additional dwelling units to be established on an undivided parcel. He noted that Attachment C of the Executive Summary identifies a number of factors to consider:

- A. The parcels joined the AFD under the rules then in effect.
- B. Some 21-acre (or more) parcels and family subdivision parcels with no development rights were likely created under the current AFD rules that allowed them to be created.
- C. The parcels that might be removed from an AFD would be subject to roll-back taxes if they previously qualified for open space land use valuation.
  - The roll-back taxes are the amount of the real estate taxes deferred for each of the five most recent tax years, including simple interest.
  - There is no state enabling authority to relieve the landowner of paying roll-back taxes in this situation.
- D. The parcels do not harm the AFD.
- E. Some of the parcels may help more parcels to join the AFD because the AFD potentially extends the territory of parcels eligible to join an AFD.

- F. Parcels being eligible for open space use valuation, even though they have no development rights, is problematic
  - They adversely affect the integrity of the County's land use valuation program because the community receives little value in return.
  - Generally known in the real estate market that the availability of the lower real estate tax rate can encourage residential development in the Rural Areas, which is contrary to the County's growth management policy in the Comprehensive Plan.
- G. Even though parcels have no development rights, if the County increases the restrictions on uses and activities on parcels in an AFD, their continuation in an AFD would bring some value to the community.
- H. Open Space Use Agreements should not be available as an alternative for parcels with no development rights
  - OSUAs were suggested as possible option at the Hardware AFD review.
  - OSUAs would not further the County's policy regarding parcels with no development rights being eligible for open space land use valuation.
  - OSUAs provide no significant conservation gain.
  - OSUAs would be an unsatisfactory substitute.
  - The Board should provide direction about entering in OSUAs for parcels with no development rights.

Ms. Palmer asked if a property owner may have an open space agreement without development rights on his property. Ms. Mallek replied that prior to validation, this was the way they obtained open space land use.

Mr. Kamptner asked County Assessor, Mr. Lynch, if he knows of any parcels that are in an agreement but do not have any development rights.

Mr. Lynch responded that he does not know.

Mr. Scott Clark replied that although he does not have a list with him, he recalls there being some in the original 1980 configuration and other more recent ones that do not appear to have development potential.

Ms. Palmer asked for clarification that they currently allow this to occur. Mr. Lynch confirmed this.

Ms. Palmer asked what it would take if the Board were to decide to not allow this, which would be consistent with the AFD, as they do not allow new properties to enter an AFD if they do not have a development right. She said this would seem consistent if they were to do it with the open space agreement policy and it seems like a loophole that needs attention.

Mr. Kamptner commented that it is not directly germane to the discussion, but something they have identified and for which they seek Board direction. He agreed that it is a loophole.

Ms. Palmer asked if more people are utilizing the open space agreement process since they have started the revalidation program. Mr. Clark confirmed this, adding that until they began the revalidation, there had been just one open space agreement for many years, though it has now become very popular.

Ms. Palmer asked if one could go directly from an AFD to an open space agreement without the tax rollback or if the taxes would have to be paid before an application could be made. Mr. Kamptner replied that they would have to withdraw from the AFD, which would trigger rollback taxes, and then reapply.

Mr. Randolph stated that the goal of the program is land conservation.

Mr. Kamptner confirmed that the purpose of AFDs is soil conservation and the promotion of agriculture and forestry production.

Mr. Randolph said the counter narrative is that the Board is looking at a change for primarily financial reasons when, in fact, they are looking at an inconsistency or anomaly and are trying to address this to ensure consistency.

Mr. Kamptner agreed, adding that is also to strengthen the integrity of the districts.

Ms. Mallek referenced Issue 2, specifically items G and H. She said a counter side to putting open space uses into AFDs is to strengthen the open space category to the strength it had before revalidation. She said it is not used as a copout to get into revalidation and that one has to enter into a contract not to build things and to conduct stewardship, which she hopes will continue as an option for the land use qualification. She noted that this might be completely different from what Mr. Kamptner is suggesting, which is only for AFD uses, and this was promoted by staff at the time. She said it was made clear to the Board that properties have to qualify for land use on their own and the land use has nothing to do with presence in an AFD. She said that unfortunately, this has not turned out to be the way it is and correcting it now is an important element.

Mr. Kamptner said they must independently qualify.

Ms. Mallek indicated that providing well laid out avenues for people to follow would allow property owners to make arrangements with the Soil and Water Conservation District to improve their stewardship contribution and/or to go into easement, if this is the best way for them, before expulsion and rollbacks.

Mr. Kamptner recapped Issue 1 and posed the following questions to the Board:

- Should the uses and activities allowed on parcels in an AFD be changed? If Yes, to what extent?
- Continue to allow current by right RA uses but prohibit removing land from AFD production.
- Restrict by right RA uses to those directly related to AFD uses.
- Make all current by-right uses subject to Board approval under a case-by-case review; AFD production and currently allowed residential uses would be exempt.
- Restrict the range of uses allowed by special use permit.

Ms. Mallek expressed concern with borrow pits of up to more than an acre, which are sizable, and commented that not considering this a commercial use is ridiculous. She said this should not happen by right. She expressed support for retaining the other four.

Ms. Palmer added that this does not promote soil conservation and said it seems reasonable to align it with things that are compatible with an AFD, as staff has proposed.

Mr. Randolph expressed support for D on Page 2, Attachment C. He indicated that there are approximately 30 special uses that have no relationship to agriculture and forestal production and no linkage to conservation. He added that he prefers to rule out special uses unless someone wants to make the argument to include them.

Mr. Kamptner asked if there is consensus with borrow area borrow pits, from the by-right uses and non-agriculture related special uses. He said there is one by right use that has been identified that should be removed – the borrow area borrow pits – as well as 30 special uses that have no relation to conservation and are commercial-like activities. He emphasized these do not include anything that is agricultural in nature. Ms. Palmer said she thought veterinary services were compatible with AFD and expressed a preference for only removing items that are clearly not compatible.

Mr. Kamptner summarized that he does not hear a consensus on anything other than borrow area and borrow pits on the by-right side.

Mr. Gallaway asked if there is disagreement about any borrow pit or the size of them. Mr. Kamptner explained that up to 50,000 cubic yards are allowed by right and above that figure are allowed by special use permit.

Mr. Gallaway asked if the issue is the 50,000 or just the item in general. Mr. Kamptner commented that it is the item in general, from what he has heard.

Ms. Mallek interjected that moving dirt around to create water retention for stormwater is possible, though there was a 10,000-square-foot limit before soil disturbance rules entered in. She stated they are giving away 40,000 square feet of disturbance without a permit and she does not know whether this is an agriculture exemption or why they do not have an ENS 10,000- square-foot restriction, which may be something they have to find out.

Mr. Kamptner replied that it depends on how directly related to agriculture it is and if it is related it is not subject to erosion and sediment control regulations.

Ms. Mallek noted that this refers to offsite disposal and that dirt dug up was sold and taken somewhere. She asked if it allows someone to pay to allow dirt to be dumped.

Mr. Kamptner replied that this is different from onsite readjustment.

Mr. Kamptner recapped Issue 2 and posed the following questions to the Board:

- How parcels in an AFD with no development rights should be evaluated during district review. Should parcels with no development rights be removed from AFDs? If so,
- Should staff analyze the development rights of all parcels in the AFD being reviewed or only those in the open space category of land use valuation?
- Should parcels above a certain size not be considered for removal?
- Before the parcels are removed, should parcels with no development rights that currently qualify for open space category of land use valuation be given time to qualify on another basis for example, qualify as agriculture or forestal before the next revalidation process is concluded?

Ms. Mallek asked if it is safe to say these are cases that do not qualify for land use in any other way. She said the AFD Committee attempted to determine the most effective and limited way to make a change to get the desired result, but if an open space parcel does not have development rights but qualifies for land use on its own, that is different. Mr. Lynch replied that the only qualification for open space is that it be at least 20 acres and be in an AFD or have an open space use agreement. He said there is no further qualification and these parcels qualify because they are in the AFD and consist of at least 20 acres. He explained that a parcel over 20 acres without development rights would not be allowed

into the AFD, but they can obtain an open space use agreement and he wants to make sure both programs treat them the same way.

Ms. Palmer added they would have to come out, pay five years of back taxes, and then apply for an open space agreement.

Mr. Lynch confirmed this. He said the question included here is whether staff can get Board direction to not allow properties with no development rights to get an open space use agreement the same way they treat parcels that request to get in through AFDs.

Ms. Palmer said she thought they would make this determination later, as Mr. Kamptner had responded to her earlier inquiry indicating that staff would bring this back. She expressed concern that if people go through a legal process and enters the program in good faith, but the County changes the rules and kicks them out, it would be changing the rules midstream. She acknowledged there are situations in which an owner has divided land within an AFD, so there would have to be a lot of "cut outs" if they were to do it.

Ms. Mallek remarked that this would be their decision, which is different than changing the open space rules.

Ms. Palmer said she is fine with the open space agreement being limited to those that have development rights, but it bothers her that they would be changing the rules while someone is going through the process and would prefer to see them grandfathered in. She also expressed concern about the significant staff time that might be required during reviews.

Mr. Randolph pointed out the 10-year time period for renewal of the AFD and noted that parcels that do not meet the new criteria would be separated, giving notice well in advance to property owners. He mentioned the federal government had recently altered taxation policies that entailed huge ramifications in multiple areas, whereas what the Board is considering is a phase-in that would not leave landowners surprised, from a standpoint of consistency. He said he understands why members of the Planning Commission had made the argument that having parcels in the AFD could be interactive as it adds additional parcels on the map, and if they have the goal of land conservation, they are keeping orphaned properties in there. He referred to these as "phantom properties" because they are not subject to the kinds of conservation the other properties are, though the issue is one of consistency to get conservation of the land and resources. He remarked about an email the Board had received earlier that day that pointed out that more development activity on a property increases the amount of runoff. He said it is in their interest to prevent run off as much as possible. Addressing the suggestion to have grandfathering, he pointed out they already have a 10-year period and that property owners would have advance notice of what is coming. He speculated that some might purchase additional properties around them to increase their holdings, which would make it more attractive to the Board and would work for the property owner.

Mr. Kamptner added that they would also have the option to try to qualify for agriculture, horticulture, or forestry.

Ms. Palmer said if they review an AFD in the next couple of years, the owners would not have a 10-year notice but only one or two years.

Ms. Mallek remarked that this is plenty of time.

Mr. Randolph suggested that they provide two to three year's notice and agrees it would be unfair to make a sudden change.

Ms. Palmer asked if the County could face litigation in the event a developer were to sell a piece of property under the assumption it qualifies and then the County withdraws them. Mr. Kamptner remarked that there are neither any cases nor opinions of the Attorney General that provide guidance, though the Board has the authority to renew, terminate, or modify the districts under the power given to it by the General Assembly.

Mr. Dill asked how common it would be that those who are terminated would have to pay five years of back taxes. Mr. Kamptner replied that 116 AFD parcels fall under open space land use valuation and although some do not have development rights, several of them may have development rights and could remain in the AFD.

Ms. Mallek noted that the ones they are looking at are less than 21 acres, and those landowners were told to sign up under open space in order to not sign up as forestry and have to harvest. She said the validity of the open space contract is very important as it provides an obligation of the land owner and a benefit to the County that there would not be building for a 10-year period, which is not something they derive from regular open space. She remarked that owners could build riding arenas, extra houses, and tennis courts within the 21 acres or smaller piece if they chose, as the rules are not strong enough.

Ms. Mallek asked if they have legal authority to require participation in stewardship programs, such as the Water and Soil Conservation District, in order to qualify for open space. She acknowledged the benefit to open space, adding that to have it as a copout and not do stewardship is not right given the tax savings it provides. Mr. Kamptner pointed out the Board has the ability to modify districts and to impose conditions as part of renewal as long as there is a reasonable basis.

Ms. Mallek said she had been told the rollback taxes do not happen until the use changes and pointed out that if the use does not change, they move from one program to the contract or easement. She asked if this could be seamless, without a rollback, while also removing them from the AFD, where they are guaranteed to have it without any other obligation.

Mr. Lynch remarked that the state code is very clear that parcels must be rolled back when they leave the district.

Ms. Mallek said this is news to her and doubts they have been doing this. Mr. Lynch said he does not know of any within the last two years.

Mr. Kamptner suggested that they consider allowing parcels to stay in the district, provided they enter into an open space use agreement, and by staying in the district, they are agreeing to additional limitations.

Ms. Palmer said she thought they were going to limit the open space agreement to properties that do not have development rights, and this is just shifting the problem.

Ms. Mallek added that what they get is a 10-year commitment to not build.

Mr. Kamptner offered to create a distinction for parcels already in AFDs as a way to grandfather them, but to also recognize that they bring less value to the community. He said the open space use agreement provides some additional value to the community that justifies their remaining in the district. He said standalone parcels coming into the district represents a different situation and are coming into the program.

Ms. Palmer asked for clarification that the open space agreement is more restrictive than the agreement to be in an AFD and getting open space valuation. Mr. Kamptner replied that it is more restrictive than what they currently allow and provides some value, even if the Board were to change regulations regarding uses.

Mr. Randolph referred to Page 3.H, sentences 2 and 3: "However, as open space agreements also mainly restrict subdivision, this alternative creates additional work for the landowner and the County without creating any significant improvement in conservation outcomes. For properties that were already subdivided the other restrictions included in open space agreements, prohibitions on additional uses, new structures, new fences, barriers, and removal of vegetation were not significant conservation gains."

Mr. Randolph said if the program seeks enhanced conservation, this is an inferior instrument by which to try to require it and to encourage people to come into the AFD.

Ms. Mallek agreed, unless they can improve the requirements to get an open space with the stewardship program.

Ms. Palmer expressed a willingness to grandfather the ones in the program now and move forward.

Ms. Mallek disagreed strongly, pointing out that many have already enjoyed 20 years of savings for which they have done nothing but pretend, which is an offense to those who are farming.

Ms. Palmer asked if the County can encourage them. Ms. Mallek replied that encouragement has been there from partner agencies and if there is no requirement, they will not do it – which represents a huge loophole.

Ms. Palmer agreed, but said there is a mix of properties already in the district for which they will have to carve out different positions, such as those who divided their land while in an AFD.

Ms. McKeel asked Mr. Kamptner to address this.

Mr. Kamptner pointed out that the open space agreement provides a bit of value that would be implemented as a condition of renewal of the district, while other issues, such as participating with the Soil and Water Conservation District, would be a separate condition. He emphasized that the Board has the authority at every review to impose conditions as part of the renewal process and said those are available to the Board now without any change to the ordinance. He said the County would like to put everybody on notice that these will be considered as a district comes in for review.

Ms. Mallek commented that she lives on a 40-year family division that does not have development rights that could be conveyed and did not have a guarantee of land use or anything else going forward. This, in her mind, is a completely separate issue that should not be allowed to overturn the benefits of doing something for the grand majority of people.

Mr. Kamptner emphasized that this meeting is just the first work session, and there is a long way to go, so at this point he is seeking a general consensus.

Ms. McKeel expressed support for the idea of stewardship and acknowledged that Supervisors are in agreement. She said she is not excited about grandfathering provisions, though she is not

sufficiently educated on this matter, and she wants to address loopholes and the integrity of the system as an issue of fairness.

Mr. Kamptner replied that Mr. Lynch had suggested they give current landowners the opportunity to come in under another land use valuation category by the next revalidation cycle, which is 18 to 21 months away, and this will give them until 2022.

Ms. Palmer asked if the Planning Commission has reviewed this. Mr. Kamptner replied that they have not.

Ms. Palmer recalled from the Hardware District case that the Planning Commission had suggested if the Board was interested in removing any properties without development rights from the AFD that they allow the Planning Commission the opportunity to review the criteria with which they would make this decision.

Mr. Dill remarked that if this issue were in the business community, there would be the potential for arbitration. He emphasized that it seems people fall under different situations in terms of owing taxes and how they use their land, and it would be difficult to find a rule that is fair to everybody. He said he wonders if they could establish a review panel and expressed a belief that most people would like to do the right thing or would be willing to, if forced.

Mr. Kamptner responded that the Advisory Committee, Planning Commission, and Board of Supervisors already review cases. He said they could emphasize stewardship and return to the Board with related ideas.

Ms. Mallek remarked that the VCAP program includes hundreds of County residents who already use it through the Soil and Water Conservation District and is getting better implementation and improvement for the environment and not just taking money away from people.

Mr. Kamptner next reviewed Issue 3: Whether appointees to the Advisory Committee should be subject to term limits. He presented a slide with information:

- Of the Advisory Committee's 8 citizen appointees, 4 must be engaged in agricultural or forestal production, the other 4 must be landowners in the County.
- Current regulations prohibit Advisory Committee members from serving more than two consecutive four-year terms.
- Committee members whose terms have expired hold over until a successor is appointed.
- Filling vacancies on the Committee has been difficult and holdover periods have sometimes been lengthy.
- The Committee has had members who are willing to continue serving and had been forced.
- Does the Board want to eliminate term limits for this committee?

Mr. Gallaway commented that if they create a policy that allows a loophole, people take advantage of it – and it makes sense to close the loophole going forward but they should not impose retroactive penalties.

Mr. Randolph said he does not believe Mr. Gallaway meant the penalty should disappear.

Ms. Mallek said it should, as the land use has not changed.

Mr. Lynch clarified that if a landowner were going from open space and tried to obtain a land use agreement, this is not the end of a use. He said if they are farming and end a use, this would be the end of a use, but going from an AFD to an open space use agreement is not ending or changing a use. He said this would generate rollback taxes, as required by the state.

Ms. Mallek asked Mr. Lynch to confirm that he had suggested they find a way to have non-productive land with extra stewardship requirements as a category in agriculture. She asked if this would provide a shifting among land use categories and allow them to stay without the rollback of taxes.

Mr. Lynch replied that all they had suggested was to grandfather them, not to roll back taxes, and to treat future parcels by the rules.

Ms. Mallek asked for clarification that one condition that could remain is the open space contract. Mr. Kamptner replied that there may be a problem having this and stewardship in the same place.

Mr. Lynch remarked that he believes there is one parcel with both.

Ms. Mallek said this would help offset a lot of concern wherein people who would like to stop doing agricultural and forestal and go to open space or to stewardship programs but are afraid they will lose their land use if they do this.

Mr. Randolph remarked that when they attempt to create flexibility, they run into goalposts set by the General Assembly.

Mr. Gallaway pointed out there had been instances where they had sought taxing authority from the state, and this is an area where they would like to have the flexibility to not require taxes. He said he

wants to be clear that he understands that ending the program triggers the rollback, but the state requires the collection of taxes.

Ms. Mallek pointed out the Department of Finance has modernized its process and sent letters to those who did not know they were supposed to have a license for rental properties and other things. She remarked that people were upset to learn they owed a \$50 fee, going back five years, and she expressed concern the rollback taxes would create consternation among those affected.

Mr. Lynch asked for Board guidance about the restriction of properties asking for an open space use agreement now to only be properties that have property development rights. Ms. Palmer stated that in theory she agrees with this, adding that it would be a good idea to look at open space agreement qualifications and the reasons for them. She commented that she wonders if there may be unintended consequences.

Mr. Clark responded that he does not think there are unintended consequences, and the agreements restrict subdivision and construction. He said that for a parcel without development rights, they are signing up for a program to give up rights they do not have, and it does not make sense to bring them into an agreement as they had already been divided into a residential lot and obtained a conservation-related tax benefit through their signed agreement.

Mr. Lynch said this issue had come up because he received a call from someone who was not allowed to join an AFD, based on the new rules, who asked if he could get an open space use agreement.

Mr. Dill said he thought the Board agrees and wonders if they want to do something fairly soon.

Ms. Mallek pointed out that the Agricultural/Forestral Committee had been working on this for years and it had jumped out, as there are a number of parcels in a subdivision near her where no farming has been going on. She reminded the Board there was no validation from 1973–2010, whereas most counties require regular reporting on qualifying.

Mr. Kamptner said he would take this as Board direction to draft a resolution for the May or June consent agenda so that this policy for open space agreements is memorialized. He asked for direction on Issue 3, regarding term limits for the Advisory Committee.

Mr. Dill suggested that they retain term limits and work harder to recruit people.

Ms. Palmer stated that she supports retaining leeway since there are not many who are qualified for this.

Mr. Randolph said he supports having a limit of two consecutive terms, and after a member has sat out a term he could return.

Ms. Palmer expressed her understanding that this has also been problematic.

Ms. Mallek said that letting people stay until a replacement has been found has worked, though it is cumbersome.

Mr. Clark remarked that they have had members leave due to the term limits and it was not clear if they may return.

Ms. McKeel said she has mixed feelings, as she supports term limits but understands the difficulty in recruiting members.

Mr. Gallaway asked if it could be connected to turnover in the Supervisor role, whereby if it is the same Supervisor over multiple terms their appointee could stay, but if there is a new Supervisor it has to be adhered to. Mr. Clark pointed out the appointments are not made by district.

Mr. Kamptner suggested that if the holdover period is more than six months, the term limit is off – and he asked Supervisors if this provides some definition.

Ms. McKeel asked how often the committee meets. Mr. Clark replied that they usually meet two to three times a year.

Ms. McKeel asked Mr. Clark if Mr. Kamptner's suggestion works for him. Mr. Clark agreed that it will help them keep qualified people for a longer time, though it will create some uncertainty for the member during the six months. He said it is better than the current situation under which they lose people for indefinite amounts of time.

Ms. Mallek suggested that they advertise for new members during the month when a term is up and, if no applicants come forward, they could stay on for another year.

Mr. Clark said he prefers that they stay on for another term to make it easier to track.

Mr. Dill added that people should have the opportunity to be reappointed for some period of time after they are appointed and asked how long the terms runs.



Mr. Kamptner replied that terms are four years.

Mr. Randolph remarked that they may want to address this with community advisory committees, as they tend to lose institutional memory and a sense of organizational commitment when a member leaves.

Mr. Dill agreed but remarked that some people want to get involved and cannot because of the stagnation of the committees.

Ms. Palmer suggested they go with the middle ground for now, whereby members will step off for six months and during which time the County will advertise for the position; if they cannot recruit a new member, the existing member can serve another term.

Mr. Randolph stated that two members of the Rivanna committee are continuing to serve after their terms had expired but they cannot vote, so the committee still benefits from their institutional memory. He asked how important voting is to the committee.

Mr. Clark replied that voting is critical.

Mr. Randolph said he feels more confident learning what Mr. Clark recommends.

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Agenda Item No. 3. **Work Session:** Stormwater Program Discussion.

The Executive Summary forwarded to the Board states that for the last several years, Albemarle County has been considering how to best support water resource programs that comply with federal and state mandates and that meet growing community expectations. Attachment A includes a brief history of Board actions related to this effort. In 2014, the Board appointed an advisory committee to develop recommendations and the committee produced a report summarizing their recommendations in 2015 (Attachment B). On September 7, 2016, the Board took the following actions and directed staff to take steps necessary to establish a stormwater utility.

- **affirmed** the level of service represented by the recommended 10-Year Program Plan
- **supported** the recommendation to establish a stormwater utility

Since July 2017, the Board has received several updates on progress made in establishing a utility. In addition, the Board has had an opportunity to review the major programs to be supported by the utility and a revised summary of projected program costs over a 10-year planning horizon (Attachment C).

Beginning in June 2017, staff - with assistance from a consultant - have been working with stakeholder representatives to determine a suitable method by which to compute utility fees for each County parcel. Details associated with a draft methodology have been publicly-available as early as December 2017 and were further circulated through the posting of frequently asked questions to the County website on March 8th. This information has resulted in an abundance of community feedback to Board members.

Per direction from the Board at its March 29 budget work session, today's work session will be an opportunity for the Board to receive a brief update on the effort to develop an alternative means of funding water resources programs, to share current views, to discuss options for moving forward, and to provide direction to staff.

The proposed FY19 Budget fully supports current water resources programs and, using one-time funds, provides funding to begin the implementation of new programs - previously presented as grey and green infrastructure. There is no further impact in FY18 or FY19.

Provide direction to staff on how to proceed with exploring water resources program funding alternatives.

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Mr. Trevor Henry, Director of Facilities and Environmental Services, introduced Mr. Greg Harper, Chief of Environmental Services, and said they will discuss the stormwater program and funding options. He noted the Board had heard from the public and there is keen interest in this discussion. Mr. Henry stated that Mr. Harper will provide background and review drivers that led them to this point, mandates, and the work of the Board-appointed Funding Advisory Committee, which established the constraints on the work they had over the past year. He explained that staff sought solid input on an intent for next steps for the FY20 budget and said there is one-time money in the CIP to allow the program to go beyond the mandates, especially in the area of infrastructure assessment, which would present the opportunity to utilize cameras to assess the conditions of some of the area's oldest infrastructure and thus help inform the program.

Mr. Harper explained that the initiative began in 2014 when the Board requested community input and appointed the advisory committee to get recommendations on alternative funding mechanisms, an initiative fueled by four main drivers: new state mandates, County aspirations, aging infrastructure, and countywide stream impairments. He stated that one driver was that the Department of Environmental Quality (DEQ) had delegated a number of new, unfunded, state mandates to localities in 2013, including

the Virginia Stormwater Management Program (VSMP). Mr. Harper noted that the VSMP regulates development and land-distributing activities and the Municipal Separate Storm Sewer System program (MS4), administered by the County since 2003, including the Total Maximum Daily Load (TMDL), a new component to the MS4 program, that caused uncertainty over costs.

Mr. Harper stated that the Board's strategic plan indicated the need to invest in both the built and natural resource infrastructures, and there was an intention to address these more fully. He said that additionally, there are major repairs required of drainage infrastructure management items that are public in nature, but are not being maintained by the County or any other entity. He recognized there are many state-designated impaired streams and pointed them out on a County map. Mr. Harper explained that impaired means a stream or reservoir does not meet its designated use from the Clean Water Act, and most of the County's streams are unhealthy due to too much bacteria and sediment.

Mr. Harper stated that the first action to come out of this initiative was the formation of an advisory committee consisting of stakeholders representing different interests including farming, commercial, HOAs, and the faith community. He said the first action of the committee was a recognition that to weigh and compare funding mechanisms, they need to know what programs the mechanism would fund. He said a plan of recommended service was first brought before and endorsed by the Board in early 2015 and had served as the basis for subsequent work. He noted that it consisted of programs the County had administered for a long time as well as new mandated and unmandated programs to address identified needs.

Mr. Harper stated that the early work had estimated the cost of these programs so they could be factored into discussions of the funding mechanism. He said the committee issued its first funding mechanism recommendations in October 2015 and immediately realized that assumptions of the TMDL program needed to be refined, as they had simultaneously submitted and obtained acceptance from the state on an action plan. He said the committee came back with revised cost estimates in 2016. Mr. Harper presented a table of funding recommendations from page 2 of the committee's 2015 report, which he said were used to develop a rate structure. He said they had worked on a draft rate structure and credit policy over the past year while also refining cost estimates and determining what the grey infrastructure would look like.

Mr. Henry pointed out that there had been multiple Board work sessions and discussions since 2013.

Mr. Harper reminded the Board that it earmarked .7 cents of the tax rate to the partial support of stormwater program for FY15. He next reviewed their recent work on the rate structure. He explained that the rate and credit policy from which they calculate the rate were driven by statutory directives and assumptions derived from committee recommendations. He said the committee did not see a need to differentiate between urban and rural areas, which was an assumption the County had been working under. He explained that Equivalent Residential Unit (ERU), which applied an average cost per year to every residential property in the County, and said the committee did not think this was fair and wanted it to reflect the properties' actual contributions.

Mr. Harper explained that while many localities could get away with consideration of only the impervious area on properties, this was made complicated as a result of the rural nature of much of Albemarle County. As an example, he presented and contrasted photographs of a property with a bank on a ¾-acre parcel with that of large, rural property with a long driveway and a small house, which contained the same amount of impervious area and would be charged the same annual fee. He said the committee wanted to create a formula that factored in the size of the property that would mitigate much of the runoff from the road. He said the formula they created only included the portion of a driveway's length that was within 100 feet of all buildings on a property, noting they had learned it is not legally permitted to exempt certain buildings. He said the County's rate is \$10.50 per 500 square feet for commercial properties, placing it within the average of similar counties in Virginia. He explained this is a first iteration and they realize refinements would be made.

Mr. Henry said the photo presented of the rural and urban properties reflects the complexity of trying to stay within a one-rate policy. He said staff, the consultant, and the advisory panel work together to stay within certain confines. He said they believe the funding proposed in the FY19 budget would allow them to do meaningful work on all three fronts: TMDL, infrastructure assessment, and a pilot program for a watershed restoration project. He asked the Board to consider what FY20 funding should look like from a program and funding perspective, to consider whether assumptions should be changed, and to provide guidance for staff to return with a plan that will work from FY20 and beyond.

Mr. Henry presented a slide that listed recent efforts and FY19 planned efforts of TMDL, Grey Infrastructure, and Green Infrastructure programs:

<b>Program</b>	<b>Recent Efforts</b>	<b>FY19 Planned Efforts</b>
<b>TMDL</b>	Action Plans and Updates Capital Projects -Woodbrook Lagoon -WAHS Biofilter -Four Seasons Channel Restoration -Crozet Wetlands Channel Restoration -Church Road Basin Retrofit	Capital Projects - Chapel Hill Stream Rest. -RiverRun Stream Rest. -Minor Hill Basin Retrofit -Rio Hill Basin Retrofit

-COB McIntire Biofilter

**Grey Infrastructure** Mapping and Emergency Repair  
Video Assessment  
Asset Management System  
Address Critical Issues

**Green Infrastructure** Planning  
Pilot Watershed Restoration

He explained the benefit of using cameras for video assessments so they could identify problems earlier before they become larger and more expensive issues to address.

Ms. McKeel said she has been telling her constituents in the urban ring to call and place their projects on the list.

Mr. Randolph expressed appreciation at the work and time put in by the committee and staff. He said he was struck that the current approach to the stormwater utility management program lacked meaningful rural incentives for rural area property owners to undertake improvements that could provide a reward of enhanced water quality in adjacent stream and rivers. He described the current approach as one of "command and control," as it conforms with a plan for controlled policy approach. Mr. Randolph said under this, the County directed rural property owners to pay a stormwater fee over which they could exercise little influence and over which no pollution remediation action is recognized and rewarded, no matter how beneficial to improving water quality it might be. He added that it is easy for the current regime proposal to be perceived as anti-rural.

Mr. Randolph referred to page 9 of the funding presented, with mandated TMDL of \$720,000, Grey Infrastructure at \$623,000, and Green Infrastructure at \$100,000, commenting that it could be perceived that the rural area is getting the short end of the stick. He described the program as one-size-fits-all without incentives and said that people may perceive their payments only benefit the urban ring and planned residential communities. He said there are overtones of "Jeffersonian Democracy," as the rural perception is that the stormwater utility regime is another means to tax the rural area to benefit urban and suburban areas. He said the current proposal for the rural area is biased against multi-structured farms and explained that the nature of farming requires the presence of multiple structures. Mr. Randolph proposed that only the area within 100 feet of the residential structure of a farm should count towards the fee.

Mr. Randolph further described the proposed regime as being means-directed, not goal-centered, and that popular perceptions focused on the fee structure rather than the goal of improved rural water quality. He said the current program does not address the central dilemma that no parties remain responsible for the proven pollution that exists today in more than 60% of streams and rivers that made them unswimmable and undrinkable. He said the current program addresses this by merely presuming that every rural area property owner is a polluter, no matter how extensive their setbacks or how deep their stream buffers are. Mr. Randolph noted the current fee ignores the American legal doctrine of innocent until proven guilty. He said suburban and urban residents realize that grey infrastructure continues to deteriorate, and they look forward to receiving tangible rewards of improved stormwater management and potentially enhanced property values, whereas the rural areas see no such economic benefits accruing to them.

Mr. Randolph asked how the County can create a different attitude in the rural areas. How the Board can empower rural residents to feel they are the primary actors responsible for improved water quality in their neighborhood. Whether the Board wants to foster a greater sense of responsibility and personal and shared ownership of rural area pollution challenges; and if there is a different approach to stormwater management so that rural property owners can be expected to undertake greater ownership to improve water quality, and be rewarded with lower fees when their individual and collective actions produce measurable improvements to water quality. He proposed creation of water pollution overlay districts, conducting annual volunteer water testing of terminal water point quality, and a water quality-based stormwater regime that reduces fees for residents of the rural area as water quality improves in these districts. He proposed the elimination of the taxation of recognized places of worship and quoted Daniel Webster's line in *McCullough vs. Maryland*: "A power to tax involves a power to destroy." He said they also need to rectify the regressive nature of the current stormwater utility fee as it expects a low-income resident with a small house and large curtilage to pay the same amount as a wealthy resident with a large house and small curtilage. He said the fee should take into consideration the current median value of a home.

Mr. Gallaway asked Mr. Harper to elaborate on his statement that they cannot legally exempt buildings on a property from the fee. Mr. Harper replied that there must be a rationale as to how it is connected to a property's impact. He said he had heard from the consultants that if they want to make it fair by applying the fee only to a building with an address or the main building on a property, it must be explained to the courts that the runoff from other buildings is somehow different from that of the main one.

Mr. Gallaway commented that the risk is they might not be able to explain the reason later.

Mr. Kamptner interjected that they would risk the validity of the ordinance. He explained that a difference between fees and taxes is that taxes are generalized in a way so that one person may not receive the same benefit as another, while fees must have a reasonable relationship to the services the

fee payer is paying. Mr. Kamptner said that exemptions destroy this connection, as one who has an exempt property may receive a benefit that is greater than the amount of the fee paid and one who receives little benefit for the fee they pay has a right to challenge the validity of the fee structure. He said the courts provide some leniency regarding the calculations involved, but it must be reasonable.

Mr. Randolph asked if they could resolve this potential vulnerability by taking impermeable surface areas out of the equation and imposing the fee equally on each property, no matter its size. Mr. Harper commented that almost every locality that has adopted a utility used this approach only for residential properties, not for all properties. He said he believes this simplification has been challenged in court and had held since this is what most localities do. He said the committee had discussed this and decided it was not fair, as a large house should pay more than a small house. He said they also had a discussion about having tiers of small, medium, and large, which would eliminate any property from paying a huge amount, and it is possible they could revisit this assumption.

Mr. Randolph replied that this does not factor in that the property owner of a large house could have set up extensive buffering around access to bodies of water and with a small house, the owner would not be following good agricultural practices and their level of nutrient loading to streams could be far greater.

Mr. Harper said this is where the credits might come in.

Mr. Randolph said he understands why the committee went that way, but they were biased against the larger house, assuming it would contribute more pollution, which may not be the case. He said the real problem has been consistency and fairness. He indicated that if they have a legal problem with taking barns and ancillary structures out of the equation, then perhaps a better way is to not impose the fee on impervious surface areas at all. He said they could take out the GIS mapping coefficient.

Mr. Gallaway commented that he is still trying to understand what credits would look like and to understand the current fee as proposed. He said he would like to see exact examples and not rough dollar amounts. He recounted that when he lived in Ohio, there was a push to save old barns and get them in the historic register to avoid them having to be taken down. He said many of the barns did not serve a purpose to the working farm but were used for storage, and they added a quality to the view shed and landscape. He indicated that if a fee were to be imposed in these situations, it would affect the viability and some might decide to tear the barn down, which could be an unintended consequence.

Mr. Kamptner said they could move away from the ERU-based approach and find another way to create a reasonable relationship between the fee and the services received.

Mr. Gallaway said they know they need to institute the program, but he feels he is only being presented with two options whereas he would like to compare additional options.

Ms. McKeel emphasized that today is the first time the Board has had the opportunity to discuss this and have questions answered by staff. She said she has not toured areas because she did not know enough to ask the right questions.

Mr. Gallaway asked for the number of full-time equivalent employees that would be utilized for the current program through FY19. Mr. Harper replied that he recalled it being 19, including Community Development and Facilities and Environmental Services staff members.

Mr. Gallaway expressed concern that there may be a lot of new employees to administer the program and asked for this number.

Mr. Harper replied that over 10 years, there would be five new positions, including one to administer the drainage infrastructure maintenance program, and a GIS analyst. He said in later years, they will need more inspectors to conduct inspections during construction.

Ms. Mallek asked if this has to do with the administration of a utility form or with the program going forward. Mr. Harper replied that it is the latter. He added that they estimate .6 FTEs to administer the program and run the utility with duties such as GIS work, customer service, and correcting errors.

Mr. Gallaway asked how the need for a GIS analyst would change if a fee existed that was not based on GIS data. Mr. Harper replied that only part of the .6 FTE would be for a GIS analyst.

Ms. Palmer addressed Mr. Gallaway's question about credits. She said she had attended a meeting of the committee at which the consultant explained that for several years, a significant portion of credits would cost more to properly implement than it would save in fee costs. She said someone questioned whether someone would pick a credit for money reasons or because they want to do the right thing.

Mr. Harper replied that traditional stormwater BMPs such as a biofilter or rain barrels has a long return on investment period, and it would take decades to result in a benefit of a lower fee. He said they have been looking at a credit that would be provided by a barn being in the middle of a large track of forested or grassy land, if it could be shown that runoff does not reach a stream. He said there might be ways to get a credit for low-cost situations. He admitted that many do not like the idea of having to apply for a credit and having someone come out to verify it.

Ms. Palmer asked Mr. Harper to comment on the fact that the City of Charlottesville and the University of Virginia already have regulations they abide by. Mr. Harper confirmed this and said they are doing work to meet their own requirements, so it would be unfair for them to also be charged a fee. He explained that a utility may not charge another program that administers a stormwater program.

Ms. Palmer asked about small watershed stream restoration within the Green Infrastructure Plan. She recalled the committee discussing the possibility of allowing the soil and water district to implement this. She noted that the DEQ provides money to clean septic systems and areas of bacterial impairment. She asked Mr. Harper to get back to her with what they have considered, how the decision was made, and what the alternatives are.

Ms. Palmer expressed appreciation for the work done and ideas presented by Mr. Randolph. She said she finds it to be problematic to apply this to rural areas, prefers a simpler approach, and supports discontinuing the program in the general fund.

Mr. Dill said the issue is not of rural vs. urban but that it is very complicated, confusing, and difficult to implement. He doubted Mr. Harper's calculation that it would take .6 FTE to implement the program considering the work involved to visit and assess properties and administer the appeal process. He remarked that it is important to do this work, as they have sinkholes and grey infrastructure problems, as well as other issues. He noted that they have been doing a lot to protect streams and can do more, and he does not believe it is necessary to add a bureaucratic layer to get this work done.

Mr. Dill highlighted the efforts of LEAP, which helps people use less water and energy, and said he feels they can expand educational efforts and incentives. He said he has learned a great deal over the past few years as to what does and does not work, and they can utilize targeted programs and incentives rather than punishments. He proposed they move forward and use the general fund for needed programs, and the stormwater fee would be a legal, bureaucratic, administrative, and convoluted kind of thing that they should not waste any more time on.

Ms. McKeel asked when mandates would be reviewed again and when they will know what the state and federal governments will require of the County. Mr. Harper replied that the TMDL is under the MS4 permit, issued every five years, with a new permit to be issued in 2018. He stated that they do not believe this year's reissuance is going to have any different goals than the permit issued four years ago. He said in five years, they will be able to incorporate a Chesapeake Bay Model into the equation, which will inform whether the requirements would change or not. He said they are stuck with the existing requirements for the next five years, and after that it is a mystery.

Mr. Henry added that they are measured against three mandates for TMDL, and they met 100% of the mandates for two of them and 50% for the sediment mandate.

Mr. Harper presented a slide that indicated progress towards the TMDL requirements for the three mandates: Sediment: 48.2%, Nitrogen: 110.8%, Phosphorus: 96.2%. He emphasized that they met both Chesapeake Bay and local stream requirements. He acknowledged that a lot of work must be done regarding sediments, which get churned up as streams degrade.

Ms. Palmer asked if the new wastewater treatment plant at Moore's Creek has contributed to the success towards the reductions in nitrogen and phosphorus. Mr. Harper replied that they have completely separate requirements.

Mr. Randolph asked if water quality testing is conducted downstream as it leaves the County, or if it is cumulative from several locations along branches of several rivers. Mr. Harper explained there are about 100 monitoring stations in the County and that DEQ supplements this data with information from Stream Watch, a program of the Rivanna Conservation Alliance. He emphasized the TMDL data is 10 years old, water quality sampling is a complicated iterative process, and it took five years to get a good sense of what is going on – with years to see the effects of a practice.

Ms. McKeel agreed with concerns about the bureaucracy, the number of employees that would be required, and the lack of transparency. She asked Mr. Harper to display a slide with a 2016 color-coded County map that indicates the number of impaired segments per watershed. She said the map shows they have a problem, including bacteria in the Hardware River and a toxic algae bloom that occurred in Chris Green Lake. She said the community has to find a way to solve this problem, as they depend on tourism, vineyards, and scenery. Ms. McKeel noted that they have talked about opening a portion of the Rivanna River to recreation, they depend on water quality, and need to take care of their watersheds and water supply for the future.

Ms. McKeel suggested they take a deep breath, go back 10 steps, and consider alternatives under which people would feel as though they are contributing to positive efforts in the community and not being picked on. She pointed to various sections on the map that are colored in yellow which represent areas of extensive stream impairments. She emphasized that they cannot afford to address these issues from capital and operational funds and if they do not establish a stormwater utility, they will have to figure out an alternative.

Ms. Palmer reminded the Board that the previous day, they had been told it would cost 1.5 cents on the tax rate to run the stormwater program in the general fund.

Mr. Gallaway noted that .7 cents is currently dedicated and asked if the 1.5 cents includes this or if it is in addition to that amount.

Mr. Henry replied that the .7 cents partially supports the current water resources program, and there is other general fund funding included. He said it would cost an additional 1.5 cents on the capital side to do the full program as presented.

Ms. McKeel stated that they have some breathing room for this year.

Ms. Mallek said this would allow time for information to come in. She said the utility would be strictly for funding, the program is essential, and the clean water program has been supported by residents at town halls she has attended. She said she supports the utility because it addresses the unique issues of rural area properties, and a utility is necessary to financially reward those who have taken steps to address runoff and protect streams.

Ms. Mallek expressed her appreciation to staff for all their work and for holding public discussions. She emphasized that they do not have enough information to consider options until they learn what the numbers are, which was just recently. She reiterated that the program is essential and they cannot become distracted by concerns over the implementation of how it is funded. She recognized that impairments of bacteria and sediment are mostly driven by the velocity and volume of runoff, and it would take a combined effort on the part of everybody to address this.

Ms. Mallek acknowledged that the initial effort of the committee was to try to avoid a schism between rural and growth areas, which had blown up in their faces. She said she is very sensitive to the regressive nature towards smaller properties, as described by Mr. Randolph, and acknowledges that the committee has tried to balance this. She said she has come full circle to realize the general fund is the way to do this, and they have to continue working diligently and with a greater impetus to know that it is likely the DEQ would come back in five years and raise the bar. She said she supports the use of video cameras to help avoid a waste of money.

Ms. Mallek asked Mr. Kamptner what he is seeking at this meeting. Mr. Kamptner responded that it would be helpful for the Board to pass a motion to provide direction.

Ms. McKeel said her understanding is that for now they will use funding from operations. She noted that 1,600 communities manage to do this, and they could fund the program through the operations budget for now, but she would like staff to present options once the mapping has been completed.

Ms. Mallek suggested they approve a motion that authorizes use of the general fund until a further decision is made. She added that she hopes they can put this in the obligations category instead of a category that is funded with leftover money. She said they would have to have public discussion of project prioritization. Ms. Mallek emphasized that if they could come up with an alternative, they could change direction at any time, and she prefers a guaranteed process so people would know where they stand.

Ms. Palmer recalled that the committee and Board were told that a dedicated fund was preferred, and she asked if it is feasible to have a dedicated fund within the general fund to deal with this.

Mr. Kamptner said the dedicated fund concept came as a suggestion from EPA for Region 3, as they recognized localities that fund stormwater out of a general fund tended to reduce or eliminate funding during difficult times.

Ms. Palmer contemplated how "dedicated" the dedicated funding is.

Mr. Kamptner replied that it is an ongoing revenue source set by the Board that only funds stormwater improvements, as listed in the Code of Virginia. He said funds cannot be transferred to another service or for capital improvements.

Ms. McKeel added that it provides a benefit of transparency as it assures the public what the money will be spent on.

Mr. Kamptner emphasized that the utility could service a portion of the County and not the entire County, or they could have multiple utilities that correspond to services in a particular area with different fee structures.

Mr. Dill added that a dedicated fund is not mutually exclusive with funding from the general fund, and a dedicated fund could be funded by the general fund.

Ms. Mallek replied that this is what they have now, as the 0.7 cents was adopted for this purpose.

Mr. Kamptner pointed out that from year to year the Board could undesignate this portion of the tax, which is a bit different from having the infrastructure of a utility.

Ms. McKeel said there is no doubt the County cut back on natural resources funding during the recession.

Mr. Richardson summarized what he has heard regarding Board direction. He said he has not heard support for the draft stormwater utility and the Board seems to want to redirect staff to recognize that the program, as it is today, will continue to be funded out of the general fund. Mr. Richardson clarified that they will continue to focus on stormwater in the urban areas with cameras, imaging, and collection of information to assess decaying pipes and grey infrastructure, for which there is adequate money in the general fund for FY19. He commented that they would know a lot more one year from now. Mr. Richardson said he has heard from the Board that rural and urban areas need to be treated differently, which the draft stormwater utility does not adequately address. He pointed out that in FY20 there was no dedicated capital money for the program, though there may be undesignated capital money available if the economy continues to do well.

Mr. Dill commented that they make differentiations between rural and urban all the time, with different rules for roads, firearms, treatment of pets, open air burning, etc. He said he would like to focus on the admirable goals of clean water and grey infrastructure improvements through the general fund.

Mr. Randolph added that they understand what the program needs, staff has direction that the existing program does not meet the needs of the Board and will reengineer it, with sufficient time to fund the program this year and the need to add 1.5 cents next year.

Mr. Gallaway said there are still many questions that remain around the current utility fee and he has attempted to understand this fee during today's meeting. He acknowledged Mr. Dill's comment that fidgeting with what has been presented would probably not result in something acceptable. He said it will take a high bar to persuade him to support a utility fee versus funding it from the general fund and as it is currently presented, he cannot vote for it. However, he said he would consider a revised version that might be presented in the future. Mr. Gallaway said he does not have enough information to decide between the two options and would have to vote it down.

Ms. Palmer reminded the Board that staff has done a great job and has dedicated time and effort, they have gone through a multi-year process, they have a committee and a liaison, and now it is time to say what the funding structure is and move on to do the things they need to do. She indicated that she is not interested in keeping this going for another six months.

Mr. Richardson reiterated that if the Board decides not to support a utility, his staff would have a year to work on urban infrastructure modeling, conduct camera work, explore alternatives for rural areas, and continue funding out of the general fund. He said they have learned a lot over the last 18 months from an engineering perspective, as well as what the needs of the public are.

Ms. McKeel and Mr. Randolph expressed support for Mr. Richardson's summary of the Board's direction.

Ms. Mallek asked that they have a reserve fund or pool planned for the beginning of repairs needed as identified by the videos, so they are not caught by surprise again like they were in Carrsbrook. She acknowledged an idea she had heard at town halls that they help people where the problems are and use funding for cost shares with declining federal matches, expressing that she is more concerned with solving problems than with collecting money. Mr. Dill said he is willing to have staff dedicate the remainder of this year to analyzing only the option of funding the mandated and much desired stormwater repair and maintenance program from the general fund.

Ms. Mallek said she would not limit this to December, but until a better option comes along.

Ms. Palmer stated she does not want to limit it to just the mandated portion.

Mr. Dill clarified that he said mandated and desirable. He asked Mr. Randolph to clarify his position.

Mr. Randolph said he agrees with what Mr. Richardson has proposed – that they continue to fund stormwater out of the general fund this year while staff looks at other ways of operating outside of what they were to present today.

Mr. Richardson agreed to return in December, prepared to review options in the general fund. He said they will not model a stormwater utility, but will look strictly at strategies that tie directly to the general fund.

Ms. Mallek asked for reassurance that in December they will present a check in of where they are and not change the plan or funding mechanism at that time. Ms. McKeel reassured Ms. Mallek.

Mr. Dill stated that at work sessions they generally do not pass motions, but try to come to a consensus, and he feels it is clear there is consensus.

Ms. Mallek thanked staff for their significant work. She related that at town halls, constituents had praised staff for working with them on individual programs and thanked staff for taking care of citizens.

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**Recess.** The Board recessed at 4:55 p.m. and reconvened at 5:06 p.m.

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Agenda Item No. 5. **Presentation:** Local Climate Action Planning Process - Presentation and Guidance.

Due to time constraints, Ms. Mallek suggested that the Board put off this discussion since it is a very important topic and she does not want to rush the community recreation needs assessment update.

There was unanimous consent among Supervisors to move this discussion from the current meeting agenda and schedule it for a future meeting.

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Agenda Item No. 4. **Presentation:** Community Recreation Needs Assessment Update.

Mr. Bob Crickenberger, Director of Parks and Recreation, expressed his appreciation to the Board for the opportunity to continuously update them on the progress and findings of the needs assessment. He said they will discuss community needs, park classifications, levels of service, equity mapping, financial assessment, public support, and staffing needs. He said he will identify some actions that can take place immediately to address staffing needs with funding in the FY18 adopted and FY19 proposed budgets.

Mr. Mike Stetson reminded the Board that at the last presentation, he had reviewed community needs as determined by a survey, and he said today's presentation would be more technical. He presented a slide with a list of key themes that came out of the public input process:

- Public values the parks and recreation system
- Parks and greenbelt trails provide community connectivity
- Growth areas are underserved
- School parks are in need of renovations
- Increased awareness is needed
- Parks and Recreation should play a role in economic development
- Fund and maintain new parks and facilities as we grow

Mr. Stetson reminded the Board that they had prioritized community needs as high, medium, and low. He listed the highest priorities: walking, hiking, biking trails, and youth athletic fields. He explained that medium priorities were amenities and activities associated with specific populations, and they should be strategic as to where they put these amenities. He used pickle ball as an example of a medium priority.

Mr. Stetson next reviewed park classifications, beginning with Neighborhood/School Parks. He said these offer local opportunities for recreation, do not typically have a large service reach, and have typical visit stays of 30 minutes to one hour. He reviewed a second park classification of Community Parks, stating that these have more amenities and typical stays of two to three hours. He reviewed Regional Parks as a third park classification, with Walnut Creek and Darden-Towe Parks as examples. He explained that these parks offer the types of amenities that result in visits of two hours to all day. He reviewed a fourth classification of Sports Complexes, which he described as athletic field locations that are mainly located at high schools. He reviewed a fifth classification of Special Use Parks and Facilities, with typical lengths of stay of two to four hours, such as boat launches.

Mr. Stetson presented a sixth classification of Greenbelts and Trails. He explained that there are five classes of trails and what he is referring to today are paved trails with long, linear stretches of nature trails. He presented a seventh classification of Conservation/Trail Park. He said the County has several thousand acres of these parks that preserve property and the environment while providing recreational activities, primarily through soft surface trails.

Mr. Stetson next reviewed service level standards for parks, outdoor amenities, and indoor recreation spaces. He said they have captured inventory for the County, school district, and other. He stated that the County has approximately 3,700 acres of parks, with the County-owned parks consisting primarily of regional and conservation trail parks, with a level of standard of 33 acres per thousand residents, compared to the national standard of 10 acres per thousand. He described the County as being "park rich" in total, though there are needs within classifications in order to have a balanced parks system that meet the experience needs people want out of parks. He explained that they have created a level of service goals they hope to attain within 10-15 years, in particular with neighborhood and community parks as well as with sports complexes. He pointed out that the majority of athletic fields are on school property and the conditions of many fields make them only available for practices and not game-like conditions. He said they have identified a need for more outdoor picnic shelters. Under the classification of Indoor Facilities, he said the County could fill additional needs through public-private nonprofit partnerships.

Mr. Stetson next reviewed equity mapping, which he said demonstrates system gaps. He presented a County map that contained the locations of school parks. He explained that these parks are not accessible to the public for a large portion of the day. He next presented a County map of community parks and commented that there is a significant need for these parks. He emphasized that with the exception of Crozet, a lot of the growth areas do not have community parks.

Ms. Mallek interjected that Crozet Park is not County-owned and is run by a private board.

Mr. McKeel commented that there are park deserts in the urban ring.



Ms. Palmer asked what type of parks Mint Springs and Walnut Creek are. Mr. Stetson replied they are regional parks.

Ms. Palmer asked how they factored in Charlottesville parks that are located near the County and used by County residents. Mr. Stetson replied that usage of Charlottesville parks is mostly by City residents, as well as residents of a small ring around the City, and does not meet the needs of the growth area.

Mr. Stetson presented a County map of regional parks and described coverage as "pretty good." He presented a map of conservation/trail parks and described coverage as "good" and mainly in the rural areas. He presented a map of baseball diamonds and emphasized that many of these are practice-only and are located on school sites. The next map showed higher quality baseball diamonds that are suitable for practices and games, and Mr. Stetson pointed out that the coverage is less than that of practice-only fields. The next map indicated teen/adult size baseball diamonds, and Mr. Stetson commented they are mainly located at high schools. The next map showed practice-only multi-purpose fields followed by a map of multi-purpose practice and game fields. He pointed out there is a lack of coverage within the growth areas, including the area of Route 29 North.

Mr. Stetson continued with a map of picnic shelters that may be reserved, noting that the urban and north areas of the County have a dearth of shelters, though they have identified areas where they can put in more in order to close the gaps. The next map showed coverage of tennis courts, which he described as good, followed by a map of dog parks, which he described as good, with an opportunity to add more in Biscuit Run.

Ms. Palmer asked about the need for dog parks. Mr. Stetson replied that one more dog park would go a long way to ensure equitable distribution.

Mr. Stetson presented a map of publicly accessible recreation centers. He recognized that Charlottesville has facilities as well as the YMCA and ACAC. He next presented a list of 10 undeveloped parks identified in the Comprehensive Plan, which comes under four classifications, and offered to go through an exercise of what it would look like if they were to develop these parks. He said this would take care of needs for regional parks and conservation/trail parks, though there would still be a need for neighborhood and community parks.

Mr. Stetson next presented a future County map of community parks if undeveloped parks were developed, and he pointed out significant coverage along Route 29 North. The next map showed potential regional park coverage, and Mr. Stetson commented that a Biscuit Run park would expand coverage to much of the County. This was followed by a future map of conservation and trail parks, with Mr. Stetson emphasizing that development of undeveloped parks would go a long way towards expanding coverage. He summarized that the development of undeveloped parks would go far in meeting the needs of the community in most park classifications.

Mr. Dill asked about the relationship between Department of Parks and Recreation and schools, in terms of scheduling and maintenance as well as input as to the types of facilities. Mr. Crickenberger explained that his department maintains some athletic fields, but not other facilities on school grounds. He said they assist with playground replacement, repairs, and annual inspections. He described the relationship as one of clear and open communication in terms of current and future amenities on school grounds.

Ms. McKeel pointed out that school gymnasiums are open to the public for basketball.

Mr. Crickenberger agreed, but said the County does not have any maintenance or repair obligations, other than an occasional item such as volleyball standards.

Mr. Dill asked if there are any skateboard facilities. Mr. Crickenberger replied that only Charlottesville has skateboard facilities.

Ms. Mallek interjected that there is a skateboarding trail.

Mr. Crickenberger confirmed that Crozet Park has a long boarding trail, though it is not a County facility.

Mr. Stetson commented that some of the school athletic fields are in poor quality because the ability to maintain them is limited during the school day. He said the mission of schools is to educate kids, and the maintenance of athletic fields is not a high priority. He added that as the population increases and schools become more crowded, the building footprints will increase, which can encroach on the availability of park acreage.

Mr. Stetson next presented a total cost of ownership financial plan including a slide with the following formula: Capital Investment + Operations and Maintenance + Lifecycle Replacement = Total Cost of Ownership. This was followed by a list of Actions Most Important to Households for the County of Albemarle Parks and Recreation Department to Develop, according to the recent survey. He noted that trails, acquisition of new parkland in underserved areas, and enhancement of parks through upgraded and new amenities were the top three on the list. He noted that a CIP plan would be presented later.

Mr. Stetson presented the following list of potential bond projects in order of priority:

- 1) Greenway/Trail Development (\$2.5 million),
- 2) Athletic Fields Improvements – Darden Towe (\$2.5 million),
- 3) Community Park Development – Western Park (\$4 million),
- 4) River Access/Boat Launches (\$2.5 million).

He emphasized that under trails, they should focus on the development of a true greenbelt trail system that connects the community and serves as both transportation corridors and recreational areas, rather than nature trails in conservation parks. He added that there are significant matching grants available for trail development. He described Western Park in Crozet as underdeveloped, with a master plan for its potential development to be completed soon.

Ms. McKeel asked if the development of greenway trails would include the urban ring, as there is a lack of pocket parks and no way for people to safely walk to work. Mr. Stetson confirmed this, adding that trails would have a 30-foot swath including a 10 to 14-foot-wide hard surface surrounded by buffers on both sides and would serve as a multi-use path.

Mr. Stetson presented a slide with the following Operating Budget Overview:

- Parks and Recreation Expenditures Per Capita: \$32.41
  - National Average Per Capita: \$8.24
  - Parks Maintenance Per Capita: \$46.94
- Department Cost Recovery: 19%
  - Includes cost share with City for Darden-Towe and Ivy Creek
  - National Cost Recovery: 24%
- Recreation Division Cost Recovery: 45%
  - National Cost Recovery for Recreation: 60%
  - Current Revenue Generated: \$363,000
  - Revenue Generated Per Capita: \$3.35

Ms. Palmer asked if different types of localities have widely disparate cost recovery percentages. Mr. Stetson confirmed this and added that the County has been leaving revenue-generating opportunities on the table.

Ms. McKeel commented that some improvements such as trail connections could be considered as economic development drivers.

Mr. Stetson said that trails were the number one park and recreation quality-of-life amenity cited in surveys throughout the country.

Ms. McKeel noted that trails in New Zealand are huge revenue generators.

Mr. Stetson presented a graphic of a pyramid to demonstrate classifications of programs and services, reflecting items with broad public benefit at the bottom and those with individual benefits at the top. Listed at the bottom were Essential Services, which were mandated and supported by tax revenue in the General Fund. He said cost recovery of these programs is typically 0-25%. The middle level of the pyramid included important programs subsidized by taxes and fees. He described "Learn to Swim" as an example of a program that has both individual and community benefits, as a child is benefited individually by learning how to swim while the community benefits from life-saving issues and fewer potential drownings. At the top of the pyramid are Value Added services that are paid for by user fees, such as reserved picnic shelters and athletic fields, as well as exercise classes. He said these programs have typical cost recovery of 75-100%.

Ms. Mallek stated that athletic fields are not collecting revenue, which is something she had just learned a month earlier. Mr. Stetson agreed.

He next presented a chart of cost recovery recommendations that included the following items: Core Program/Service Area, Benefit Level, Classification, Pricing Strategy, and Cost Recovery Goal. The chart indicated a recreation division cost recovery goal of 60% and an annual revenue increase of \$120K, if achieved.

Mr. Stetson next reminded the Board that in the recent survey, the community had rated the conditions of parks and facilities as slightly below the national average. He presented a pie chart of responses. He next presented a slide entitled, "Parks Maintenance Operating Budget Overview," which listed:

- Parks Annual Operating Budget: \$2.031 million
- Parks Operating Budget Per Capita: \$18.74
  - National Average: \$46.94
- Total Acres of Parks System: 4.044
  - Park Acres per 1,000 Residents: 37.31
  - National Average Park Acres per 1,000 Residents: 10.1
- Park Operating Budget Per Acre: \$502.19
- Park Maintenance FTE: 18

He said they have created an inventory of parks facilities and a financial analysis of how much should be spent to maintain each facility. He noted that a chart with this information is included in the full report.

Mr. Stetson presented a slide entitled, "Parks Maintenance Operating Budget Recommendations," that listed increases in spending:

- Parks Annual Operating Budget: \$3.397 million
- Current: \$2.031 million
- Park Operating Budget Per Capita: \$31.34  
National Average: \$46.94  
Current: \$18.74  
Personnel to Non-Personnel Cost Ratio: 60/40

He explained that the spending increase would go a long way to maintain a system that creates a higher quality experience, which could translate to the ability to charge more and offset some expenditures with revenues. He presented an organization functionality and staff chart, emphasizing they are extremely lean in administration and that they donot have enough to manage the numbers in the department.

Mr. Stetson stated that Parks and Recreation is a business entrusted with the preservation, maintenance, and management of millions of dollars in assets, but it lacks the depth to collect and manage the data and use it to make necessary decisions to create and maintain a high-quality experience. He next presented a chart of Parks Maintenance Staffing Needs:

<b>Position</b>	<b>Number</b>	<b>Classification</b>	<b>Status</b>	<b>Timeline</b>
Grounds Facility Maint. Worker – Trails	2	Full-Time	New	FY20
Grounds Facility Maint. Worker – D. Towe	1	Full-Time	New	FY20
Grounds Facility Maint. Worker – Parks	2	Full-Time	New	FY21
Grounds Facility Maint. Worker – Parks	2	Full-Time	New	FY22

Mr. Stetson noted that the addition of positions would be spread over time and does not take growth of the system into consideration. He pointed out that only one full-time worker, two seasonal workers, and volunteers manage 63 miles of nature trails and that adding two workers would go a long way in addressing this. He said that adding a position at Darden-Towe Park would improve the quality of the athletic fields, noting that survey respondents did not rate the condition of the fields well. He reminded the Board that he was a former Director of Parks and Recreation and that most complaints were about cleanliness and maintenance, which new positions could help address.

Mr. Stetson presented a chart of administration staffing needs:

<b>Position</b>	<b>Classification</b>	<b>Status</b>	<b>Timeline</b>
Program Recreation Supervisor	Full-Time	Vacant	FY18
Business Operations Supervisor	Full-Time	New	FY20
Administrative Asst. – Parks/Trails	Full-Time	New	FY20
Park and Greenbelt Planner	Full-Time	New	FY20

He listed the following immediate next steps:

- 10 Year Capital Improvement Plan – May
- Lifecycle Replacement Schedule – May
- Finalize Funding Strategies – May
- Final Needs Assessment Presentation – June 13

Ms. Palmer expressed appreciation for the good work presented.

Ms. Mallek commented that many parks are remote because this is where donations come from, which is what funding and the department itself has been based around for the past 30 years.

Mr. Gallaway asked if there are any spending overlaps, noting that there is a lot of money in the CIP for specific trails, and more will be added with today's recommendations.

Mr. Stetson replied that they are the same dollars. He agreed that some trail planning resides in transportation, some in parks and recreation, and the Board can determine under which department trails should fall, philosophically.

Mr. Gallaway pointed out that a trail that loops the entire city would have more appeal on a bond than one trail going up one segment.

Ms. McKeel stressed the importance of people voting on a bond referendum feeling that they are voting for something that benefits them.

Mr. Randolph noted that there are trails and sidewalks that do not connect, and he sees the goal of this project to get connectivity, in particular at Hedgerow and Biscuit Run, which are planned development communities within the urban area.

Ms. McKeel stated that this is exciting, but only one challenge out of many in the CIP.

Ms. Mallek acknowledged that the department has been understaffed and they now have the information available to make good decisions. She added that comparisons to other localities are helpful. She invited Mr. Richardson to provide a preview of topics for the remainder of today's meeting.

Mr. Richardson stated that the Board has directed staff to discontinue further exploration of a stormwater utility, which has been drafted for consideration, and will continue the stormwater program as it exists today and as outlined in the FY19 budget. He said they will continue to work to determine where grey infrastructure issues exist and try to establish a reserve fund to address the maintenance and repair of these issues, when identified. He said they would explore funding alternatives beyond the general fund and treat urban and rural areas differently.

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**Recess.** The Board recessed its meeting at 6:08 p.m. and reconvened at 6:31 p.m.

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Agenda Item No. 6. Closed Meeting.

There was no closed meeting at this time.

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Agenda Item No. 7. Certify Closed Meeting.

Since there was no closed meeting, there was no need to certify.

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Agenda Item No. 7a. Vacancies and Appointments.

The Board did not take up this item at this time.

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Agenda Item No. 8. Call back to Order.

At 6:31 p.m., Ms. Mallek called the meeting back to order.

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Agenda Item No. 9. Pledge of Allegiance.  
Agenda Item No. 10. Moment of Silence.

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Agenda Item No. 11. Adoption of Final Agenda.

Ms. Mallek said she would add a summary of today's discussion on the stormwater program to be provided by the County Executive.

Mr. Dill **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.

Ms. Mallek recognized County staff at the dais, and presiding security officer, Officer Beach.

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Mr. Richardson presented his summary of the Board's direction to staff following today's work session on the stormwater program and potential consideration of a utility. He said staff will discontinue any further exploration of a stormwater utility and will continue the stormwater program as it exists today and is in the FY19 recommended budget. He said they will work to determine where grey infrastructure issues exist, through camera imaging, and attempt to set aside an adequate reserve fund to address maintenance and ongoing repairs as they are identified. He said they will continue to explore funding alternatives and will look at strategies that focus only on the general fund and will treat urban and rural areas differently. Mr. Richardson stated that they will return in December 2018 to talk about the following year in terms of general fund recommendations.

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Agenda Item No. 12. Brief Announcements by Board Members.

There were no announcements.

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Agenda Item No. 13. Proclamations and Recognitions.

There were none.

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Agenda Item No. 14. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Dave Norford, representing the Albemarle Farm Bureau, addressed the Board. He thanked them for the level of public engagement on the rain tax issue and for listening to his organization's perspective. He thanked Greg Harper and his staff for meeting with his board and for his frankness and openness. He praised the Board's decision, noting that clean water is important to everyone and that everyone should help pay for it. He stressed the complexity of the rain tax, which no one can understand, and emphasized that the work needs to be done and his organization favors full funding from the general fund, even if the tax rate must be increased.

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Ms. Nancy Koenig addressed the Board and thanked them for allowing public input, and she also thanked staff for their hard work and the helpful information they had provided. She said it does not make sense to use a utility fee as a funding mechanism and is pleased a consensus has been reached that further work on a utility fee cease. She said she supports clean water as a matter of good stewardship. She noted that she is a long-time member of Chesapeake Bay Foundation and does not support the addition of an expensive and unnecessary bureaucracy, stating that she opposes a utility fee because it spends money on employees rather than fixing sinkholes and broken pipes. Ms. Koenig said she wants to keep streams and rivers clean and is grateful they have agreed to continue funding the stormwater program through the general fund, where it can be equated with all of the County's needs and where it will continue to work as well as it has for many years. She cited the following phrase: "If it ain't broke, don't fix it."

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Ms. Kathy Rash, resident of White Hall, addressed the Board. She said she is a farmer in White Hall and also owns land in the Scottsville District. She said she has attended several town hall meetings, had been selected as a spokesperson, and thanked the Board for its decision. She emphasized that both rural and urban residents want clean water, it is not an issue of rich vs. poor, and they realize they will have to pay more in taxes. She said they all believe that funding out of the general fund is beneficial in terms of bureaucracy and efficiency.

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Mr. Chris Ripper, resident of White Hall District and farmer, addressed the Board. He thanked the Board for listening to the public, recognized the hard work of Greg Harper, and asked the Board to be cautious and judicious about adding regulations that affect rural areas and farms. He emphasized that if the County keeps adding land protection regulations, it will burden farmers to the point they may subdivide their land or cut timber to pay taxes or sell their farms. He said farmers should be embraced and can help the County protect the environment.

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Ms. Phyllis Ripper, resident of White Hall, addressed the Board. She said it is a grassroots effort to fight the stormwater utility. She dispelled rumors that they are members of the tea party and emphasized they spend their own money and time to encourage residents to attend town halls and the work session. Ms. Ripper thanked Ms. Mallek and said there is a lot of good work they can do with rivers and streams, adding that she is ready to help.

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Mr. Gregory Quinn thanked the Board for representing the people. He stated that every tax or regulation that is imposed on the sovereign citizen has to be considered: is the tax, fee, or regulation imposed necessary enough for armed people to enforce as in many cases people cannot afford to pay a tax or fee, especially farmers and the average working-class member of the community. He said they all want clean water and air. He said that while the Board may have an altruistic goal in mind, the whole population must be considered. He said he feels that Ms. Mallek and Mr. Dill have represented the people, though they might have had different opinions. He emphasized that bureaucracies can grow and an unfettered one can become a giant. He expressed support for addressing rain issues from the general fund as decision making over the fund rests with the Board, which represents the people.

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Ms. Mary Ann Doucette, resident of White Hall District, addressed the Board. She thanked the Board for its wise decision to put off the rain tax. She said you can fool all of the people some of the time, but in this case they did not fool anybody. She described the proposed tax as a bona fide attempt to take a cost out of the general fund budget and make the tax bill appear to be the same or lower so that more dollars could be spent, under the guise of increased environmental protection and a special off-budget tax. She said they reject this addition and say no to the rain tax.

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Mr. Lonnie Murray addressed the Board. He thanked the Board for affirming its support for improved water quality in Albemarle County, including the rural areas. He thanked the Board for making sure that open space includes a water quality aspect and that they get something for their money. He cautioned that a lot of traditional sources of funding they have relied upon may not be there in the future,

as they come from federal agencies like the Department of Agriculture and Environmental Protection Agency, which are on the chopping block. He said it has been suggested that the Natural Resource Conservation Service be disbanded. He thanked the Board for its support of districtwide septic improvement grants, which helps fix problems in the community. He encouraged the Board to look at what can be done to fund incentive programs.

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Mr. D.J. Van Clief, resident of Samuel Miller District and owner of a farm in the Scottsville District, addressed the Board. He thanked Supervisors for listening and being responsive. He noted that the community has the capacity to organize around certain issues, some of which he has been involved in, and he hopes they can avoid conflict in the future. He said he believes some of the same groups that have been successful in organizing around these discussions would be equally enthusiastic in looking for ways to partner with the Board and in finding sources of expertise to build perspective on some of these issues. He offered his help.

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Ms. Linda McCraven, resident of White Hall District, addressed the Board. She thanked the Board for its decision, but expressed concern they may just be putting the decision off and surprise the County later with a future decision on what she described as a nasty, mean, and selfish tax. She said it really hurts farmers as well as those in the equine industry, vineyards, and orchards who should not be paying a price for the City water problem. She emphasized that she is not trying to separate urban from rural. She said rainwater falling on a barn goes straight into the ground and does not affect the Chesapeake Bay. She suggested the County encourage the state to get rid of revenue sharing, which represents money that could be used to address urban water problems. She noted that the County is 787 square miles, with very little in the urban area.

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Mr. Dominic Kostelac addressed the Board. He said he has a small farm on the north side of the County and recognizes that he has been in constant litigation with the County, as it is trying to seize money from his accounts for the presence of one inch of standing water on his property. He recognizes the irony of the County's attempt to modify and stop the flow of water while suing a resident who is using water in a way that another branch of County government is at odds with. He explained that the dark side of enforcement is he has seen officers lie on the stand and that Ms. McCulley, head of zoning, has stated that her understanding of the constitution is that it is only advisory in respect to privacy of space. He described the County's actions as a constant erosion of individual property rights, which he said are the foundation that has built this country, as opposed to the collective. He asked Supervisors to read the constitution.

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Mr. Michael Kostelac, resident of White Hall District, addressed the Board. He noted that he owns a farm in northern Albemarle and stands in opposition to what he described as an insidious tax. He surveyed the audience, asking how many support the rain tax, and noted that one individual indicated support. He asked Supervisors to individually indicate how they would have voted prior to today's meeting.

Mr. Dill and Ms. Mallek interrupted to indicate that his survey is inappropriate.

Mr. Kostelac said he would leave this question with the Board and ended his remarks.

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Mr. Jason Buyaki addressed the Board. He said a stormwater tax or fee, adjustable to the real estate tax according to the will of Supervisors, does not lead the way, is blatantly dishonest, and leaves no recourse other than to pay the bill or risk having the government confiscate one's property. He said the Board should have immediately stood up for property owners when the idea was put forward and try to find another way. He expressed support for use of the general fund to support water improvements.

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Mr. Eric Franzen, resident of Rivanna District, addressed the Board. He said he moved to Preddy Creek Road eight years ago from Minnesota and was surprised to discover the County taxes vehicles. He said he is glad the Board came to its decision this afternoon, but is concerned the proposed tax may come up again in the future. He wonders why they plan to pave Preddy Creek Road, which he opposes, but tax people for paved surfaces. He noted that his property value will increase as a result of it leading to a higher property tax.

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Ms. Clara Belle Wheeler, resident of Rivanna District, addressed the Board and stated that the Extension Service will test well water and one can sign up for this by calling the Extension Office. She emphasized that rural residents pay, take care of, and test their water and septic tanks and do not contribute to rainwater runoff. She thanked the Board for its wise decision, but lamented that such an important decision had been made at 2:00 p.m., when most people could not attend. She said they should never be taxed for rainwater as they have no control over this, and the County should tell the City to pound sand and not continue to write a \$17 million check to the City, as this money would pay for a lot of water restoration.

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Ms. Paula Beasley, resident of the Esmont area of Samuel Miller District, addressed the Board. She said today's debate was not about clean water or stormwater management, but the funding mechanism. She said the County is 95% rural and reminded the Board that a 2014 study had indicated the implementation of a stormwater utility would be the costliest option, and the advisory committee was mandated to consider funding mechanisms other than the general fund. She emphasized that funding from the general fund allows for flexibility. She said the advisory committee noted that the 23 people in stormwater management perform additional duties and if they are moved over to a utility, they will have to hire staff to do the normal County jobs. She praised Mr. Dill for his correct intuition that there is no way a utility would be a more efficient way to conduct stormwater management. Ms. Beasley urged the Board to fund projects that count, understanding that while they may be in the urban areas, they would provide the biggest bang for the buck, recalling that five projects were completed at a cost of \$1.7 million and had resulted in a large number of credits.

With no further comments from the public, Ms. Mallek closed this portion of the meeting.

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Agenda Item No. 15. Consent Agenda.

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

Ms. Palmer **moved** that the Board approve the consent agenda. 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.

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Item No. 15.1. Approval of Minutes: August 22, 2017; January 4 and January 10, 2018.

The minutes of August 22, 2017, January 4, 2018 and January 10, 2018, were all carried forward to the next meeting.

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Item No. 15.2. Ordinance to Amend County Code Chapter 4, Animals and Fowl, **was received for information.**

The Executive Summary forwarded to the Board states that chapter 4 of the County Code contains provisions for the enforcement of animal welfare, licensing, and impoundment, both substantive and procedural. Chapter 4 also provides vaccination requirements, processes for dangerous and vicious dogs, and criminal penalties for violations of the chapter generally.

The process of recodifying the County Code includes making formatting, style, organizational, and substantive changes. These changes are being addressed at the chapter level before the Board considers adopting a complete, recodified, County Code later in 2018. Chapter 4 has been significantly edited and reorganized to (1) make efficient references to the Virginia Code; (2) delete duplicative or obsolete sections; (3) reconcile inconsistent or conflicting provisions; and (4) reflect the current practice and enforcement of animal-related matters.

Staff will return to the Board on May 9, 2018, for a work session on select issues pertaining to regulations addressing cruelty to animals.

Attachment A is the current draft of the proposed ordinance amending Chapter 4. This version strikes through the existing text. The new text has not been underlined so that it is easier to read, and brief comments are provided at the end of each section.

Adopting the proposed ordinance will have no budget impact.

This is for information only.

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Agenda Item No. 16. **Public Hearing: SP2017-00030 – Willow River Veterinary Services.**

PROJECT: SP201700030 Willow River Veterinary Services.

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL(S): 07700-00-00-04700.

LOCATION: 32 Mill Creek Drive.

PROPOSAL: Utilize up to 2,900 square feet within the Southside Shopping Center to operate a full service companion animal hospital. No outdoor activity is proposed.

PETITION: Permit a veterinary office and hospital under Section 25.2.2.5 of the Zoning Ordinance on a 5.99 acre parcel. No dwelling units proposed.

OVERLAY DISTRICT(S): Airport Impact Area (AIA), Steep Slopes (Managed).

ZONING: PD-SC Planned Development Shopping Center – shopping centers, retail sales and service uses; residential by special use permit (15 units/acre).

COMPREHENSIVE PLAN: Community Mixed Use – residential (up to 34 units/acre), community

scale retail, service and office uses, places of worship, schools, public and institutional uses in Neighborhood 4 of the Southern and Western Neighborhoods Master Plan.  
(Advertised in the Daily Progress on March 26 and April 2, 2018.)

The Executive Summary forwarded to the Board states that at its meeting on March 6, 2018 the Planning Commission conducted a public hearing and voted 5:0 to recommend approval of SP201700030 with the conditions outlined in the staff presentation. The Planning Commission also voted 5:0 to recommend approval of a special exception from Section 5.1.11(b) subject to the condition outlined in the staff report. Attachments A, B, and C are the staff report, action memo, and minutes from the March 6 meeting.

This special use permit request for a companion animal hospital in an existing shopping center necessitates a special exception to allow a soundproofed confinement located closer than 200 feet of an agricultural or residential lot line. The Board of Supervisors is authorized to approve special exceptions; however the Planning Commission is also made aware of such requests when a ZMA or SP is under review.

Prior to the Planning Commission meeting, staff identified a mistake within the analysis for the special exception request that is outlined in the staff report. The report incorrectly states that the nearest residential property line is approximately 150 feet away across Avon Street Extended. Upon further review, the nearest residential property line is approximately 50 feet away on the site occupied by Calvary Baptist Church, which is zoned R-1 Residential. This error does not change staff's support for the special exception from Section 5.1.11(b) subject to the condition outlined in the report.

Additionally, minor changes to the proposed conditions of approval outlined in the staff report were made for clarity, and a third condition was added to note that animals under medical supervision are permitted to stay overnight. The language of the third condition is consistent with prior applications for this type of use and it clarifies that overnight boarding for animals under medical supervision is distinct from a commercial boarding use.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP201700030 and the attached Resolution (Attachment E) to approve the special exception.

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Mr. J.T. Newberry, Senior Planner, reported that the request is to establish a veterinary clinic within 2,900 square feet of Southside Shopping Center on Avon Street Extended. He said there is an associated special exception request under Section 5.1.11(b) to locate the business within 200 feet of an agricultural or residential lot line. He presented a map of the area within the Comprehensive Plan and noted that Southside Shopping Center is designated for community mixed use, across the street is Mill Creek Village, designated for neighborhood density residential, on the other side of Calvary Baptist Church is designated as urban density residential, and an area on the map as shown is designated as institutional.

Mr. Newberry presented a zoning map of the area, noting that the subject parcel is zoned for Planned Development Shopping Center (PDSC), Mill Creek Village across the street is Planned Unit Development (PUD), and Calvary Baptist Church adjacent to the subject parcel is zoned R1. He said staff's initial report had interpreted the Mill Creek Village area to be the closest residential area, though it is actually Calvary Baptist Church. He said the transmittal summary reflects this new information, which has not changed staff's analysis nor its support for the special exception request.

Mr. Newberry presented staff's analysis:

Factors Favorable:

- 1) This special use permit is in conformity with the Comprehensive Plan and relevant supplementary regulations of the Zoning Ordinance.
- 2) This special use permit is for a small portion of a larger commercial retail center/shopping center and there are no adverse impacts expected on nearby or adjacent parcels.

Factor Unfavorable: None Identified

Mr. Newberry presented staff's recommended conditions for special exception approval:

- 1) Development and use of the veterinary service shall be in general accord with the concept plan titled "Willow River Veterinary Services (Mill Creek)" and marked "received" on December 18, 2017 by the Department of Community Development. To be in general accord with this concept plan, the proposed use shall reflect the following major elements essential to the design of the site: Location of more than one entrance and exit for animals visiting the clinic. No outdoor exercise areas or runs.
- 2) The hours of operation for the clinic shall not begin earlier than 7:00 a.m. and shall not end later than 8:00 p.m., each day, Monday through Saturday. There shall be no hours of operation on Sunday.
- 3) No overnight boarding use, other than for those animals under medical care shall take place at the veterinary clinic.

Mr. Newberry presented a recommended condition of special exception approval that prior to the issuance of a building permit, the applicant shall submit information to the satisfaction of the County



Engineer and the Zoning Administrator (or their designees) that demonstrates the sound attenuation qualities of the construction materials used in the renovation of the clinic could reasonably meet the fifty-five (55) decibel sound limit in Section 5.1.11(b).

Ms. Mallek noted that she is the daughter of a veterinarian and suggested consideration to allow a fenced in area for on leash exercise, if ever needed.

Ms. Mallek opened the public hearing and invited the applicant to address the Board.

Dr. Brad DiCarlo, owner and Medical Director of Willow River Veterinary Services, addressed the Board. He said he has been a veterinarian for 15 years, including 10 years serving in the local community. He said the Mill Creek area has its own microculture and is a fantastic area of town, and he is excited to move forward with the project. He invited questions.

Mr. DiCarlo addressed Ms. Mallek's comment. He said there are several grassed areas around the parking lot that would be used for on-leash exercise. He explained that the landlord has included a provision in the lease for a \$50 fine each time an animal deposits fecal material and does not permit any outdoor improvements. He said they will not provide day boarding or grooming services.

Ms. Palmer asked where the grassy areas are located. Mr. DiCarlo replied that there are grass buffers between the church and Avon Extended, as well as a green strip that runs behind the Food Lion and is not in view. He said they would have a reverse entrance on the back of the building to receive deliveries and conduct crematory services.

Ms. Palmer said she is a veterinarian and owns a clinic in a shopping center where she would sometimes see animals get loose.

Mr. DiCarlo related that while looking for a location to lease, a primary consideration was the enclosure.

There being no other comments from the public, Ms. Mallek closed the public hearing.

Mr. Randolph **moved** that the Board adopt the proposed Resolution to approve SP201700030 Willow River Veterinary Services, subject to the three conditions. 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.

#### **RESOLUTION TO APPROVE SP 2017-30 WILLOW RIVER VETERINARY SERVICES**

**WHEREAS**, Willow River Veterinary Services submitted an application for a special use permit to use part of an existing building for a veterinary office and hospital on Tax Map Parcel Number 07700-00-00-04700, and the application is identified as SP201700030 Willow River Veterinary Services ("SP 2017-30"); and

**WHEREAS**, on March 6, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-30 with conditions; and

**WHEREAS**, on April 11, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-30.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2017-30 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-25.2.2(5) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-30, subject to the conditions attached hereto.

\* \* \*

#### **SP-2017-30 Willow River Veterinary Services Special Use Permit Conditions**

1. Development and use of the veterinary service shall be in general accord with the concept plan titled "Willow River Veterinary Services (Mill Creek)" and marked "received" on December 18, 2017, by the Department of Community Development. To be in general accord with this concept plan, the proposed use shall reflect the following major elements essential to the design of the site:
  - Location of more than one entrance and exit for animals visiting the clinic;
  - No outdoor exercise areas or runs.
2. The hours of operation for the clinic shall not begin earlier than 7:00 a.m. and shall not end later than 8:00 p.m., each day, Monday through Saturday. There shall be no hours of operation on Sunday.

3. No overnight boarding use, other than for those animals under medical care, shall take place at the veterinary clinic.

\*\*\*\*\*

Mr. Randolph **moved** that the Board adopt the proposed Resolution to approve the special exception for SP201700030 Willow River Veterinary Services with Condition 1. 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.

### **RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR SP 2017-30 WILLOW RIVER VETERINARY SERVICES**

**WHEREAS**, Willow River Veterinary Services submitted an application for a special use permit to operate a veterinary office and hospital on Tax Map Parcel Number 07700-00-00-04700 (the "Property") ("SP 2017-30); and

**WHEREAS**, Willow River Veterinary Services filed a request for a special exception in conjunction with SP 2017-30 to modify the requirement of County Code § 18-5.1.11(b) that soundproofed confinement structures for a veterinary service use be located at least 200 feet from a residential or agricultural lot line.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, and its supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the requirement of County Code § 18-5.1.11(b) to allow the soundproofed confinement structure serving Willow River Veterinary Services on the Property to be located less than 200 feet from the nearest residential lot line, subject to the condition attached hereto.

\* \* \*

### **SP 2017-30 Willow River Veterinary Services Special Exception Condition**

1. Prior to the issuance of a building permit, the applicant shall submit information to the satisfaction of the County Engineer and the Zoning Administrator (or their designees) that demonstrate the sound attenuation qualities of the construction materials used in the renovation of the clinic can reasonably meet the fifty-five (55) decibel sound limit in County Code § 18- 5.1.11(b).

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#### **Agenda Item No. 17. Public Hearing: SP2017-00016 – Caliber Collision.**

PROJECT: SP201700016 Caliber Collision.

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL(S): 07700-00-00-011F0.

LOCATION: West side of Avon Street Extended (Route 742) approximately 300 feet north of the intersection of 5th Street Station Parkway and Avon Street Extended (Route 742).

PROPOSAL: Proposed body shop in a new building of approximately 18,700 which includes approximately 2,200 sq. ft. of office space. The body shop and associated improvements are proposed within the approximately 2.41 acre portion of the property zoned HC Highway Commercial.

PETITION: Body shop in the HC Zoning District on a 4.382 acre parcel under Section 24.2.2.17 of the Zoning Ordinance. No dwellings proposed.

ZONING: HC Highway Commercial which allows commercial and service; residential by special use permit (15 units/ acre); and RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

OVERLAY DISTRICT(S): Airport Impact Area, Flood Hazard Overlay District, Steep Slopes – Preserved.

COMPREHENSIVE PLAN: Industrial which allows manufacturing, storage, distribution, office and commercial activities related to industrial use and research and development; and Parks and Green Systems which allows parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams in Neighborhood 4 of the Southern and Western Urban Neighborhoods Master Plan.

*(Advertised in the Daily Progress on March 26 and April 2, 2018.)*

The Executive Summary forwarded to the Board states that at its meeting on March 6, 2018, the Planning Commission voted to recommend approval of SP201700016 with the conditions outlined in the staff report and with a modified condition #2b. The Commission's action letter, staff report, and minutes are attached (Attachments A, B, and C).

At the Planning Commission meeting, the Commission complimented the applicant on the proposed scale and massing of the building shown on the architectural elevations provided with the staff report. However, the Commission was concerned about a lack of pedestrian orientation and recommended more fenestration be added to the side of the building which parallels Avon Street

Extended. The applicant has since revised the architectural elevation drawings as seen on Attachment E. Staff believes these changes appropriately address the Commission's concerns. Staff has modified the proposed special use permit conditions to reflect the new architectural elevations and the Commission's recommended conditions. A redlined version of the changes can be seen on Attachment F.

Staff recommends that the Board adopt the attached Resolution to approve SP# 201700016 Caliber Collision (Attachment G).

Mr. Cameron Langille, Senior Planner, presented an aerial photo of the parcel and surrounding area and said the property is on the west side of Avon Street Extended, approximately 300 feet north of the 5<sup>th</sup> Street Station Parkway and Avon Street Extended intersection, a parcel that is 4.382 acres in size and completely undeveloped. He noted that the rear parcel boundary follows the center line of Moore's Creek and the property is split-zoned, with the rear 1.9 acres zoned RA and the front 2.41 acres zoned highway commercial. Mr. Langille explained that in a highway commercial zoning district, a body shop is classified as a special use. He noted that the property has areas of preserved steep slopes and is within the flood hazard overlay district. He said all the environmental features are within the RA portion of the property.

Mr. Langille stated that the area immediately to the north is zoned Highway Commercial (HC), while to the north and east side of Avon Street Extended properties are zoned Light Industry (LI). He pointed out that 5<sup>th</sup> Street Station is immediately to the south and is zoned Planned Development Shopping Center (PDSC). He said the property is within Neighborhood Four of the southern and western urban neighborhoods and the land use plan calls for industrial on the front two-thirds of the property that is zoned HC, and at the rear are parks and green systems coinciding with the steep slopes and overlay district.

Mr. Langille presented a blueprint of the concept plan associated with the special use permit and noted that all site improvements such as building, parking, and stormwater management facilities are located in the HC portion. He said the building measures 18,635 square feet, with 2,200 square feet to be used for office space and the remainder serving as the floor of the body shop. He said the parking lot has 81 spaces of which 56 are designated for employees and customers. He noted that the applicant plans to hook up to Albemarle County Service Authority public water and proposed a septic system for their sewer.

Ms. Palmer asked what that is. Mr. Langille explained that the nearest sewer line is across Moore's Creek in the Willoughby Subdivision, and to extend sewer to the property, they would have to put a sewer line over the top of the creek or bore under it. He said the nearest ACSA water line is just north, on Avon Street Extended, and is not difficult to extend. He said the applicant had submitted a form that demonstrates the cost of connecting to public sewer would well exceed the cost of a septic system. Mr. Langille said the applicant has hired a consultant to do a soil analysis and determined they could get a commercial septic system on the property, which the Virginia Department of Health has reviewed and supports.

Ms. McKeel asked if they are required to have a backup for the septic. Mr. Langille replied that they must show there is primary and reserve drain field.

Mr. Dill noted that they would have a lot of chemicals and car washing, which would go in the ground. Mr. Langille replied that the applicant has some mitigation plans in place. He presented a photo of the roadway next to the site.

Mr. Langille said there is only one factor unfavorable, related to the pedestrian orientation principal of the Neighborhood Model. He explained that the side of the building that would face Avon Street Extended does not have as much architectural detailing or windows as they normally would like to see, and thus staff recommended a condition that more architectural details or windows on the building face be placed. He said the applicant has revised its architectural drawings to include more windows along the frontage, and staff felt this eliminated the only factor unfavorable and thus recommended approval.

Mr. Langille noted that conditions recommended are included in Attachment F, reflecting modifications made since the Planning Commission public hearing. Mr. Langille said this addressed the condition regarding the elevation drawing to stipulate that it must meet the new, revised drawing and that additional fenestration does not have to be added. He listed the recommended motions and invited questions.

Ms. Mallek asked if they had conducted borings to test the soil for the septic and if there was an investigation to make sure mounds that covered the city dump, which is located just to the south of the site, has not gone into the property. Mr. Langille confirmed this.

Ms. Mallek opened the public hearing and invited the applicant to address the Board.

Mr. Todd Burnett of Freeland and Kauffman, engineers and landscape architects, addressed the Board on behalf of the applicant. He said he does not have anything to add and invited questions.

Mr. Dill asked him to discuss the filtration system. Mr. Burnett explained that all the drains in the shop floor are collected and go through a sand hose separator, which is like a restaurant grease trap but

is geared towards automotive uses, capturing oils and having a regular maintenance schedule. He emphasized that the applicant would only do body work and stated that the septic system is downstream, with any contaminants captured upstream.

Ms. Mallek asked if particulates from sand finishing would be captured in the penned in area. Mr. Burnett agreed and explained that the paint booth is rather unique as it is a fully enclosed, pre-manufactured unit with its own ventilation and fire protection systems.

Mr. Dill asked if the business is part of a chain. Mr. Burnett explained that Caliber Collision is an expanding national chain based in Texas, with several locations in Virginia, and they mainly do work funded by car insurance.

Mr. Gallaway asked for the number of employees. Mr. Burnett replied that it would be roughly 20.

Mr. Gallaway asked if the site accommodates extended parking or if it is maxed out. Mr. Langille replied the site is tight, although there may be a possibility to add spaces. He said the zoning ordinance requires 50 parking spaces for customers and employees, and the purpose of having 81 spaces is to have room for vehicles awaiting repair or pick up.

There being no other comments from the public, Ms. Mallek closed the public hearing.

Mr. Randolph **moved** that the Board adopt the proposed Resolution to approve SP 2017-00016 Caliber Collision, with staff modifications and Conditions 1-6, as recommended by the Planning Commission. 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 requested that Mr. Burnett inform the applicant to connect with CATEC, as they have students who may be looking for work.

#### **RESOLUTION TO APPROVE SP 2017-16 CALIBER COLLISION; BODY SHOP**

**WHEREAS**, Caliber Collision submitted an application for a special use permit to establish a body shop and associated improvements on Tax Map Parcel Number 07700-00-00-011F0, and the application is identified as SP201700016 Caliber Collision Body Shop ("SP 2017-16"); and

**WHEREAS**, on March 6, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-16 with conditions; and

**WHEREAS**, on April 11, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-16.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2017-16 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-24.2.2(17) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-16, subject to the conditions attached hereto.

\* \* \*

#### **SP 2017-16 Caliber Collision; Body Shop Special Use Permit Conditions**

1. Development and use shall be in general accord with the following revised plans originally prepared by Freeland and Kauffman, Inc. last updated March 8, 2018 entitled "Caliber Collision, Conceptual Site Plan, Conceptual Grading Plan, Conceptual Landscape Plan," (hereafter "Concept Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, development and use shall reflect the following major elements as shown on the plans:
  - a. Limits of disturbance
  - b. Location of buildings and structures
  - c. Location of parking areas
  - d. Location of driveways and entrances
  - e. Relation of buildings and parking to the street

Minor modifications to the Concept Plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.

2. Development and use shall also be in general accord with the following plans originally prepared by Brian Rumsey, dated November 1, 2017 and last updated March 12, 2018 entitled "Caliber Collision Exterior Elevations" (hereafter "Elevations"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Elevations, development and use shall reflect the following major elements as shown on the Elevations:
  - a. Building massing, shape, and height

- b. Fenestration or architectural features along the "02 Left Elevation (South)" façade to provide a pedestrian orientation. Alternatively, this condition may be satisfied with a combination of wall plantings, architectural features, and fenestration along this particular elevation to the satisfaction of the Director of Planning or his/her designee.

Minor modifications to the Elevations that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.

3. Upon request of the County, the applicant shall dedicate land within the 100-year floodplain and stream buffers to public use near Moore's Creek for a potential future greenway trail. Actual trail planning, permitting, and construction is to be carried out by others.
4. Approval of a construction permit for installation of the proposed septic system is required by the Virginia Department of Health prior to final site plan approval by Albemarle County.
5. Approval of an Access Management Exception Request by the Virginia Department of Transportation will be required prior to final site plan approval by Albemarle County.
6. The use shall commence on or before April 11, 2021 or the permit shall expire and be of no effect.

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Agenda Item No. 18. **Public Hearing: Ordinance to Amend County Code Chapter 2, Administration.**

To receive public comment on its intent to adopt an ordinance to amend Chapter 2, Administration, of the Albemarle County Code by reorganizing and rewriting the chapter, repealing obsolete (current County Code § 2-502, pertaining to the local procedure to obtain concealed weapons permits, recently repealed by State law), and unnecessary provisions, and adding new provisions to incorporate existing requirements of this chapter in new sections, to identify the composition, appointment, and terms of directors of the Economic Development Authority (proposed County Code § 2-603), and to designate the County Executive to serve as the Director of Emergency Management Authority (proposed County Code § 2-902). The proposed ordinance does not make any changes to the boundaries of magisterial districts or precincts, or to the location of polling places (County Code §§ 2-101 through 2-107).  
*Advertised in the Daily Progress on March 26 and April 2, 2018.*

The Executive Summary forwarded to the Board states that the Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 2 contains provisions related to the administration of elections, the Board of Supervisors, the School Board, the Planning Commission, Law Enforcement, the Economic Development Authority, the Albemarle County Service Authority, the Airport Commission, the Library Board, the Emergency Service Organization, and Personnel.

The process of recodifying the County Code includes making formatting, style, organizational, and substantive changes. These changes are being addressed at the chapter level before the Board considers adopting a complete, recodified Code later in 2018.

To facilitate finding subject matter in Chapter 2, the section headings have been clarified, and catchlines have been added to subsections.

Substantive changes are proposed for some provisions in Chapter 2 to be consistent with recent amendments to State law, and to repeal obsolete regulations and those regulations that are unnecessary. Following are the notable substantive changes to Chapter 2:

1. Article 4, Planning Commission: Most of the requirements for the Planning Commission are completely governed by State law and do not have to be included in the County Code. Article 4 currently includes four sections proposed to be repealed because the subject matter is addressed by State law and is self-executing, and only some of the State laws that apply to the Planning Commission are included in the current County Code.
2. Article 5, Law Enforcement: Current County Code § 2-502, which establishes the requirement that a County resident applying for a concealed handgun permit be fingerprinted by the sheriff, must be repealed because the State enabling authority pertaining to concealed weapons permits has been significantly revised and a local ordinance is not required.
3. Article 6, Economic Development Authority: This ordinance proposes to add County Code § 2-603, which states the composition, appointment, and terms of the EDA's Board of Directors. Although this section is not required because its subject matter is governed by State law, it is recommended to be added for two reasons: (1) similar information is provided for the other public bodies addressed in Chapter 2; and (2) the subject matter is frequently referenced for all of the public bodies.
4. Article 8, Charlottesville-Albemarle Joint Airport Commission: The proposed amendments to this article are limited to the most minimal matters of style because the applicable State law, which pertains solely to the Joint Airport Commission, requires that the City's and County's ordinances be identical.
5. Current Article IX, Library Board: The Jefferson-Madison Regional Library system is created by a joint exercise of powers agreement, most recently entered into by the

- participating localities in 2013, not by current County Code § 2-900.
6. Current Article X, Emergency Service Organization: The subject matter of this article is covered by the "Commonwealth of Virginia Emergency Services and Disaster Law of 2000" (Virginia Code § 44-146.13 et seq.) and it is self-executing. The language in current County Code § 2-1001, which provides that the County Executive shall serve as the County's director of emergency services, is revised and renumbered as proposed County Code § 2-902.
  7. Proposed Article 9, Personnel: Current County Code §§ 2-1100 and 2-1103 are recommended to be deleted because the subject matter is addressed by State law and is self-executing, and only some of the State laws that apply to County departments (current County Code § 2-1100) and the powers and duties of the County Executive (current County Code § 2-1103) are included in the current County Code.

The attached proposed ordinance (Attachment A) also includes the four sections of Article 1 regarding Elections that the Board amended on March 14, 2018. The updated maps of the Jack Jouett, Rivanna, Scottsville, and White Hall Magisterial Districts reflecting the amended precincts and polling place locations in those magisterial districts are included as Attachment B.

Adopting the proposed ordinance will have no budget impact.

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

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Mr. Kamptner presented a slide that listed the 18 chapters of the County Code and noted that Chapters 2, 3, and 4 are contained in the Board's materials. He said there was a work session for Chapter 3, information provided for Chapter 4, and this public hearing on Chapter 2. He reminded the Board that they had seen a portion of Chapter 2 the previous month when amending regulations pertaining to precincts and polling places for magisterial districts, all of which are included in this ordinance. He said the Board has already adopted Chapters 1 and 5. He presented a summary recap of the recodification process and described it as a comprehensive rewrite of the County Code, with many sections disassembled then reassembled.

Mr. Kamptner emphasized that they are moving towards an online version of the code and only 15 hard copies of the code remain. He explained that a benefit of an online code is that links can be provided. He said that much of the County Code is restating what is in state law, and many of those provisions do not necessarily have to be in the County Code. He explained the reason is that it serves as a reference so the public has a place to go to find out what the law is. Mr. Kamptner stated that they have retained or tried to focus on things that are most important to the public, recognizing that much is duplicated in state law. He said one problem existing in Chapter 2 is that when items are incorporated from state law, they often do not incorporate all the laws that pertain to a particular topic – which might lead one to mistakenly think that this is all there was. He said the online version would have links to the Virginia Code and enhanced state law references.

Mr. Dill asked if there are references to federal law. Mr. Kamptner replied that there are a few references to federal law in the County Code. He said he would review several issues they are finding, including that animal control mostly cites the state code section and not the County section. He said there are various positions in some chapters that would logically be found in other chapters, such as noise regulations and animals and fowl, which he said should probably go with all of the other non-zoning related noise regulations.

Mr. Kamptner stated they are working on or have completed work on 16 of the 18 chapters, but have not yet reviewed the Subdivision Ordinance. He explained that they have to make adjustments to the schedule weekly as issues arise, though their intention is to have a chapter for either a work session or public hearing, as well as one on the consent agenda to set a work session or public hearing. He offered to send Supervisors a copy of the current schedule, as it is likely to be adjusted. He noted that animals and fowl have been scheduled to be discussed at a May 9 work session, but there is another part of the parks and recreation chapter they would likely bring before the Board on May 9.

Mr. Kamptner said the development chapters represent a larger portion of the County Code. He said the substance of the subdivision and water protection ordinances is governed almost exclusively by state law, while they have leeway with the zoning ordinance, which has 36 sections and lengthy subsections within these sections. He presented a list of the sections they are working on, noting that the draft consists of about 190 pages, which he said includes a lot of strike-throughs as things were organized. He said that John Blair is wrapping up work on Sections 3 and 5 while he is wrapping up work on the processes section, Section 33, which consists of completely rewriting approximately 55 pages.

Mr. Kamptner presented a list of articles within Chapter 2:

- Magisterial Districts, Precincts, and Polling Places
- Board of Supervisors
- School Board
- Planning Commission
- Law Enforcement
- Economic Development Authority
- Albemarle County Service Authority
- Charlottesville-Albemarle Joint Airport Commission

- Personnel

He said they may recodify Magisterial Districts into its own chapter since it differs from the remainder of Chapter 2. He presented a slide with the proposed substantive revisions:

Article 4, Planning Commission: This article would be streamlined to include the required on most relevant information for the reader; the subject matter proposed to be repealed was a state law that was self-executing and was not complete.

Article 5, Law Enforcement: Current County Code 2-502, which establishes a fingerprinting requirement for applicants for concealed weapons permits was repealed because the General Assembly recently significantly revised the concealed weapons permitting process, and those state law provisions are self-enforcing.

Article 6, Economic Development Authority: County Code 2-603 was proposed to be added to be consistent with the "organizational" regulations already existing for the Board, the School District, and the Planning Commission. Section 2-603 provides the composition, appointment, and terms of the EDA's board of directors.

Article 8, Charlottesville-Albemarle Joint Airport Commission: This article had no substantive changes because the applicable legislation for this commission requires that the City's and the County's regulations be identical.

Current Article X, Library Board: This article was proposed to be repealed because the Jefferson-Madison Regional Library was created by a joint exercise of powers agreement, not by this article.

Current Article X, Emergency Services Organization: This article was proposed to be repealed because its subject matter was covered by state law that was self-executing and was intertwined with state-level emergency issues.

Proposed Article 9, Personnel: This article was streamlined to include the most relevant information for the reader; the subject matter proposed to be repealed was based on state law that was self-executing and was not complete.

Ms. Mallek opened the public hearing. As no one came forward to address the Board, Ms. Mallek closed the public hearing.

Mr. Randolph **moved** that the Board adopt the proposed Ordinance to amend the County Code Chapter 2 Administration. 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.

**ORDINANCE NO. 18-2 (2)**

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, is hereby amended and reordained as follows:

**By Amending:**

2-101 Jack Jouett Magisterial District.  
2-102 Rio Magisterial District.  
2-103 Rivanna Magisterial District.  
2-104 Samuel Miller Magisterial District.  
2-105 Scottsville Magisterial District.  
2-106 White Hall Magisterial District.  
2-107 Central absentee voter precinct.  
2-200 County executive form of government.  
2-404 Employees; contracts with planners and consultants; limitation on expenditures.  
2-406 Duties generally.  
2-601 Powers, duties, and procedures.  
2-701 Purposes and powers.  
2-802 Compensation and term of office of members.  
2-803 Officers and staff; minutes of meetings.  
2-804 Re-eligibility.  
2-805 Powers and duties.

**By Amending and Renaming:**

- 2-100 Establishment and boundaries of magisterial districts, ~~election districts, and~~ precincts; identifying and polling places; map.
- 2-201 Board of ~~s~~Supervisors; composition and terms.
- 2-202 Compensation of ~~board of supervisors~~ the Board of Supervisors.
- 2-300 School ~~board~~ Board; composition and terms.
- 2-400 Planning ~~e~~Commission created.
- 2-401 Composition; ~~appointment, terms, and compensation of members; quorum.~~
- 2-500 ~~Police department~~ Albemarle County Police Department established.
- 2-501 ~~Employment of Off-Duty Police Officers~~ Off-duty employment of police officers may be authorized by the Chief of Police.
- 2-600 ~~Creation of economic development authority~~ Economic Development Authority created.
- 2-602 Board of ~~directors~~ Directors; composition and appointment.
- 2-700 ~~Service authority~~ Albemarle County Service Authority created.
- 2-702 Membership; ~~appointment and term of office of members; filling of vacancies~~ Composition, appointment, and terms.
- 2-800 Airport ~~e~~Commission.
- 2-801 Composition and appointment; ~~appointment of members.~~

**By Amending, Renaming, and Renumbering:**

- ~~2-404~~ 2-402 ~~Employees; contracts with planners and consultants; limitation on expenditures~~ Authority to appoint employees and contract with consultants; required appropriation.
- ~~2-503~~ 2-502 Disposition of unclaimed personal property in possession of law enforcement agencies.
- ~~2-504~~ 2-503 ~~Albemarle County Volunteer e~~Community ~~s~~Service ~~f~~Force.
- ~~2-505~~ 2-504 ~~Albemarle County Auxiliary p~~Police ~~f~~Force.
- ~~2-1104~~ 2-900 ~~Administration~~ Designation of the County Executive to develop and administer Ppersonnel policies and procedures.
- ~~2-1102~~ 2-901 Adoption of personnel policies and procedures by the Board of Supervisors.
- ~~2-1104~~ 2-903 ~~Certain persons deemed part~~ Designation of the eCounty's official safety program.
- ~~2-1108~~ 2-905 ~~Establishment, execution and amendment of plan~~ Deferred compensation plan established.
- ~~2-1109~~ 2-907 ~~Deferred compensation committee--~~ created.
- ~~2-1110~~ 2-908 ~~Deferred compensation committee--~~ powers Powers of the Deferred Compensation Committee.

**By Adding:**

- 2-603 Composition, appointment, and terms.
- 2-902 Designation of the County Executive as the Director of Emergency Management.
- 2-904 Identified appointed boards; compensation and reimbursement.
- 2-906 Designation of the County Executive to perform certain plan duties.

**By Repealing:**

- 2-402 Organization.
- 2-403 Finances.
- 2-405 Adoption of rules; records; assistance by other county and municipal officials.
- 2-502 Concealed handgun permits.
- 2-900 Library board.
- 2-1000 Office of emergency service.
- 2-1001 Director--Designated.
- 2-1002 Director--Powers and duties.
- 2-1003 Declaration of local emergency.
- 2-1100 Authority.
- 2-1103 County executive.
- 2-1105 Enumerated.
- 2-1106 Members excluded.
- 2-1107 Travel and other expenses.

**Chapter 2. Administration**

**Article 1. Elections**

Sec. 2-100 Establishment and boundaries of magisterial districts, and precincts; identifying polling places; map.

The County's magisterial districts are established and identified as follows:

- A. *County divided in six magisterial districts.* The County is divided into six magisterial districts, which are named and have boundaries as described in this article. The magisterial districts are election districts for the County within the meaning of Virginia Code § 15.2-1211.
- B. *Precincts and polling places.* Each magisterial district contains precincts described in this article. Each precinct has a polling place identified in this article.
- C. *Maps.* The map identified as "Albemarle County, Virginia 2011 Redistricting Plan # 1A, dated May



4, 2011,” as amended by the maps depicting the amended precincts and polling place locations in the Jack Jouett, Rivanna, Scottsville, and White Hall magisterial districts effective on and after March 14, 2018, are hereby designated as the official maps depicting the magisterial districts, precinct boundaries, and polling place locations within the County. The text of this chapter is controlling if there is any conflict between the maps and the descriptions of the magisterial district boundaries, precinct boundaries, or polling place locations in this chapter.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98; Ord. 01-2(1), 5-9-01; Ord. 11-2(2), 5-4-11)

**State law reference**—Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

**Sec. 2-101 Jack Jouett Magisterial District.**

The Jack Jouett Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and Greenbrier Drive; then northwest along Greenbrier Drive to its intersection with Whitewood Road; then west along Whitewood Road to its intersection with Hydraulic Road (State Route 743); then northeast along Hydraulic Road to its intersection with Earlysville Road (State Route 743); then north along Earlysville Road to its intersection with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River to its confluence with the Mechums River; then meandering southwest along the Mechums River to its intersection with Garth Road (State Routes 614, 676 and 601); then east and south along Garth Road to its intersection with Ivy Creek; then west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the railway to its intersection with the U.S. Route 29/250 Bypass; then south along the U.S. Route 29/250 Bypass to its intersection with the U.S. Route 29 Bypass; then south along the U.S. Route 29 Bypass to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then east along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the Charlottesville city limits; then meandering north and east along the Charlottesville city limits to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with Greenbrier Drive, the point of origin.
- B. *Precincts.* The district shall be divided into three precincts, which are described as follows:
  1. *Georgetown Precinct.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and Greenbrier Drive; then northwest along Greenbrier Drive to its intersection with Whitewood Road; then west along Whitewood Road to its intersection with Hydraulic Road (State Route 743); then south along Hydraulic Road to its intersection with Georgetown Road (State Route 656); then southwest along Georgetown Road to its intersection with Barracks Road (State Route 654); then southeast along Barracks Road to its intersection with Charlottesville’s western city limits; then along Charlottesville’s western city limits north and east to the intersection of Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with Greenbrier Drive, the point of origin.
  2. *Jack Jouett Precinct.* Beginning at the intersection of Barracks Road (State Route 654) and its intersection with Georgetown Road (State Route 656); then northeast along Georgetown Road to its intersection with Hydraulic Road (State Route 743); then northeast along Hydraulic Road to its intersection with Earlysville Road (State Route 743); then north along Earlysville Road to its intersection with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River to its confluence with the Mechums River; then meandering southwest along the Mechums River to its intersection with Garth Road (State Routes 614, 676, and 601); then east and southeast along Garth Road to its intersection with Ivy Creek; then west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX railway right-of-way; then east along the CSX railway right-of-way to its intersection with the US Route 29/250 bypass; then northeast along the US Route 29/250 bypass to its intersection with Charlottesville’s western city limits and Barracks Road (State Route 654); then northwest along Barracks Road to its intersection with Georgetown Road, the point of origin.
  3. *University Hall Precinct.* Beginning at the intersection of the U.S. Route 29 Bypass and Fontaine Avenue Extended/U.S. Route 29 Business; then north to its intersection with the U.S. Route 29/250 Bypass; then north and northeast along the U.S. Route 29/250 Bypass to its intersection with Charlottesville’s northwestern city limits, then meandering south along the Charlottesville city limits to its intersection with Fontaine Avenue/U.S. Route 29 Business; then running west along Fontaine Avenue/U.S. Route 29 Business and the Charlottesville city limits to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then west along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the U.S. Route 29/250 Bypass, the point of origin.

C. *Polling places.* Each precinct shall have a polling place at the location identified below:

1. *Georgetown Precinct.* Albemarle High School, 2775 Hydraulic Road.
2. *Jack Jouett Precinct.* Jack Jouett Middle School, 210 Lambs Lane.
3. *University Hall Precinct.* University Hall, 300 Massie Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(2), § 2-102; Ord. 01-2(1), 5-9-01; Ord. 03-2(2), 7-9-03; Ord. 11-2(2), 5-4-11; Ord. 18-2(1), 3-14-18)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

### **Sec. 2-102 Rio Magisterial District.**

The Rio Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the South Fork Rivanna River; then northeast along Seminole Trail to its intersection with Dickerson Lane (State Route 763); then west along Dickerson Lane to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then south along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east along Whitewood Road to its intersection with Greenbrier Drive; then southeast along Greenbrier Drive to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with Charlottesville's northern city limits; then along the Charlottesville city limits east to its intersection with the Rivanna River; then meandering north along the Rivanna River to its confluence with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River, to Seminole Trail (U.S. Route 29), the point of origin.
- B. *Precincts.* The district shall be divided into five precincts, which are described as follows:
1. *Agnor-Hurt Precinct.* Beginning at Seminole Trail (U.S. Route 29) and its intersection with Greenbrier Drive; then northeast along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering west and south along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east along Whitewood Road to its intersection with Greenbrier Drive; then southeast along Greenbrier Drive to its intersection with Seminole Trail, the point of origin.
  2. *Branchlands Precinct.* Beginning at Charlottesville's northern city limits and its intersection with Denice Lane and Rio Road East (State Route 631); then northwest along Rio Road East to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to Charlottesville's northern city limits; then east along the Charlottesville city limits to its intersection with Denice Lane and Rio Road East, the point of origin.
  3. *Dunlora Precinct.* Beginning at Rio Road East (State Route 631) at its intersection with the Norfolk Southern Railway right-of way and the Charlottesville city limits; then northeast along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and the Rivanna River; then running south along the Rivanna River to its intersection with the Charlottesville city limits; then south and west along the Charlottesville city limits to its intersection with the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way and the Charlottesville city limits to its intersection with Rio Road East, the point of origin.
  4. *Northside Precinct.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the South Fork Rivanna River; then northeast along Seminole Trail to its intersection with Dickerson Lane (State Route 763); then west along Dickerson Lane to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck

Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then South along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering east along the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29), the point of origin.

5. *Woodbrook Precinct.* Beginning at Charlottesville's northern city limits and its intersection with Rio Road East (State Route 631) and the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River; then meandering northwest along the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with Rio Road East (State Route 631); then southeast along Rio Road East to its intersection with the Norfolk Southern Railway right-of-way and Charlottesville's northern city limits, the point of origin.

C. *Polling places.* Each precinct shall have a polling place at the location identified below:

1. *Agnor-Hurt Precinct.* Agnor-Hurt Elementary School, 3201 Berkmar Drive.
2. *Branchlands Precinct.* Senior Center, 1180 Pepsi Place.
3. *Dunlora Precinct.* Charlottesville-Albemarle Technical Education Center, 1000 East Rio Road.
4. *Northside Precinct.* Earlysville Volunteer Fire Station, 283 Reas Ford Road.
5. *Woodbrook Precinct.* Woodbrook Elementary School, 100 Woodbrook Drive.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(1), § 2-101; Ord. 01-2(1), 5-9-01; Ord. 02-2(3), 5-1-02; Ord. 06-2(2), 7-12-06; Ord. 11-2(2), 5-4-11; Ord. 15-2(2), 10-7-15)

**State law reference**—Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

#### **Sec. 2-103 Rivanna Magisterial District.**

The Rivanna Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district.* Beginning at the intersection of Interstate 64 and the Albemarle/Fluvanna county line; then northeast along the Albemarle/Fluvanna county line to its intersection with the Albemarle/ Louisa county line; then northeast along the Albemarle/Louisa county line to its intersection with the Albemarle/ Orange county line; then west along the Albemarle/Orange county line to its intersection with the Albemarle/ Greene county line; then west along the Albemarle/Greene county line to its intersection with Seminole Trail (U.S. Route 29); then southwest along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and the Rivanna River; then meandering south along the Rivanna River to its intersection with Interstate 64; then along Interstate 64 east to its intersection with the Albemarle/Fluvanna county line, the point of origin.
- B. *Precincts.* The district shall be divided into six precincts, which are described as follows:
  1. *Baker-Butler Precinct.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the Albemarle/Greene county line; then southeast along the Albemarle/Greene county line to its intersection with the Albemarle/Orange county line; then southeast along the Albemarle/Orange county line to its intersection with the Norfolk Southern Railway right-of-way; then southwest along the Norfolk Southern Railway right-of-way to its intersection with the drainage culvert of an unnamed tributary of Powell Creek (flowing under the railway right-of-way at the southern end of Proffit Station Road); then meandering west along the unnamed tributary of Powell Creek to its confluence with Powell Creek; then meandering north along Powell Creek to its confluence with an unnamed outlet to Lake Hollymead; then meandering west along the unnamed outlet to Lake Hollymead into the eastern end of Lake Hollymead; then west along the length of Lake Hollymead to an unnamed tributary to Lake Hollymead at the western end of Lake Hollymead; then meandering west along the unnamed tributary to Lake Hollymead to another unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south); then meandering west along the unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south) to its intersection with Seminole Trail (U.S. Route 29), immediately south of 3129 Seminole Trail; then north along Seminole Trail to its intersection with the Albemarle/Greene county line, the point of origin.
  2. *Free Bridge Precinct.* Beginning at the intersection of the Rivanna River with Interstate 64; then meandering north along the Rivanna River to its intersection with a Dominion Power high voltage powerline right-of-way; then running southeast along the powerline right-of-way to its intersection with Shadwell Creek; then running south along Shadwell Creek to its intersection with Hansens Mountain Road; then running west along Hansens

- Mountain Road to its intersection with Richmond Road (US Route 250); then running southeast along Richmond Road/US Route 250 to its intersection with Interstate 64; then running west along Interstate 64 to its intersection with the Rivanna River, the point of origin.
3. *Hollymead Precinct.* Beginning at the intersection of the Norfolk Southern Railway right-of-way and the South Fork Rivanna River; then running northeast along the Norfolk Southern Railway right-of-way to its intersection with the drainage culvert of an unnamed tributary of Powell Creek (flowing under the railway right-of-way at the southern end of Proffit Station Road); then meandering west along the unnamed tributary of Powell Creek to its confluence with Powell Creek; then meandering north along Powell Creek to its confluence with an unnamed outlet to Lake Hollymead; then meandering west along the unnamed outlet to Lake Hollymead into the eastern end of Lake Hollymead; then west along the length of Lake Hollymead to an unnamed tributary to Lake Hollymead at the western end of Lake Hollymead; then meandering west along the unnamed tributary to Lake Hollymead to another unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south); then meandering west along the unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south) to its intersection with Seminole Trail (U.S. Route 29) immediately south of 3129 Seminole Trail; then south along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with the Norfolk Southern Railway right-of-way, the point of origin.
  4. *Keswick Precinct.* Beginning at the intersection of the Albemarle/Orange/Louisa county line; then southwest along the Albemarle/Louisa county line to its intersection with the Albemarle/ Fluvanna county line; then southwest along the Albemarle/ Fluvanna county line to its intersection with Interstate 64; then west along Interstate 64 to its intersection with Barn Branch; then northwest along Barn Branch to its confluence with a western branch of Barn Branch whose origin lies near the ridge of Trevillian Mountain of the Southwest Mountains; then meandering north along this western branch of Barn Branch to its origin near the ridge of Trevillian Mountain of the Southwest Mountains; then northeast along the ridge line of the Southwest Mountains to its intersection with the Albemarle/Orange county line; then east along the Albemarle/Orange county line to its intersection with the Albemarle/Orange/ Louisa county line, the point of origin.
  5. *Pantops Precinct.* Beginning at the confluence of the Rivanna River and Redbud Creek; then east along Redbud Creek to its confluence with an eastern branch of Redbud Creek whose origin lies near the ridge of Long Mountain of the Southwest Mountains; then meandering southeast along this eastern branch of Redbud Creek to its origin near the ridge of Long Mountain of the Southwest Mountains; then Southwest along the ridge line of the Southwest Mountains (encountering Hammocks Gap, followed by Wolf Mountain, followed by Trevillian Mountain) to its intersection with the origin of a western branch of Barn Branch; then meandering south along this western branch of Barn Branch to its confluence with Barn Branch; then southeast along Barn Branch to its intersection with Interstate 64; then west along Interstate 64 to its intersection with Richmond Road (US Route 250); then northwest along Richmond Road/US Route 250 to its intersection with Hansens Mountain Road; then running east along Hansens Mountain Road to its intersection with Shadwell Creek; then running north along Shadwell Creek to its intersection with a Dominion Power high voltage powerline right-of-way; then running northwest along this powerline right-of-way to its intersection with the Rivanna River; then meandering northwest along the Rivanna River to its confluence with Redbud Creek, the point of origin.
  6. *Stony Point Precinct.* Beginning at the intersection of the South Fork Rivanna River and the Norfolk Southern Railway right-of-way; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and Rivanna River; then meandering south along the Rivanna River to its confluence with Redbud Creek; then east along Redbud Creek to its confluence with an eastern branch of Redbud Creek whose origin lies near the ridge of Long Mountain of the Southwest Mountains; then east along this eastern branch of Redbud Creek to its origin near the ridge of Long Mountain of the Southwest Mountains; then northeast along the ridgeline of the Southwest Mountains to its intersection with the Albemarle/Orange county line; then west along the Albemarle/Orange county line to its intersection with the Norfolk Southern Railway right-of-way; then southwest along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River, the point of origin.
- C. *Polling places.* Each precinct shall have a polling place at the location identified below:
1. *Baker-Butler Precinct.* Baker-Butler Elementary School, 2740 Proffit Road.
  2. *Free Bridge Precinct.* Elk's Lodge Hall, 389 Elk Drive.
  3. *Hollymead Precinct.* Hollymead Elementary School, 2775 Powell Creek Drive.

4. *Keswick Precinct. Zion Hill Baptist Church, 802 Zion Hill Road.*
5. *Pantops Precinct. Broadus Memorial Baptist Church, 1525 Stony Point Road.*
6. *Stony Point Precinct. Stony Point Elementary School, 3893 Stony Point Road.*

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(3), § 2-103; Ord. 01-2(1), 5-9-01; Ord. 02-2(4), 7-3-02; Ord. 08-2(1), 2-6-08; Ord. 11-2(2), 5-4-11; Ord. 18-2(1), 3-14-18)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

**Sec. 2-104 Samuel Miller Magisterial District.**

The Samuel Miller Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district.* Beginning at the intersection of the Mechums River and Garth Road (State Routes 614, 676 and 601); then east and south along Garth Road to its intersection with Ivy Creek; then meandering west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the CSX Railway right-of-way to its intersection with the U.S. Route 29/250 Bypass; then south along the U.S. Route 29/250 Bypass to its intersection with the U.S. Route 29 Bypass; then south along the U.S. Route 29 Bypass to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then east along Fontaine Avenue Extended /U.S. Route 29 Business to its intersection with the Charlottesville city limits; then south along the Charlottesville city limits to its intersection with Sunset Avenue Extended (State Route 781); then south along Sunset Avenue Extended to its intersection with Mountainwood Road; then east along Mountainwood Road to its intersection with Old Lynchburg Road (State Route 780); then south along Old Lynchburg Road (State Route 780) to Old Lynchburg Road (State Route 631); then south along Old Lynchburg Road (State Route 631) to its intersection with a western branch of Biscuit Run (immediately south of and running roughly parallel to Forest Lodge Drive); then east along this western branch of Biscuit Run to its confluence with Biscuit Run; then south along Biscuit Run approximately 375 feet to its confluence with an eastern branch of Biscuit Run; then continuing east along this eastern branch of Biscuit Run to its intersection with Scottsville Road (State Route 20) (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then south along Scottsville Road to its intersection with Red Hill Road (State Route 708); then immediately west along Red Hill Road to its intersection with the North Fork Hardware River; then meandering southwest along the North Fork Hardware River to its confluence with the Hardware River and the South Fork Hardware River; then southwest along the South Fork Hardware River to its confluence with Eppes Creek; then southwest along Eppes Creek to its confluence with Beaver Branch; then meandering southwest along Beaver Branch to its intersection with Plank Road (State Route 712); then southeast along Plank Road to its intersection with Esmont Road (State Route 715); then continuing northeast along Plank Road to its intersection with Scottsville Road (State Route 20); then southeast along Scottsville Road to its intersection with Langhorne Road (State Route 626); then southwest along Langhorne Road to its intersection with James River Road (State Route 627); then southeast along James River Road to its intersection with Warren Ferry Road (State Route 627); then south along Warren Ferry Road to its intersection with the James River and the Albemarle/Buckingham county line; then southwest along the Albemarle/ Buckingham county line to its intersection with the Albemarle/Nelson county line; then northwest along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636); then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then meandering northeast along the Mechums River to its intersection with Garth Road, the point of origin.
- B. *Precincts.* The district shall be divided into six precincts, which are described as follows:
  1. *Country Green Precinct.* Beginning at Sunset Avenue Extended (State Route 781) and the overpass of Interstate 64; then south along Sunset Avenue Extended to its intersection with Mountainwood Road; then east along Mountainwood Road to its intersection with Old Lynchburg Road (State Route 780); then south along Old Lynchburg Road (State Route 780) to Old Lynchburg Road (State Route 631); then south along Old Lynchburg Road (State Route 631) to its intersection with a western branch of Biscuit Run (immediately south of and running roughly parallel to Forest Lodge Drive); then east along this western branch of Biscuit Run to its confluence with Biscuit Run; then south along Biscuit Run approximately 375 feet to its confluence with an eastern branch of Biscuit Run; then continuing east along this eastern branch of Biscuit Run to its intersection with Scottsville Road (State Route 20) (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then south along Scottsville Road to its intersection with Red Hill Road (State Route 708); then northwest along Red Hill Road to its intersection with the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way to its intersection with Interstate 64; then southeast along Interstate 64 to its overpass at Sunset Avenue Extended, the point of origin.

2. *East Ivy Precinct.* Beginning at the intersection of Charlottesville's western city limits and Sunset Avenue Extended (State Route 781); then south along Sunset Avenue Extended to its intersection with Interstate 64; then west along Interstate 64 to its intersection with Dick Woods Road (State Route 637); then north along Dick Woods Road to its intersection with Bloomfield Road (State Route 677); then northeast along Bloomfield Road to its intersection with Ivy Road (U.S. Route 250); then east along Ivy Road to its intersection with Broomley Road (State Route 677); then north along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the CSX Railway right-of-way to its intersection with the U.S. Route 29/250 Bypass; then south along the U.S. Route 29/250 Bypass to its intersection with the U.S. Route 29 Bypass; then south along the U.S. Route 29 Bypass to its intersection with Fontaine Avenue Extended (U.S. Route 29 Business); then east along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the Charlottesville city limits; then along the Charlottesville city limits south to the intersection with Sunset Avenue Extended, the point of origin.
3. *Ivy Precinct.* Beginning at the intersection of the Mechums River and Garth Road (State Routes 614, 676 and 601); then east and southeast along Garth Road to its intersection with Ivy Creek; then meandering west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with Ivy Road (U.S. Route 250); then west along Ivy Road to its intersection with Bloomfield Road (State Route 677); then southwest along Bloomfield Road to its intersection with Dick Woods Road (State Route 637); then southwest along Dick Woods Road to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Mechums River; then meandering northeast along the Mechums River to its intersection with Garth Road, the point of origin.
4. *Porter's Precinct.* Beginning at the intersection of Warren Ferry Road (State Route 627), the James River, and the Albemarle/Buckingham county line; then southwest along the Albemarle/Buckingham county line to its intersection with the Albemarle/Nelson county line; then northwest along the Albemarle/Nelson county line to its intersection with Bear Creek; then meandering northeast along Bear Creek to its confluence with an unnamed southern tributary of Bear Creek; then continuing northeast along the unnamed tributary to its intersection with Bear Creek Road (State Route 774); then continuing along Bear Creek Road to its intersection with Appleberry Mountain Trail; then northeast along Appleberry Mountain Trail to its intersection with Barbershop Hill Road; then northeast along Barbershop Hill Road to its intersection with Bungletown Road; then southeast along Bungletown Road to its intersection with Green Creek Road (State Route 630); then east along Green Creek Road to its intersection with Secretarys Sand Road (State Route 717); then briefly northeast along Secretarys Sand Road to its intersection with Alberene Road (State Route 719); then north along Alberene Road to its intersection with Plank Road (State Route 712); then southeast along Plank Road to its intersection with Esmont Road (State Route 715); then continuing northeast along Plank Road to its intersection with Scottsville Road (State Route 20); then southeast along Scottsville Road to its intersection with Langhorne Road (State Route 626); then southwest along Langhorne Road to its intersection with James River Road (State Route 627); then southeast along James River Road to its intersection with Warren Ferry Road (State Route 627); then south along Warren Ferry Road to its intersection with the James River and the Albemarle/Buckingham county line, the point of origin.
5. *Red Hill Precinct.* Beginning at the intersection of Interstate 64 and the Mechums River; then meandering southwest along the Mechums River to its confluence with the unnamed northern branch of the Mechums River; then continuing west along the unnamed northern branch of the Mechums River to the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Bear Creek; then meandering northeast along Bear Creek to its confluence with an unnamed southern tributary of Bear Creek; then continuing northeast along the unnamed tributary to its intersection with Bear Creek Road (State Route 774); then continuing along Bear Creek Road to its intersection with Appleberry Mountain Trail; then northeast along Appleberry Mountain Trail to its intersection with Barbershop Hill Road; then northeast along Barbershop Hill Road to its intersection with Bungletown Road; then southeast along Bungletown Road to its intersection with Green Creek Road (State Route 630); then east along Green Creek Road to its intersection with Secretarys Sand Road (State Route 717); then briefly northeast along Secretarys Sand Road to its intersection with Alberene Road (State Route 719); then north along Alberene Road to its intersection with Plank Road (State Route 712); then east along Plank Road to its intersection with Beaver Branch; then meandering northeast along Beaver Branch to its confluence with Eppes Creek; then northeast along Eppes Creek to its confluence with the South Fork Hardware River; then meandering northeast along the South Fork Hardware River to its confluence with the North Fork Hardware River and the Hardware River; then meandering northeast along the North Fork Hardware River to its intersection with Red Hill Road (State Route 708); then northwest along Red Hill Road to its intersection with the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way to its intersection with Interstate 64; then west on Interstate 64 to its intersection with the Mechums River, the point of origin.

6. *Yellow Mountain Precinct.* Beginning at the intersection of the Albemarle/Nelson county line and Batesville Road (State Route 636); then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then meandering southwest along the Mechums River to its confluence with an unnamed northern branch of the Mechums River; then meandering west along the unnamed northern branch of the Mechums River to its intersection with the Albemarle/Nelson county line; then northwest on the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636), the point of origin.

C. *Polling places.* Each precinct shall have a polling place at the location identified below:

1. *Country Green Precinct.* South Ridge Christian Fellowship Church, 1284 Sunset Avenue Extended.
2. *East Ivy Precinct.* The Miller Center of Public Affairs, 2201 Old Ivy Road.
3. *Ivy Precinct.* Meriwether Lewis Elementary School, 1610 Owensville Road.
4. *Porter's Precinct.* Yancey Elementary School, 7625 Porters Road.
5. *Red Hill Precinct.* Red Hill Elementary School, 3901 Red Hill School Road.
6. *Yellow Mountain Precinct.* Mount Ed Baptist Church, 1606 Craigs Store Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(4), § 2-104; Ord. 01-2(1), 5-9-01; Ord. 04-2(2), 8-4-04; Ord. 11-2(2), 5-4-11; Ord. 15-2(2), 10-7-15)

**State law reference**—Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

#### **Sec. 2-105 Scottsville Magisterial District.**

The Scottsville Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district.* Beginning at Sunset Avenue Extended (State Route 781) and Charlottesville's southern city limits; then south along Sunset Avenue Extended to its intersection with Mountainwood Road; then east along Mountainwood Road to its intersection with Old Lynchburg Road (State Route 780); then south along Old Lynchburg Road (State Route 780) to Old Lynchburg Road (State Route 631); then south along Old Lynchburg Road to its intersection with a western branch of Biscuit Run (immediately south of and running roughly parallel to Forest Lodge Drive), then east along this western branch of Biscuit Run to its confluence with Biscuit Run; then south along Biscuit Run approximately 375 feet to its confluence with an eastern branch of Biscuit Run; then continuing east along this eastern branch of Biscuit Run to its intersection with Scottsville Road (State Route 20) (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then south along Scottsville Road to its intersection with Red Hill Road (State Route 708); then immediately west along Red Hill Road to its intersection with the North Fork Hardware River; then meandering southwest along the North Fork Hardware River to its confluence with the Hardware River and the South Fork Hardware River; then southwest along the South Fork Hardware River to its confluence with Eppes Creek; then southwest along Eppes Creek to its confluence with Beaver Branch; then meandering southwest along Beaver Branch to its intersection with Plank Road (State Route 712); then southeast along Plank Road to its intersection with Esmont Road (State Route 715); then continuing northeast along Plank Road to its intersection with Scottsville Road (State Route 20); then southeast along Scottsville Road to its intersection with Langhorne Road (State Route 626); then southwest along Langhorne Road to its intersection with James River Road (State Route 627); then southeast along James River Road to its intersection with Warren Ferry Road (State Route 627); then south along Warren Ferry Road to its intersection with the James River and the Albemarle/Buckingham county line; then east along the Albemarle/ Buckingham county line to its intersection with the Albemarle/Fluvanna county line; then northeast along the Albemarle/Fluvanna county line to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Rivanna River; then meandering northwest along the Rivanna River to its intersection with the Charlottesville city limits; then along the Charlottesville city limits west to its intersection with Sunset Avenue Extended, the point of origin.
- B. *Precincts.* The district shall be divided into five precincts, which are described as follows:
1. *Biscuit Run Precinct.*: Beginning at the intersection of Sunset Avenue Extended (State Route 781) and Charlottesville's southern city limits; then east along Charlottesville's southern city limits to its intersection with Avon Street Extended (State Route 742); then running Southwest along Avon Street Extended/State Route 742, to its intersection with Interstate 64; then running west along Interstate 64 to its intersection with Biscuit Run; then meandering south and west along Biscuit Run to its confluence with a western branch of Biscuit Run (approximately 1650 feet east of the eastern end of Forest Lodge Lane, and approximately 1650 feet southeast of the eastern

end of Forest Lodge Drive); then west along this western branch to its intersection with Old Lynchburg Road (State Route 631); then north along Old Lynchburg Road (State Route 631) to its intersection with Old Lynchburg Road (State Route 780); then northwest along Old Lynchburg Road (State Route 780) to its intersection with Mountainwood Road; then west along Mountainwood Road to its intersection with Sunset Avenue Extended (State Route 781); then north along Sunset Avenue Extended to its intersection with Charlottesville's southern city limits, the point of origin.

2. *Cale Precinct.* Beginning at the intersection of Charlottesville's southern city limits with Monticello Avenue (State Route 20); then south along Monticello Avenue to its intersection with Interstate 64 and Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with an eastern branch of Biscuit Run (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then west along this eastern branch to its confluence with Biscuit Run; then north along Biscuit Run to its intersection with Interstate 64; then east along Interstate 64 to its intersection with Avon Street Extended/State Route 742; then northeast along Avon Street Extended/State Route 742 to its intersection with Charlottesville's southern city limits; then east along Charlottesville's southern city limits to its intersection with Monticello Avenue/State Route 20, the point of origin.
  3. *Monticello Precinct.* Beginning at the intersection of Scottsville Road (State Route 20) and Thomas Jefferson Parkway (State Route 53); then east along Thomas Jefferson Parkway to the Albemarle/ Fluvanna county line; then southwest along the Albemarle/Fluvanna county line to its intersection with Rolling Road South (State Route 620); then north along Rolling Road South to its intersection with Rolling Road (State Route 620); then northwest along Rolling Road to its intersection with Secretarys Road (State Route 708); then west along Secretarys Road to its intersection with Carters Mountain Road (State Route 627); then south along Carters Mountain Road to its intersection with Scottsville Road (State Route 20); then north along Scottsville Road to its intersection with Thomas Jefferson Parkway, the point of origin.
  4. *Scottsville Precinct.* Beginning at the intersection of Rolling Road South (State Route 620) and the Albemarle/Fluvanna county line; then southwest along the Albemarle/Fluvanna county line to its intersection with the James River and the Albemarle/Buckingham county line; then southwest along the Albemarle/Buckingham county line to its intersection with Warren Ferry Road (State Route 627); then north along Warren Ferry Road to its intersection with James River Road (State Route 627); then northwest along James River Road to its intersection with Langhorne Road (State Route 626); then northeast along Langhorne Road to its intersection with Scottsville Road (State Route 20); then northwest along Scottsville Road to its intersection with Plank Road (State Route 712); then southwest along Plank Road to its intersection with Esmont Road (State Route 715); then northwest along Plank Road to its intersection with Beaver Branch; then northeast along Beaver Branch to its confluence with Eppes Creek; then northeast along Eppes Creek to its confluence with the South Fork Hardware River; then meandering northeast along the South Fork Hardware River to its confluence with the North Fork Hardware River and the Hardware River; then meandering northeast along the North Fork Hardware River to its intersection with Red Hill Road (State Route 708); then east along Red Hill Road to its intersection with Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with Carters Mountain Road (State Route 627); then north along Carters Mountain Road to its intersection with Secretarys Road (State Route 708); then east along Secretarys Road to its intersection with Rolling Road (State Route 620); then southeast along Rolling Road to its intersection with Rolling Road South (State Route 620); then south along Rolling Road South to its intersection with the Albemarle/Fluvanna county line, the point of origin.
  5. *Stone-Robinson Precinct.* Beginning at the intersection of Scottsville Road (State Route 20) and Thomas Jefferson Parkway (State Route 53); then southeast along Thomas Jefferson Parkway to its intersection with the Albemarle/Fluvanna county line; then northeast along the Albemarle/Fluvanna county line to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Rivanna River; then meandering northwest along the Rivanna River to its intersection with the Charlottesville city limits; then along the Charlottesville city limits southwest to its intersection with Monticello Avenue (State Route 20); then south along Monticello Avenue to its intersection with Interstate 64 and Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with Thomas Jefferson Parkway, the point of origin.
- C. *Polling places.* Each precinct shall have a polling place at the location identified below:
1. *Biscuit Run Precinct.* Monticello High School, 1400 Independence Way.
  2. *Cale Precinct.* Cale Elementary School, 1757 Avon Street Extended.
  3. *Monticello Precinct.* Monticello High School, 1400 Independence Way.
  4. *Scottsville Precinct.* Scottsville Elementary School, 7868 Scottsville Road.
  5. *Stone-Robinson Precinct.* Stone-Robinson Elementary School, 958 North Milton Road.



State law reference – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

**Sec. 2-106 White Hall Magisterial District.**

The White Hall Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district.* Beginning at the intersection of Batesville Road (State Route 636) and the Albemarle/Nelson county line; then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then continuing northeast along the Mechums River to its confluence with the Moormans River where they form the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Reas Ford Road (State Route 660); then north along Reas Ford Road to its intersection with Bleak House Road (State Route 662); then north along Bleak House Road to its intersection with Buck Mountain Road (State Route 665); then northeast along Buck Mountain Road (State Route 665) to its intersection with Buck Mountain Road (State Route 664); then southeast along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 663); then southeast along Buck Mountain Road (State Route 663) to its intersection with Earlysville Road (State Route 743); then southeast along Earlysville Road to its intersection with Dickerson Road (State Route 606); then north along Dickerson Road to its intersection with Dickerson Lane (State Route 763); then east along Dickerson Lane to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with the Albemarle/Greene county line; then west along the Albemarle/Greene county line to the Albemarle/Rockingham county line; then southwest along the Albemarle/Rockingham county line to its intersection with the Albemarle/Augusta county line; then south along the Albemarle/Augusta county line to its intersection with the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636), the point of origin.
- B. *Precincts.* The district shall be divided into five precincts, which are described as follows:
1. *Brownsville Precinct.* Beginning at the intersection of Jarmans Gap Road (State Route 611) and the Albemarle/Augusta county line; then southwest along the Albemarle/Augusta county line to its intersection with the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636); then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Crozet Avenue (State Route 240); then north along Crozet Avenue to its intersection with Jarmans Gap Road (State Route 691); then west along Jarmans Gap Road (State Route 691) to its intersection with Jarmans Gap Road (State Route 611); then northwest along Jarmans Gap Road to its intersection with the Albemarle/Augusta county line, the point of origin.
  2. *Crozet Precinct.* Beginning at the intersection of Jarmans Gap Road (State Route 611) and the Albemarle/Augusta county line; then northeast along the Albemarle/Augusta county line to its intersection with the Albemarle/Rockingham county line; then northeast along the Albemarle/Rockingham county line to its intersection with the gate on Skyline Drive where the Jones Run Trail originates (near Mile Post 84); then east and south along Jones Run Trail to its intersection with Jones Run; then east along Jones Run to its confluence with the Doyles River; then meandering southeast along the Doyles River to its intersection with Blackwells Hollow Road (State Route 810); then west along Blackwells Hollow Road to its intersection with Browns Gap Turnpike (State Route 810); then south along Browns Gap Turnpike to its intersection with the Moormans River; then meandering east along the Moormans River to its intersection with Millington Road (State Route 671); then southwest along Millington Road to its intersection with Garth Road (State Route 614); then southeast along Garth Road to its intersection with the Mechums River; then meandering southwest along the Mechums River to its intersection with Ivy Road (US Route 250); then west along Ivy road/US Route 250 to its intersection with Three Notchd Road (State Route 240); then northwest along Three Notchd Road to its intersection with Crozet Avenue (State Route 810); then south along Crozet Avenue to its intersection with Jarmans Gap Road (State Route 691); then west along Jarmans Gap Road (State Route 691) to its intersection with Jarmans Gap Road (State Route 611); then northwest along Jarmans Gap Road (State Route 611) to its intersection with the Albemarle/Augusta county line, the point of origin.
  3. *Earlysville Precinct.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the Albemarle/Greene county line; then west along the Albemarle/Greene county line to its intersection with Dyke Road (State Route 810); then south along Dyke Road to its intersection with Markwood Road (State Route 664); then south along Markwood Road to its intersection with Davis Shop Road (State Route 671); then southwest along Davis Shop Road to its intersection with Buck Mountain Creek; then meandering southeast along Buck Mountain Creek to its confluence with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Reas Ford Road (State Route 660); then north along Reas Ford Road to its intersection with

Bleak House Road (State Route 662); then north along Bleak House Road to its intersection with Buck Mountain Road (State Route 665); then northeast along Buck Mountain Road (State Route 665) to its intersection with Buck Mountain Road (State Route 664); then southeast along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 663); then southeast along Buck Mountain Road (State Route 663) to its intersection with Earlysville Road (State Route 743); then southeast along Earlysville Road to its intersection with Dickerson Road (State Route 606); then north along Dickerson Road to its intersection with Dickerson Lane (State Route 763); then east along Dickerson Lane to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with the Albemarle/Greene county line, the point of origin.

4. *Free Union Precinct.* Beginning at the Albemarle/Rockingham/Greene county line; then southwest along the Albemarle/Rockingham county line to its intersection with the gate on Skyline Drive where the Jones Run Trail originates (near Mile Post 84); then east and south along Jones Run Trail to its intersection with Jones Run; then east along Jones Run to its confluence with the Doyles River; then meandering southeast along the Doyles River to its intersection with Blackwells Hollow Road (State Route 810); then west along Blackwells Hollow Road to its intersection with Browns Gap Turnpike (State Route 810); then south along Browns Gap Turnpike to its intersection with the Moormans River; then meandering east along the Moormans River to its intersection with Millington Road (State Route 671); then southwest along Millington Road to its intersection with Garth Road (State Route 614); then southeast along Garth Road to its intersection with the Mechums River; then meandering northeast along the Mechums River to its confluence with the Moormans River where they form the South Fork Rivanna River; then meandering east along the South Fork Rivanna River to its confluence with Buck Mountain Creek; then meandering northwest along Buck Mountain Creek to its intersection with Davis Shop Road (State Route 671); then northeast along Davis Shop Road to its intersection with Markwood Road (State Route 664); then north along Markwood Road to its intersection with Dyke Road (State Route 810); then north along Dyke Road to its intersection with the Albemarle/Greene county line; then west along the Albemarle/Greene county line to its intersection with the Albemarle/Rockingham/Greene county line, the point of origin.
5. *Mechums River Precinct.* Beginning at the intersection of the Mechums River with Ivy Road (US Route 250); then meandering southwest along the Mechums River to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Rockfish Gap Turnpike (US Route 250) (at the I-64 Crozet exit); then east along the Rockfish Gap Turnpike to its intersection with Crozet Avenue (State Route 240); then north along Crozet Avenue to its intersection with Three Notchd Road (State Route 240); then southeast along Three Notchd Road to its intersection with Ivy Road (US Route 250); then east along Ivy Road to its intersection with Mechums River, the point of origin.

C. *Polling places.* Each precinct shall have a polling place at the location identified below:

1. *Brownsville Precinct. Brownsville Elementary School, 5870 Rockfish Gap Turnpike.*
2. *Crozet Precinct. Crozet Elementary School, 1407 Crozet Avenue.*
3. *Earlysville Precinct. Broadus Wood Elementary School, 185 Buck Mountain Road.*
4. *Free Union Precinct. Free Union Country School, 4220 Free Union Road, Free Union.*
5. *Mechums River Precinct. Western Albemarle High School, 5941 Rockfish Gap Turnpike.*

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(6), § 2-106; Ord. 01-2(1), 5-9-01; Ord. 03-2(2), 7-9-03; Ord. 11-2(2), 5-4-11; Ord. 17-2(1), 3-1-17; Ord. 18-2(1), 3-14-18)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

#### **Sec. 2-107 Central absentee voter precinct.**

A central absentee voter precinct is hereby established on the first floor of the Albemarle County Office Building, 1600 5<sup>th</sup> Street, Charlottesville, for the purpose of receiving, counting, and recording absentee ballots in all elections.

(11-14-84; Code 1988, § 6-9; Ord. 98-A(1), 8-5-98; Ord. 01-2(1), 5-9-01; Ord. 08-2(4), 7-2-08)

**State law reference**-Va. Code § 24.2-712.

### **Article 2. Board of Supervisors**

#### **Sec. 2-200 County executive form of government.**

The County operates under the county executive form of government. This form of government was approved by the County voters in a referendum on May 2, 1933 and it became effective on and after January 1, 1934.

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

**State law reference**-Va. Code § 15.2-500 *et seq.*

**Sec. 2-201 Board of Supervisors; composition and terms.**

The Board of Supervisors' composition and terms are as follows:

- A. *Composition.* The Board is composed of six members elected solely by the voters of the respective magisterial district in which each member is a qualified voter.
- B. *Terms.* Each Board member is elected to four year terms.

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

**State law reference**-Va. Code § 15.2-502.

**Sec. 2-202 Compensation of the Board of Supervisors.**

The Board of Supervisors' compensation is as follows:

- A. *Salary.* The salary of each member is \$16,265 per year, effective July 1, 2017.
- B. *Stipend for the chairman.* In addition to the salary, the chairman shall receive an annual stipend of \$1,800.
- C. *Stipend for the vice-chairman.* In addition to the salary, the vice-chairman shall receive a stipend \$35 for each Board meeting chaired.

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05; Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11; Ord. 12-2(1), 5-2-12; Ord. 13-2(1), 5-1-13; Ord. 14-2(1), 6-4-14; Ord. 15-2(1), 6-3-15; Ord. 16-2(1), 6-1-16; Ord. 17-2(2), 6-7-17)

**State law reference** -- Va. Code §§ 15.2-1414.1, 15.2-1414.3.

**Article 3. School Board**

**Sec. 2-300 School Board; composition and terms.**

The School Board's composition and terms are as follows:

- A. *Composition.* The Board is composed of seven members elected by the voters of the County. One member shall be a resident of each magisterial district who is elected by the voters of that magisterial district, and one member shall be a resident of the County at-large who is elected by the voters of the County at-large.
- B. *Terms.* Each Board member is elected to four year terms. The term of each member elected by the voters of a magisterial district is coterminous with the term of the member of the Board of Supervisors elected from that district. The term of the at-large member shall begin in an even-numbered year that is not the same even-numbered year in which the governor's term begins.

(3-22-77; 1-4-78; 2-13-80; 4-13-88; Ord. of 5-11-94; Code 1988, § 2-1; Ord 98-A(1), 8-5-98)

**State law reference** -- Va. Code §§ 15.2-533, 22.1-57.1 *et seq.*

**Article 4. Planning Commission**

**Sec. 2-400 Planning Commission created.**

A Planning Commission is hereby created for the County.

(Code 1967, § 2-3; Code 1988, § 2-3; Ord. 98-A(1), 8-5-98)

**State law reference** -- Va. Code § 15.2-2210.

**Sec. 2-401 Composition, appointment, terms, and compensation.**

The composition of the Planning Commission and the appointment, terms, and compensation of its members are as follows:

- A. *Composition.* The Planning Commission is composed of eight members, seven of whom are voting members and one of whom is a non-voting member.

- B. *Qualifications.* All members of the Planning Commission shall be County residents and qualified by knowledge and experience to make decisions on questions of community growth and development. Members are not required to be residents of the magisterial district represented by the member of the Board of Supervisors who nominated them. At least one-half of the members shall be owners of real property.
- C. *Nomination and appointment.* Each member of the Planning Commission is appointed by the Board of Supervisors. Before being appointed by the Board, each member of the Planning Commission is nominated as follows:
1. *Voting members.* Of the seven voting members, one is nominated from each of the six magisterial districts by the member of the Board of Supervisors representing that district, and one is nominated to serve at-large.
  2. *Non-voting member.* The non-voting member is nominated by the President of the University of Virginia.
- D. *Terms.* The terms served by members of the Planning Commission are as follows:
1. *Voting members, other than at-large member.* The voting members, other than the at-large member, are appointed for four year terms. The terms are coterminous with the term of the member of the Board of Supervisors who nominated the member.
  2. *Voting member, at-large.* The at-large member is appointed for a two year term, and is appointed each even-numbered year following County elections for the Board of Supervisors.
  3. *Non-voting member.* The non-voting member is appointed for a one year term.
- E. *Compensation.* Each voting member of the Planning Commission shall be paid \$4,100 per year, to be paid in monthly installments. The chairman of the Planning Commission shall be paid an additional \$1,500 per year, to be paid in monthly installments.
- F. *Vacancies.* The Board of Supervisors may appoint a qualified person to fill a vacancy. The appointment shall be for the unexpired term only.
- G. *Holdover until successor appointed.* Any member of the Planning Commission whose term has expired shall continue as a member until the Board of Supervisors re-appoints the member or appoints a successor.

(4-21-66, § 1; 2-15-68, § 1; 1-16-69; 10-16-69; 1-21-71; 7-19-73; 4-17-75; 1-15-76; 4-21-76; 1-3-77; 5-2-79; 2-13-80; 12-10-80; 2-10-82; 6-13-84; 11-14-84; 3-12-86; 9-10-86; Ord. of 8-1-90; Code 1988, § 2-4; Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00)

**State law references-**Va. Code § 15.2-2212.

**Sec. 2-402 Authority to appoint employees and contract with consultants; required appropriation.**

The Planning Commission is authorized to appoint employees it deems necessary for its work, and may contract with consultants to provide required services. Any expenditures for employees and consultants shall be within the amount appropriated for the purpose by the Board of Supervisors.

(Code 1967, § 2-8; Code 1988, § 2-8; Ord. 98-A(1), 8-5-98)

**State law reference-**Va. Code § 15.2-2217.

**Article 5. Law Enforcement**

**Sec. 2-500 Albemarle County Police Department established.**

The Albemarle County Police Department is hereby established as the department of law enforcement for the County, and is responsible for enforcing all criminal laws and local ordinances, safeguarding life and property, and preserving peace throughout the County.

The Chief of Police shall serve as the chief law enforcement officer of the County. The County Executive shall supervise the Police Department.

(5-11-83; 6-1-83; 7-13-83; 3-9-88; Code 1988, § 10.1-1; Ord. 98-A(1), 8-5-98)

**State law reference --** Va. Code §§ 15.2-528, 15.2-1700 *et seq.*

**Sec. 2-501 Off-duty employment of police officers may be authorized by the Chief of Police.**

The Chief of Police may authorize police officers to engage in off-duty employment which may occasionally require the officers to use their police powers in the performance of their off-duty employment, subject to the following:

- A. *Application and approval.* Before engaging in off-duty employment, the police officer shall apply to the Chief of Police and obtain the Chief's approval to engage in the off-duty employment.
- B. *Rules.* The Chief of Police is authorized to promulgate reasonable rules regarding police officers engaging in off-duty employment.

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

**State law reference** -- Va. Code § 15.2-1712.

**Sec. 2-502 Disposition of unclaimed personal property in possession of law enforcement agencies.**

- A. *Authority to dispose of unclaimed personal property.* Any unclaimed personal property that has been in the possession of the Chief of Police, Sheriff, or any of their duly authorized and sworn officers or deputies, and which has remained unclaimed for more than 60 days, may be (i) sold at public auction in accordance with the provisions of this section or (ii) be retained for use by the law-enforcement agency, after payment of a reasonable storage fee to the Sheriff or other agency storing the property. No storage fee shall be charged or accounted for if the property has been stored by and is to be retained by the Sheriff's office or other law enforcement agency.
- B. *Prerequisites to disposing unclaimed personal property.* Before the sale or retention for use by the law enforcement agency of any unclaimed item, the Chief of Police, Sheriff, or their duly authorized agents shall do all of the following:
  - 1. *Attempt to notify the rightful owner.* Make reasonable attempts to notify the rightful owner of the property.
  - 2. *Obtain a statement from the Commonwealth's Attorney.* Obtain from the Commonwealth's Attorney a written statement advising that the property is not needed in any criminal prosecution.
  - 3. *Publish notice of public display and sale of property.* Cause notice of the public display and sale of property to be published in a newspaper of general circulation in the County once a week for two successive weeks. The notice shall state that there will be a public display and sale of unclaimed personal property, and state the date, time, and place of the sale. The notice shall also generally describe the property to be displayed and sold and the property selected for retention by the law enforcement agency.
  - 4. *Allow the public to view the property at the sale.* The property shall be available for public viewing at the sale.
- C. *Use of the proceeds from the sale.* The Chief of Police, Sheriff, or their duly authorized agents shall use the proceeds from the sale of unclaimed personal property as follows:
  - 1. *Pay for advertising and other costs.* Pay any costs to advertise, remove, store, investigate ownership and liens, and provide notice of the sale.
  - 2. *Retain balance of funds for the owner.* After the costs under subsection (C)(1) are paid, hold the balance of the funds to be claimed by the owner, which shall be paid to the owner upon satisfactory proof of ownership.
  - 3. *Deposit remaining funds in the County's general fund.* If no claim has been made by the owner for the property or proceeds of the sale within 60 days after the sale, deposit the remaining funds into the County's general fund.
- D. *Right of owner to claim remaining funds or unsold property.* An owner may apply to the County within three years after the date of the sale and, if the application is timely and the owner provides satisfactory proof of ownership of the funds or the property, the following apply:
  - 1. *Pay the remaining funds.* If the property was sold, the County shall pay the remaining proceeds of the sale to the owner without interest or other charges or compensation.
  - 2. *Return the unsold property that was not disposed.* If the property was not sold and was not disposed, the County shall return the property to the owner.
  - 3. *Bar to make a claim.* No claim shall be made nor any suit, action, or proceeding be instituted to recover any remaining funds or property after three years from the date of the sale.
- E. *Unclaimed property retained by the law enforcement agency.* If no claim has been made by the owner for the property within 60 days after the sale, any retained property may be placed into use by the law enforcement agency. Any unclaimed property retained for use by a law enforcement agency shall become the property of the County and shall be retained only if, in the opinion of the Chief of Police, there is a legitimate use for the property by the agency and that retaining the property is a more economical alternative than purchasing a similar or equivalent item.

- F. *Definition of unclaimed personal property.* As used in this section, "unclaimed personal property" is any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Virginia Code §§ 55-210.1 et seq.).
- G. *Alternative procedure for unclaimed bicycles and mopeds.* Any bicycle or moped may be disposed of as provided in this section or as provided in Virginia Code § 15.2-1720.

(1-11-84; Ord. No. 94-10.1(1), 12-7-94; Code 1988, § 10.1-2; Ord. 98-A(1), 8-5-98)

**State law reference** -- Va. Code § 15.2-1719.

### **Sec. 2-503 Albemarle County Community Service Force.**

The volunteer community service force known as the "Albemarle County Community Service Force" is hereby created, subject to the following:

- A. *Purpose.* The purpose and function of the Community Service Force is to provide assistance to the Chief of Police and the regular police force in maintaining police records and communications, and providing public education and information in crime prevention and detection and similar police activities.
- B. *Composition.* The Community Service Force is composed of unpaid volunteer citizens who are designated as "volunteer community service officers," who are under the direct supervision of the Chief of Police.
- C. *Outfitting, equipping, qualifications, training, duties, and operating procedures subject to approval by the Board of Supervisors.* The Chief of Police and the County Executive shall recommend to the Board of Supervisors for approval any regulations pertaining to uniforms and equipment, the qualification and training of candidates, duties and operating procedures, and all other matters not specified in this section. Uniforms and equipment are provided by the County from the budget of the Albemarle County Police Department.
- D. *Carrying weapons of deadly force prohibited; no power of arrest.* Volunteer community service officers shall not carry weapons of deadly force and do not have power of arrest.
- E. *Officers not County employees.* Volunteer community service officers are not deemed County employees for purposes of tenure, nor are they subject to the County employee grievance procedure.
- F. *Insurance coverage.* To the extent possible, volunteer community service officers shall be covered by the County's liability insurance.
- G. *Officers are not auxiliary police officers.* Volunteer community service officers are not deemed auxiliary police officers under Virginia Code § 15.2-1731.

(8-10-88; Code 1988, § 10.1-3; Ord. 98-A(1), 8-5-98; Ord. 13-2(2), 12-4-13)

### **Sec. 2-504 Albemarle County Auxiliary Police Force.**

The auxiliary police force known as the "Albemarle County Auxiliary Police Force" is hereby created, subject to the following:

- A. *Composition.* The Auxiliary Police Force is composed of citizen volunteers selectively used to conduct a variety of operational support and administrative assignments.
- B. *Eligibility and appointment.* The Chief of Police is authorized to appoint as auxiliary police officers as many persons deemed necessary, not to exceed 15 percent of the paid regular police force subject to the following:
1. *Eligibility for appointment.* Any citizen of the United States of good character may apply to be appointed to the Auxiliary Police Force.
  2. *Application for appointment.* The Chief of Police is authorized to prescribe the form and manner by which a person applies to be appointed, and the criteria for appointment.
  3. *Revoking an appointment.* The Chief of Police may revoke an appointment at any time.
- C. *Outfitting and equipping; rules and regulations.* The Chief of Police is authorized to prescribe the uniform, equipment, organization, and rules and regulations deemed necessary to operate the Auxiliary Police Force. The members of the Auxiliary Police Force shall wear the uniform and equipment prescribed by the Chief of Police at all times while they are in service as auxiliary police officers.

- D. *When the force may be called into service.* The Chief of Police may call into service auxiliary police officers deemed necessary in the following circumstances:
1. *Emergencies.* When there is a public emergency.
  2. *Insufficient number of regular police officers.* When there is an insufficient number of regular police officers to preserve the peace, safety, and good order of the community.
  3. *Training.* To receive training.
- E. *Act within the County; exceptions.* Auxiliary police officers shall not be required to act beyond the limits of the jurisdiction of the County except:
1. *Protect County property.* When called upon to protect any public property belonging to the County which may be located beyond its boundaries.
  2. *When authorized by a mutual aid agreement.* When authorized by a mutual aid agreement pursuant to Virginia Code § 15.2-1736.
- F. *Officers are not County employees.* Auxiliary police officers are not deemed County employees and shall serve without compensation.
- G. *Insurance coverage.* To the extent possible, auxiliary police officers shall be covered by the County's liability insurance.

(Ord. 13-2(2), 12-4-13)

**State law reference-**Va. Code §§ 15.2-1731-15.2-1736.

## **Article 6. Economic Development Authority**

### **Sec. 2-600 Economic Development Authority created.**

The authority known as the "Economic Development Authority of Albemarle County, Virginia" is hereby created as an authority under the Industrial Development and Revenue Bond Act (Virginia Code § 15.2-4900 *et seq.*). It is referred to in this article as the "Economic Development Authority."

(5-12-76, §§ 1, 2; Ord. of 5-4-94; Code 1988, §§ 2-47, 2-48; § 2-600, Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08, effective 7-1-08; Ord. 16-2(2), 11-9-16)

**State law reference-**Va. Code § 15.2-4900 *et seq.*

### **Sec. 2-601 Powers, duties, and procedures.**

The Economic Development Authority has all of the powers granted by the Industrial Development and Revenue Bond Act (Virginia Code § 15.2-4900 *et seq.*). The Economic Development Authority shall exercise its powers and perform its duties as required by the Act, including obtaining the prior approval of the Board of Supervisors when approval is required by State or federal law before the Economic Development Authority may act.

(5-12-76, § 3; 11-1-78; 8-14-80; 12-2-81; 3-16-83; 12-21-83; Ord. of 12-16-92; Ord. of 5-4-94; Code 1988, § 2-49; § 2-601, Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08, effective 7-1-08; Ord. 16-2(2), 11-9-16)

**State law reference-**Va. Code § 15.2-4905.

### **Sec. 2-602 Board of Directors.**

The Economic Development Authority shall be governed by a Board of Directors in which all powers of the authority shall be vested.

(Ord. of 5-4-94; Code 1988, § 2-52; § 2-604, Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08, effective 7-1-08; § 2-602, Ord. 16-2(2), 11-9-16)

**State law reference-**Va. Code § 15.2-4904.

### **Sec. 2-603 Composition, appointment, and terms.**

The composition of the Board of Directions and the appointment and terms of the Directors are as follows:

- A. *Composition.* The Board of Directors is composed of seven members.
- B. *Nomination and appointment.* Each Director is appointed by the Board of Supervisors. Before being appointed by the Board, each Director is nominated from each of the six magisterial districts by the member of the Board of Supervisors representing that district, and one member is nominated to serve at-large. Directors are not required to be residents of the magisterial district of the Board member who nominated them.

- C. *Terms.* The terms of the Directors are four years. The terms are staggered as provided by State law.
- D. *Vacancies.* The Board of Supervisors may appoint a qualified person to fill a vacancy. The appointment shall be for the unexpired term only.
- E. *Holdover until successor appointed.* Any Director whose term has expired shall continue to act as a Director until the Board of Supervisors re-appoints the Director or appoints a successor and that person is qualified.
- F. *Oath required.* Each person appointed or re-appointed as a Director shall take or subscribe the oath required by Virginia Code § 49-1 before performing any duties as a Director.

**State law reference**-Va. Code § 15.2-4904.

## **Article 7. Albemarle County Service Authority**

### **Sec. 2-700 Albemarle County Service Authority created.**

The authority known as the “Albemarle County Service Authority” is created as an authority under the Virginia Water and Waste Authorities Act (Virginia Code § 15.2-5100 *et seq.*) by a resolution adopted by the Board of Supervisors on April 2, 1964 (referred to in this article as the “Resolution”) and a Certificate of Incorporation issued by the State Corporation Commission on April 23, 1964. It is referred to in this article as the “Service Authority.”

(Code 1967, § 2-19; Code 1988, § 2-24; Ord. 98-A(1), 8-5-98)

**State law reference**--Va. Code § 15.2-5103.

### **Sec. 2-701 Purposes and powers.**

The Service Authority is created for the purposes, and with the powers, stated in its Articles of Incorporation, which may be amended from time to time. The original Articles of Incorporation are stated in the Resolution.

(Code 1967, § 2-20; Code 1988, § 2-25; Ord. 98-A(1), 8-5-98)

**State law reference** -- Va. Code § 15.2-5103.

### **Sec. 2-702 Composition, appointment, and terms.**

The composition of the Service Authority Board and the appointment and terms of the members of the Board are as follows:

- A. *Composition.* The Board is composed of six members, one from each magisterial district in the County.
- B. *Nomination and appointment.* Each member is appointed by the Board of Supervisors. Before being appointed by the Board of Supervisors, each member is nominated from each of the six magisterial districts by the member of the Board of Supervisors representing that district
- C. *Terms.* The terms of the members are four years. The terms are coterminous with the term of the member of the Board of Supervisors who nominated the member.
- D. *Vacancies.* The Board of Supervisors may appoint a qualified person to fill a vacancy. The appointment shall be for the unexpired term only.
- E. *Holdover until successor appointed.* Any member whose term has expired shall continue to act as a member until the Board of Supervisors re-appoints the member or appoints a successor and that person is qualified.

(Code 1967, 2-21; § 12-12-84; Code 1988, § 2-26; Ord. 98-A(1), 8-5-98)

**State law reference**-Va. Code § 15.2-5113.

## **Article 8. Charlottesville-Albemarle Joint Airport Commission**

### **Sec. 2-800 Airport Commission.**

There is hereby established a joint airport commission to be known as the “Charlottesville-Albemarle Joint Airport Commission”. As used in this article, the term “Airport Commission” or “Commission” means the joint airport commission established pursuant to § 7(D) of the Charlottesville-Albemarle Airport Authority Act (2003 Acts of Assembly, Chapter 864), as set forth within section 2-801, below.

(8-18-54, § 1; 5-16-74, § 1; Code 1988, §§ 2-27 and 2-28; Ord. 98-A(1), 8-5-98; Ord. 03-2(3), 12-3-03)

**State law reference**-2003 Acts of Assembly, Chapter 864; Va. Code §§ 5.1-35, 5.1-36.



**Sec. 2-801 Composition and appointment.**

The Airport Commission shall consist of seven members. The members shall be citizens of the City of Charlottesville or the County who hold no other municipal or County office and who shall be appointed as follows: three members shall be appointed by the Charlottesville City Council, three members shall be appointed by the Board of Supervisors, and one member shall be appointed by the joint action of the City Council and Board of Supervisors, each for a three-year term. The member appointed by joint action of the City and County shall also serve as a member of the governing board of the Charlottesville-Albemarle Airport Authority. An appointment to fill any vacancy on the Commission resulting from the resignation, removal or other unavailability of a member shall be for the unexpired portion of the vacant term only.

(8-18-54, § 1; 11-21-68; 5-16-74, § 1; Code 1988, § 2-29; Ord. 98-A(1), 8-5-98; Ord. 03-2(3), 12-3-03).

**State law reference**-2003 Acts of Assembly, Chapter 864.

**Sec. 2-802 Compensation and term of office of members.**

- A. All members of the Airport Commission shall serve without compensation.
- B. All members will serve terms which expire on December 1 of the third year following their appointment. No member will be appointed to more than two consecutive three-year terms. A person initially appointed to serve the unexpired term of another may thereafter serve no more than two consecutive three-year terms of his own.
- C. In the event a member appointed to the Commission by the City or County is subsequently selected as the City/County joint appointee, and commencement of the term of the joint appointment does not coincide with the expiration of the appointee's then-current term, then he shall be deemed to have vacated the seat held on the Commission immediately prior to the joint appointment. Selection as the joint appointee of the City and County shall not extend the amount of time or the number of terms such person is eligible to serve on the commission, except that the time served in the seat vacated shall be treated the same as time served by persons initially appointed to fill the unexpired term of another.
- D. Any member serving on the Commission on January 1, 2003 and who is at that time serving a second three-year term of his own, shall be eligible for one additional three-year term.

(8-18-54, § 1; 12-17-64; 11-21-68; 5-16-74, § 1; 9-14-83; Code 1988, § 2-30; 10-8-97; Ord. 98-A(1), 8-5-98; Ord. 03-2(3), 12-3-03).

**Sec. 2-803 Officers and staff; minutes of meetings.**

As soon after their appointment as possible, the members of the Airport Commission shall convene and elect a chairperson and vice-chairperson from their members for a term of one year. The airport's executive director or his designee(s) shall serve as staff to the Airport Commission and shall perform such duties as are appropriate, including the keeping of proper minutes of the meetings of the Commission. Anyone designated by the airport's executive director to perform duties for the Airport Commission shall report to, and be subject to the supervision of, the airport's executive director in the performance of such duties.

(8-18-54, § 1; 4-6-70; 5-16-74, § 1; 9-14-83; Code 1988, § 2-31; Ord. 98-A(1), 8-5-98; Ord. 03-2(3), 12-3-03)

**Sec. 2-804 Re-eligibility.**

Any person who has served as a member of the Commission for the maximum amount of time authorized by this ordinance shall thereafter become re-eligible for appointment, following the passage of at least three years from the expiration of his last term.

(8-18-54, § 1; 5-16-74, § 1; Code 1988, § 2-32; Ord. 98-A(1), 8-5-98; Ord. 03-2(3), 12-3-03)

**Sec. 2-805 Powers and duties.**

The Airport Commission shall be an advisory body having the duty of keeping the governing bodies of the County and the City of Charlottesville and the Charlottesville-Albemarle airport board advised on all matters pertaining to the airport.

(8-18-54, § 2; 4-6-70; 5-16-74, § 1; Code 1988, § 2-33; Ord. 98-A(1), 8-5-98)

**Article 9. Personnel**

**Sec. 2-900 Designation of the County Executive to develop and administer personnel policies and procedures.**

The Board of Supervisors designates the County Executive to develop and administer personnel policies and procedures, which include a grievance procedure.

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

**State law reference**--Va. Code §§ 15.2-508, 15.2-1506.

**Sec. 2-901 Adoption of personnel policies and procedures by the Board of Supervisors.**

The Board of Supervisors hereby adopts the personnel policies and procedures stated in the Albemarle County Personnel Policy Manual, which includes a grievance procedure. The personnel policies and procedures may be amended from time to time.

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

**State law reference**--Va. Code §§ 15.2-504, 15.2-1506.

**Sec. 2-902 Designation of the County Executive as the Director of Emergency Management.**

The Board of Supervisors designates the County Executive to serve as the Director of Emergency Management.

**State law reference**--Va. Code § 44-146.19(B)(2).

**Sec. 2-903 Designation of the County's official safety program.**

The County's official safety program shall be carried into effect by the following organizations or departments which are deemed to be an integral part of the program:

- A. The Albemarle County Police Department and all of its law enforcement personnel.
- B. The Albemarle County Department of Fire and Rescue (*nunc pro tunc*, effective January 1, 1993).
- C. The following volunteer fire companies and volunteer rescue squads in the County:
  - 1. Charlottesville-Albemarle Rescue Squad.
  - 2. Crozet Volunteer Fire Department.
  - 3. Earlysville Volunteer Fire Company.
  - 4. East Rivanna Volunteer Fire Company.
  - 5. North Garden Volunteer Fire Company.
  - 6. Scottsville Volunteer Fire Department.
  - 7. Scottsville Volunteer Rescue Squad.
  - 8. Seminole Trail Volunteer Fire Department.
  - 9. Stony Point Volunteer Fire Company.
  - 10. Western Albemarle Rescue Squad.
- D. Blue Ridge Mountain Rescue Group (*nunc pro tunc*, effective October 8, 1993)
- E. Any other County law enforcement personnel not included in subsection (A).

(9-12-79; 11-14-84; Ord No. 94-15(8), 8-3-94; Code 1988, § 15-1, Ord. 98-A(1), 8-5-98)

**State law references** -- Va. Code § 9.1-400 *et seq.*

**Sec. 2-904 Identified appointed boards; compensation and reimbursement.**

The duly appointed members of the boards identified in this section shall be compensated and entitled to reimbursement for their travel and related expenses as follows:

- A. *Eligible boards.* Each member of the Architectural Review Board, the Board of Zoning Appeals, the Building Code Board of Appeals, the Board of Equalization, and the Fire Prevention Code Board of Appeals is entitled to compensation and reimbursement as provided in subsections (B) and (C).
- B. *Compensation to attend meetings.* Each member shall be paid \$45 for each regular and special meeting attended, provided that any member of the Board of Supervisors and any County employee appointed to a board shall not be compensated for attending meetings.
- C. *Reimbursement for travel and related expenses.* Each member shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.

**State law reference**--Va. Code § 15.2-514.

**Sec. 2-905 Deferred compensation plan established.**

The Board of Supervisors hereby re-adopts and re-establishes a deferred compensation plan for its employees as follows:

- A. *Purpose.* The purpose of the plan is to provide for the plan participants to defer compensation.

- B. *Plan is non-exclusive.* The plan is in addition to any other retirement, pension, or other benefit systems available to the plan participants and does not supersede, make inoperative, or reduce any benefits provided by any other retirement, pension, or other benefit systems.
- C. *County contributions are limited.* The County does not contribute to the deferred compensation program other than to pay the cost of incidental expenses to collect and disburse the employees' compensation being deferred and other minor administrative matters.
- D. *Contents of the plan.* The plan shall contain the terms and amendments approved in writing by the County Executive.

(9-14-83, art. I, § 1; 5-13-87; Ord. 1988, § 15-6; Ord. 98-A(1), 8-5-98; Ord. 14-2(2), 11-5-14)

**State law reference**--Va. Code § 51.1-600 *et seq.*

**Sec. 2-906 Designation of the County Executive to perform certain plan duties.**

The Board of Supervisors designates and authorizes the County Executive to:

- A. *Deliver the plan.* Deliver the deferred compensation plan to the plan administrator.
- B. *Execute agreements.* Execute, on behalf of the County, the individual plan participation agreements with each employee participating in the deferred compensation plan, and to act as the "administrator" of the plan on behalf of the County and to execute such agreements and contracts as are necessary to implement the deferred compensation program.

(9-14-83, art. I, § 1; 5-13-87; Ord. 1988, § 15-6; Ord. 98-A(1), 8-5-98; Ord. 14-2(2), 11-5-14)

**State law reference**--Va. Code § 51.1-600 *et seq.*

**Sec. 2-907 Deferred compensation committee created.**

A deferred compensation committee is hereby created. The County Executive shall appoint committee members.

(9-14-83, art. II, § 1; Code 1988, § 15-7; Ord. 98-A(1), 8-5-98)

**State law reference**--Va. Code § 51.1-600 *et seq.*

**Sec. 2-908 Powers of the Deferred Compensation Committee.**

The Deferred Compensation Committee is authorized to:

- A. *Supervise, administer, and implement.* Supervise, administer, and implement the deferred compensation plan, within the limits of the plan.
- B. *Contract for services.* Contract for services with private entities to provide services related to supervising, administering, and implementing the deferred compensation plan.

(9-14-83, art. III, § 1; Code 1988, § 15-8; Ord. 98-A(1), 8-5-98)

**State law reference**--Va. Code § 51.1-600 *et seq.*

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Agenda Item No. 19. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek informed the Board that earlier that day she had toured the soon-to-be-certified first Albemarle County nutrient mitigation bank. She asked that staff research whether an ordinance change might be needed to require developers needing nutrient credits to purchase them in the County, once they are available.

Mr. Kamptner commented that this may need to be a legislative priority and has been discussed at the staff level.

Ms. Mallek said this is high on her agenda, as it will be operational in a week or two, and it would be really great to send people there rather than to Appomattox to remediate.

Ms. McKeel wonders why other Supervisors were not informed of the tour of the nutrient facility.

Ms. Mallek replied that David Slutzky has been working on this for years and had applied through the DEQ process. She said she had signed up for a class and did not know it would include a tour of this facility.

Mr. Kamptner added that it was a staff training field trip.

Mr. Mallek suggested the Board schedule a field trip to visit the facility on Lambs Road.

Mr. Richardson asked the Board if they would like staff to schedule a day to visit the facility. There was agreement among Supervisors that Mr. Richardson schedule a Board visit.

Mr. Kamptner explained that developers that purchased nutrient credits came to his office, and the overwhelming majority of credits were being purchased in Goochland and Appomattox counties.

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Agenda Item No. 20. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

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Agenda Item No. 21. Closed Meeting.

At 8:00 p.m., Mr. Gallaway **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: under Subsection (1), to discuss and consider: 1) appointments to boards, committees, and commission in which there are pending vacancies or requests for reappointment; and 2) the appointment of a Director of Finance; and under Subsection (3), to discuss and consider the acquisition of real property in the Rivanna Magisterial District, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.

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.

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At 8:50 p.m., the Board reconvened into open meeting, and Mr. Gallaway **moved** that the Board certify by a 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.

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At this time the Board took up Item **No. 7a., Vacancies and Appointments.**

Mr. Dill **moved** the following appointments/reappointments:

- **appoint**, Ms. Karen Davenport to the 5<sup>th</sup> & Avon Community Advisory Committee, with said term to expire September 30, 2019.
- **appoint**, Mr. David Norford to the Acquisition of Conservation Easements Committee (ACE), with said term to expire August 1, 2019.

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.

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Agenda Item No. 22. Adjourn to April 17, 2018, 6:00 p.m., Room 241.

At 8:52 p.m., Ms. Mallek adjourned the meeting to April 17, 2018, 6:00 p.m., Room 241.

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Chairman

Approved by Board
Date 08/01/2018
Initials CKB