

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 6, 2018, at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. (The meeting was adjourned from May 15, 2018.)

PRESENT: Mr. Norman G. Dill, Mr. Ned Gallaway, Ms. Ann Mallek, Ms. Diantha H. McKeel (arrived at 9:41 a.m.), Ms. Liz A. Palmer and Mr. Rick Randolph (arrived at 9:22 a.m.).

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, County Attorney, Greg Kamptner, and Clerk, Claudette Borgersen.

Agenda Item No. 1. Call to Order. The meeting was called to order at 9:05 a.m., by the Chair, Ms. Mallek.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Mallek suggested the removal of Agenda Item No. 14, from the regular agenda as members of the School Board were not able to attend today's meeting. The report would be obtained in written form.

Ms. Palmer **moved** adoption of the final agenda, as amended. The motion was **seconded** by Mr. Dill.

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

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

NAYS: None.

ABSENT: Mr. Randolph and Ms. McKeel.

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

Ms. Mallek introduced County staff at the dais, and presiding security officer, Officer Dana Reeves. She announced that Ms. McKeel and Mr. Randolph were running late but were expected to join the meeting.

Ms. Mallek remarked that there was a row of Ailanthus trees from the courtyard outside the County Office Building. She described the tree as an invasive species and explained that it was the host tree for the Spotted Lanternfly, which had been found in Frederick County and Virginia for the first time. She described the insect as "disastrous" and remarked that it would demolish vineyards and fruit production. She asked staff to chop the trees down, so they would not provide habitat for the insects during the larvae stage, which will protect our forests.

Ms. Mallek announced that a cardinal had been selected as the logo for the Workforce Development Board, operators of the one-stop job training center that had recently moved to Rio Road at Glenwood Station. She remarked that the state agencies were working better together, and they hoped to have a more efficient and helpful organization for job seekers and for businesses that were looking to train existing and new workers. She added that there were many activities planned for the summer to publicize the one-stop center and workforce development program.

Ms. Palmer urged residents to call the Emergency Operations Center at 971-1263 to report damage from the recent storms in the event the County was eligible for state and federal aid. She added that when storms damage trees, the first trees to pop up and replace them are Ailanthus trees. She urged property owners to examine their properties and to dig up the Ailanthus trees.

Mr. Gallaway congratulated recent graduating seniors of CATEC, Murray, Western Albemarle, Albemarle, and Monticello High Schools and wished them well as they moved on to the next stage of their lives.

Ms. Palmer expressed thanks to emergency, fire/rescue, and police personnel for their hard work over the last several days.

Agenda Item No. 6. Proclamations and Recognitions: Proclamation of Support for the Albemarle Amateur Radio Club's Field Day Exercises.

Mr. Gallaway read the following proclamation and **moved** to approve its adoption:

Proclamation
Albemarle Amateur Radio Club Field Day Exercises
June 2018

WHEREAS, *Amateur Radio Operators have provided countless hours of community services to our many Emergency Response organizations and to other local organizations; and*

WHEREAS, *these Amateur Radio services are provided wholly uncompensated; and*

WHEREAS, *these same individuals have further demonstrated their value in public assistance by providing free radio communications for local parades, bike-a-thons, walk-a-thons, fairs, and other charitable public events; and*

WHEREAS, *the state of Virginia recognizes and appreciates the diligence of these “hams” who also serve as members of the Amateur Radio Emergency Service and as weather spotters in the Skywarn program of the US Government Weather Bureau; and*

WHEREAS, *the ARRL Amateur Radio Field Day exercise will take place on **June 23-24, 2018** and is a 24 hour emergency preparedness exercise and demonstration of the Radio Amateurs’ skills and readiness to provide self-supporting communications without further infrastructure being required;*

NOW, THEREFORE, BE IT RESOLVED *that we, the Albemarle County Board of Supervisors, do hereby recognize the Albemarle Amateur Radio Club for its Field Day activities and its service to the community.*

The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Randolph and Ms. McKeel.

Mr. Michael Rein accepted the proclamation and expressed appreciation for the recognition. He said this year’s field day would be at the Earlysville Fire Station, and the primary purpose of the field day was to practice emergency communication capabilities through the use of solar power and portable generators, without the use of the power net. A second purpose, he said, was to encourage people to join the ham radio community. A third purpose, he said, was they had a lot of fun and operate a Get On The Air (GOTA) station to allow those who were not licensed to get on the radio and communicate with others around the country.

Mr. Rein stated that his organization checked in to offer assistance during the recent storms but was not needed. He explained that the last emergency in which he participated was the cutting of the fiber optic cable during construction of the Rio Road improvements, an incident that cut off five fire stations from communication with the Emergency Operations Center. He said that they were able to communicate with ham radios as they maintained a series of repeaters on mountaintops that received signals and re-transmitted them at higher levels. He remarked on how inexpensive the radios were and how they worked when all else failed.

Ms. Mallek recalled how her grandchildren enjoyed communicating with people from as far away as Australia through the use of a ham radio at a recent field day.

Mr. Rein invited Supervisors to attend the field day event, which he said would begin at 2 p.m. He explained that there would be a contest among radio clubs with a point earned for every voice radio contact, two points for Morse Code contacts, and points for contacts through solar and other categories.

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

Mr. Clark Tracy, resident of Jack Jouett District, addressed the Board on behalf of the Kingfishers Group. He reminded the Board that last year, members of his group expressed their concern about the ramp to the Rivanna Reservoir, which was seriously eroded, contained potholes, and presented a traffic hazard with cars parked in bad places. Mr. Clark thanked the Board for its responsiveness in directing Mr. Bob Crickenberger to meet with members of his club. Mr. Clark said the project had turned out better than they had expected and that the new ramp and new parking signage were things the County could be proud of.

Ms. Kristin Cummings, resident of Samuel Miller District, addressed the Board. She said she was a member of the Lewis Hill Neighborhood Board. She explained that 18 families with approximately 56 people on Holcomb Drive Extended, a private road, were cut off from services as a result of damage from the recent storms. Ms. Cummings expressed appreciation to the support received from emergency services, engineers, and Supervisors to address the need for emergency egress over the next several months while the culvert was replaced. She listed some of the obstacles to creating an emergency road such as power lines, septic fields, obtaining permits, and providing access to emergency vehicles. She

asked the Board to not hold the temporary road to the standard of being able to support a 24-ton pump truck, as this would entail a much higher expense. She also asked the Board to consider the use of surplus funds for the use of emergency mitigation and remediation of the storm damage.

Ms. Mallek asked for the cost estimate. Ms. Cummings replied that it was \$200,000.

Agenda Item No. 8. Consent Agenda.

(Discussion: Referring to Item No. 8.8, Mr. Gallaway stated that the report showed from 2010–2017, 20% of new development was in the Rural Area, while during the first quarter of this year it was 7%. He asked if the 20% figure was a trend or target.

Ms. Mallek remarked that she was flabbergasted to see that 63% of new development was in the Crozet area and pleased that the percentage of development in the Rural Area had continued to fall. She said they wanted to make the growth areas as wonderful as they could to encourage people to live there.

Mr. Gallaway agreed that the high level of development in the Crozet area was something that the Board should pay attention to and that some development was within the Cale Elementary School District.

(Note: Mr. Randolph arrived at 9:22 a.m. and remarked that there were variances each quarter and that there had been a sudden surge at Stone Robinson, attributable mainly to the Cascadia project in the Rivanna District, and he expected another surge at Stone Robinson once Rivanna Village comes online. Mr. Randolph emphasized that most development was within the growth area, while the student populations at the rural-based elementary schools remained consistent. He agreed that the Board should monitor the figures for trends, although this may be the last surge as people were building now under the expectation of rising interest rates.

Addressing Mr. Gallaway's question as to whether there was a target, Ms. Palmer said she had not heard of one though there was encouragement of development within the development area.

Ms. Palmer asked that her assigned minutes be pulled.

Mr. Richardson noted the addition of Item 8.7a, a resolution to confirm the Board's declaration of a local emergency, which was included in the final agenda motion.

Mr. Gallaway **moved** that the Board approve the consent agenda, with the removal of Ms. Palmer's minutes. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Ms. McKeel.

Item No. 8.1. Approval of Minutes: August 22, 2017; January 4, January 10, February 14, February 16, February 20, February 22, February 26, March 1, March 7, March 27, April 24, and May 15, 2018.

Ms. Mallek had read her assigned minutes of August 22, 2017; January 4, January 10, and April 24, 2018.

Ms. Palmer pulled her assigned minutes of February 14, February 16 and February 20, 2018.

Mr. Dill had read his assigned minutes of February 22, and February 26, 2018.

Mr. Randolph had read his assigned minutes of March 1, March 7, March 27, and May 15, 2018.

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

Item No. 8.2. FY 2018 Appropriations.

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

The total increase to the FY 2018 budget due to the appropriations itemized in Attachment A is

\$749,899.71. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2018087, #2018088, #2018089, and #2018090 for local government and school division projects and programs as described in Attachment A.

Appropriation #2018087		\$473,366.00
Source:	State Grant Revenue	\$ 473,366.00
	Comcast (in kind)*	\$ 202,817.00

*This in kind contribution will not increase the County Budget.

This request is to appropriate \$473,366.00 in grant funding from the Virginia Department of Housing and Community Development (DHCD) for the 2018 Virginia Telecommunications Initiative (VATI) to support efforts by established internet service providers (ISPs) to construct broadband access in underserved areas. The grant award requires a \$202,817.00 in kind contribution from Comcast. The County is partnering with Comcast to expand broadband to the Greenwood area of Albemarle County, which includes the Greenwood Community Center.

Appropriation #2018088		\$7,500.00
Source:	State Revenue	\$ 7,500.00

This request is to appropriate the following School Division appropriation request approved by the School Board on April 12, 2018:

This request is to appropriate \$7,500.00 in State funding to the Algebra Readiness program. Algebra Readiness funds provide mathematics intervention services to middle school students who are at risk of failing.

Appropriation #2018089		\$269,033.71
Source:	Local Revenue – Donations and Contributions	\$ 200,000.00
	Local Non-Tax Revenue	\$ 6,971.36
	State Revenue	\$ 25,989.97
	School Special Revenue Fund fund balances	\$ 36,072.38
	Yancey Savings*	\$ 582,953.84
	Health Insurance Savings*	\$ 1,917,046.16

*This portion of the appropriation does not increase or decrease the total County budget.

This request is to appropriate the following School Division appropriation requests approved by the School Board on May 10, 2018:

This request is to appropriate \$13,408.00 in State revenue from the Virginia Department of Education for a Project Graduation grant awarded to Albemarle County Public Schools and \$1,955.64 in fund balance for state revenue received in prior years. These funds will be used to provide remedial instruction for students who received passing grades for standard credit-bearing courses but failed the required Standards of Learning (SOL) assessment needed to verify credits to complete their diploma requirements. Courses supported are Algebra I, Geometry, Algebra II, English: Reading, English: Writing, Science and/or History.

This request is to appropriate \$34,116.74 in fund balance for Federal revenue received in a prior fund balance for a Special Education Preschool grant that provides supplemental support for existing preschool programs serving students eligible for special education services.

This request is to appropriate \$582,953.84 in Yancey savings and \$1,917,046.16 in Health Insurance savings, totaling \$2,500,000.00, to the revenue reserve fund. This appropriation does not increase the total County budget.

On July 11, 2012, the Board of Supervisors approved a streamlined appropriation process for anticipated School Fund revenue associated with miscellaneous grants, donations, and School Activity Funds. In accordance with this process, an appropriation of \$200,000.00 is needed to cover donations and other miscellaneous revenue received by the School Division to date and for anticipated contributions through the end of FY18. Funds will not be expended until the revenues are actually received.

This request is to appropriate the following School Division appropriation requests approved by the School Board on May 24, 2018:

This request is to appropriate \$12,581.97 in State revenue from the Virginia Department of Education for an enrollment based Career and Technology Education (CTE) Testing grant awarded to Albemarle County Public Schools. The State grant funds support purchasing industry

certification exams, licensure tests and occupational competency assessments for students enrolled in high school CTE courses.

This request is to appropriate \$6,003.16 in local revenue from the Tides Foundation and \$968.20 in local revenue from Reinvented Lab for a total appropriation of \$6,971.36. The funding supports the Career and Technology Education (CTE) Making Spaces Grant and will be used for costs associated with travel, supplies and equipment purchases.

Appropriation #2018090 **\$0.00**

Source:	Real Property Tax Revenue	\$ 2,000,000.00
	CSA Fund Balance	\$ 3,000,000.00
	CIP Fund Fund Balance	\$ (5,000,000.00)

This request is to appropriate \$5,000,000.00 from the General Fund to the Capital Improvements Program at this time to assure funding is provided to meet a fiscal planning assumption included in the Recommended FY 19 – 23 CIP. Providing this funding earlier than initially had been planned could reduce interest costs associated with short-term borrowing assumptions. After the FY 18 audit, it is anticipated additional end-of-year General Fund positive variance monies will also be transferred to the CIP. The funding recommended to be provided to the CIP at this time is from two sources:

- \$2,000,000.00 from Real Property Tax Revenue. In the FY 18 Third Quarter Financial Report that was presented to the Board on May 9, 2018, Real Property Tax Revenue was estimated to end the year \$3.68 million above budget. This appropriation level provides an adequate cushion to account for any end-of-year adjustments that may need to occur for this revenue source prior to the audit. The allocation of any additional real estate revenues received over budgeted amount in FY 18 will be considered along with all other revenues and expenditures after the County's FY 18 audit as part of the County's financial planning processes.
- \$3,000,000.00 from the General Fund's budgeted transfer to the Children's Services Act (CSA) Fund. The CSA program provides a system of services for at-risk children and families that is child-centered, family-focused, and community-based. CSA expenses are jointly funded by local government and the School Division based on the category of expenditure; this appropriation is related only to local government's CSA transfer and expenditures.

Local government's CSA expenses have been significantly lower in recent years due to a decreased caseload as well as an increased use of community-based care choices that increased the State's reimbursement rate. This includes efforts such as the initiation of the Finding Families program, which coordinates and leads family finding efforts to prevent youth from entering foster care and decreases costs through prevention. As discussed in the FY 19 budget process, these efforts and related trends have resulted in a larger CSA fund balance than is required. This one-time transfer reduction to CSA will bring the local government's share of the CSA Fund's fund balance to a more reasonable level.

Because of the potential for significant variances from budget, the goal is for the CSA Fund to maintain a 15% fund balance so that in the event of a high local cost year, the CSA fund balance can address those expenses without having to rely on the General Fund for a potentially significant mid-year budget amendment. Program expenses can vary significantly based on the number of children and families served in a given fiscal year as well as the types of services provided, where those services are located, and reimbursement match amounts provided by the State.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2018087, #2018088, #2018089, and #2018090 for local government and school division projects and programs as described above:

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2018087, #2018088, #2018089 and #2018090 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2018087	3-1217-24000-324000-240500-9999	473,366.00	SA2018087 State Revenue -VATI from DHCD
2018087	4-1217-12200-412200-392000-9999	473,366.00	SA2018087 Transfer from Grants Leveraging Fund
2018088	3-3152-63152-324000-240405-6599	7,500.00	SA2018088 Revenue-Algebra Readiness

2018088	4-3152-63152-463333-132100-6530	6,967.00	SA2018088 PT/Wages-Teacher
2018088	4-3152-63152-463333-210000-6530	533.00	SA2018088 FICA
2018089	4-2000-62101-461101-580240-6599	100,000.00	SA2018089 Donations and Contributions
2018089	4-2000-62101-461101-580250-6599	100,000.00	SA2018089 Donations and Contributions
2018089	3-2000-62000-318100-181109-6599	200,000.00	SA2018089 Donations and Contributions
2018089	3-3105-63105-318000-181279-6530	6,971.36	SA2018089 Revenue-Local
2018089	3-3105-63105-324000-240900-6530	12,581.97	SA2018089 Revenue-State
2018089	4-3105-63105-461313-580500-6530	2,000.00	SA2018089 Staff & Development
2018089	4-3105-63105-461313-601300-6530	4,971.36	SA2018089 Ed & Rec Supplies
2018089	4-3105-63105-461313-800100-6530	12,581.97	SA2018089 Machinery/Equip-Addl
2018089	3-3911-63913-351000-510109-6599	2,500,000.00	SA2018089 Transfer in Budget
2018089	4-2000-62213-461101-580000-6113	-582,953.84	SA2018089 Yancey Savings
2018089	4-2000-62100-461570-231000-6599	-1,917,046.16	SA2018089 Health Insurance Savings
2018089	4-2000-62433-493010-930000-6599	2,500,000.00	SA2018089 Transfer to Reserve
2018089	4-3911-63913-461000-601300-6599	2,500,000.00	SA2018089 Reserve
2018089	3-3217-63217-324000-240296-6599	13,408.00	SA2018089 Project Graduation
2018089	3-3217-63217-351000-510100-6599	1,955.64	SA2018089 Fund Balance
2018089	4-3217-63217-461101-132100-6530	13,005.11	SA2018089 Salaries-PT Teachers
2018089	4-3217-63217-461101-210000-6530	994.89	SA2018089 FICA
2018089	4-3217-63217-461101-601300-6530	1,363.64	SA2018089 Ed & Rec Supplies
2018089	3-3205-63205-351000-510100-6599	34,116.74	SA2018089 Fund Balance
2018089	4-3205-63205-461108-114100-6599	25,000.00	SA2018089 Salaries-TA
2018089	4-3205-63205-461108-210000-6599	1,913.00	SA2018089 FICA
2018089	4-3205-63205-461108-221000-6599	2,603.74	SA2018089 VRS
2018089	4-3205-63205-461108-231000-6599	3,000.00	SA2018089 Health Insurance
2018089	4-3205-63205-461108-232000-6599	600.00	SA2018089 Dental Insurance
2018089	4-3205-63205-461108-241000-6599	1,000.00	SA2018089 Group Life
2018090	4-1000-53010-453010-930206-1005	-3,000,000.00	SA2018090 GF Excess Rev/Savings to CIP
2018090	4-1000-93010-493010-930027-9999	5,000,000.00	SA2018090 GF Excess Rev/Savings to CIP
2018090	3-1000-11000-311000-110155-1000	2,000,000.00	SA2018090 GF Excess Rev/Savings to CIP
2018090	3-9010-51000-351000-510103-9999	5,000,000.00	SA2018090 GF Excess Rev/Savings to CIP
2018090	3-9010-51000-351000-510100-9999	-5,000,000.00	SA2018090 GF Excess Rev/Savings to CIP
2018090	3-1551-51000-351000-512016-9999	-3,000,000.00	SA2018090 GF Excess Rev/Savings to CIP
2018090	3-1551-51000-351000-510100-9999	3,000,000.00	SA2018090 GF Excess Rev/Savings to CIP
TOTAL		10,499,799.42	

Item No. 8.3. Lease Renewal Agreement, Crozet Running, LLC.

The Executive Summary forwarded to the Board states that on July 3, 2013, the Board directed staff to move forward with negotiating leases for use of the first-floor space at the Crozet Library. Subsequently, two leases were authorized - one with Crozet Running, LLC in September 2013 and the other with Staengl Engineering, LLC in May 2015. Crozet Running, LLC leases 1,697 square feet and Staengl Engineering 1,038 square feet. Both have been excellent tenants.

Crozet Running, LLC’s lease expires on September 30, 2018. They have expressed a desire to renew their lease. The proposed Lease Renewal Agreement (Attachment A) would extend the lease through September 30, 2019 and would automatically renew the lease for additional 12-month terms unless written notice is given by either the County or Crozet Running, LLC no later than 60 days prior to the expiration of any term. All conditions of the existing lease would remain in effect, including an annual rent escalator based on the Consumer Price Index (CPI).

Current annual rental revenue is \$33,424.96.

If the Board wishes to approve the proposed Lease Renewal Agreement, staff recommends that the Board adopt the attached resolution (Attachment B) approving the Lease Renewal Agreement.

By the above-recorded vote, the Board adopted the following resolution approving the Lease Renewal Agreement:

**RESOLUTION TO APPROVE A LEASE RENEWAL AGREEMENT BETWEEN
THE COUNTY OF ALBEMARLE AND CROZET RUNNING, LLC**

WHEREAS, the Board finds it in the best interest of the County to authorize Crozet Running, LLC to continue to lease a portion of the Crozet Library, located at 2020 Crozet Avenue, Crozet, Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute a Lease Renewal Agreement between the County of Albemarle and Crozet Running, LLC, once it has been approved as to form and substance by the County Attorney.

LEASE RENEWAL AGREEMENT

THIS LEASE RENEWAL AGREEMENT, dated March 13, 2018, is by and between the COUNTY OF ALBEMARLE, VIRGINIA, Landlord, and CROZET RUNNING, LLC, Tenant.

WHEREAS, the Landlord and Tenant entered into an Agreement of Lease, dated August 14, 2013 (the "Lease"), for the Tenant's lease of certain Leased Premises from the Landlord;

WHEREAS, the initial term of the Lease runs for five years from October 1, 2013;

WHEREAS, Section 3.2 of the Lease allows said Lease to be renewed for an additional period as may be mutually agreed by the Landlord and Tenant; and

WHEREAS, pursuant to Section 3.2 of the Lease, the parties now wish to renew said Lease for a mutually-agreed additional period.

NOW, WHEREFORE, the Landlord and Tenant hereby agree as follows:

1. The parties' Agreement of Lease, dated August 14, 2013, is hereby renewed for an additional term of one year, commencing on October 1, 2018 and expiring September 30, 2019.
2. Thereafter, the parties' Lease shall automatically renew for additional 12-month terms unless written notice is given by either Landlord or Tenant no later than 60 days prior to the expiration of any term.
3. All other provisions of the parties' Agreement of Lease, dated August 14, 2013, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

TENANT

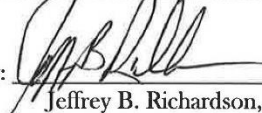
CROZET RUNNING, LLC

By: 
Michelle Andersen, Registered Agent

LANDLORD

This Lease Renewal Agreement is executed on behalf of the County of Albemarle by Jeffrey B. Richardson, County Executive, pursuant to a Resolution of the Albemarle County Board of Supervisors.

COUNTY OF ALBEMARLE, VIRGINIA

By: 
Jeffrey B. Richardson, County Executive

Approved as to form:


Albemarle County Attorney

Item No. 8.4. ACSA Jurisdictional Area Amendment Request, Crozet Treatment Plant Expansion.

The Executive Summary forwarded to the Board states that the Rivanna Water and Sewer Authority (RWSA) is requesting that the Crozet Water Treatment Plant site, located on Tax Map Parcels (TMPs) 057000000010A and 57000000029B, be designated for water and sewer service. RWSA is "undertaking an expansion of the treatment plant to secure future demand needs of the Crozet Community." Currently the sludge by-products from the water treatment process are discharged to lagoons located on TMP 057000000010A on the north side of Three Notched Road. The sludge is periodically removed from the lagoons and transported by truck to the Moore's Creek Sewer Treatment Plant. As part of the expansion, RWSA is proposing to connect the facility to an ACSA sewer line on an abutting property on Gate Post Lane in the Highlands subdivision. RWSA is also requesting that the bathroom serving the treatment facility be connected to the public sewer in order to eliminate an old septic field and tank located on the treatment plant site (see applicant's requests, Attachment C).

Most of the treatment plant is located on the parcel on the south side of Three Notched Road (TMP 057000000029B). Approximately 3 acres of the total 4 acre parcel are located within the Crozet Development Area boundary. This portion of the property is designated for Light Industrial use in the Crozet Master Plan and the entire property is zoned LI, Light Industry (Attachment A), with proffers. The proffers limit the uses permitted on the entire property to public uses/buildings, public utility facilities, and fire and rescue squad stations.

TMP 057000000010A containing the lagoons is outside of the Development Area boundary and is designated as Rural Area in the Comprehensive Plan. The parcel is zoned RA, Rural Areas. There are two structures on the approximately 1 acre of the parcel. This parcel is currently not in the ACSA Jurisdictional Area for either water or sewer service. This entire parcel is currently designated for water only to existing structures (Attachment B).

The Comprehensive Plan strategy regarding the provision of public water and sewer service within the County as it relates to properties located in the Rural Area states that "[t]he boundaries of the Development Areas are to be followed in delineating jurisdictional areas. Change to these boundaries outside of the Development Areas should only be allowed when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger."

This strategy reflects the fact that public water and sewer systems are a potential catalyst for growth and capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connections of properties in the Rural Area should be the exception as the further extension of lines into the Rural Areas will strain limited water resources and capacity.

As noted previously, most of TMP057000000029B is located within the designated Development Area for Crozet. The existing LI zoning and associated proffers significantly limit the uses permitted on the property. Providing public water and sewer service to the Development Area portion of the property is consistent with the County's policy for providing service in the designated Development Area. Providing water and sewer to the 1-acre Rural Area portion of the property is not inconsistent with the County's growth management policy (that the public water and sewer service extension policy is intended to implement) based on the conditions established by the existing development and restricted zoning.

All of TMP 057000000010A is outside of the Crozet Development Area and designated as Rural Area. The policy for providing service to sites that are located outside of the Development Area call for the existence of a public health or safety issue and adjacency to an existing utility line. While there is currently no documented health or safety issues on the portions of the treatment facility site that are in the Rural Area, staff believes that the following characteristics and conditions regarding this proposal and parcels merit granting full and sewer service to the parcels:

- Provision of sewer service to the treatment plant eliminates the need to haul away by truck the sludge by-product generated by the water treatment process, providing for a safer more effective way to remove the sludge from the site (reducing the chance for traffic conflicts and spills). This aspect of the proposal is addressing a health and safety issue.
- The treatment plant is an existing, long standing, facility that provides water service to a designated development consistent with the County's growth management policies to provide public water to designated Development Areas. Continued viable use and expansion of the existing facility is also consistent with both County Community Facilities goals and objectives and the Growth Management Policy for directing and supporting future growth in the Development Areas.
- A "Limited Service" designation can be used to limit the water and sewer service to a public water treatment facility/use only for TMP057000000010A. If the treatment facility use were to be abandoned on this parcel, other potential uses would not be eligible to be served without Board approval of an amendment to this Limited Service designation.
- An existing sewer line is located on properties abutting the water treatment facility.

Based on these characteristic and conditions, staff believes the following amendments to the ACSA Jurisdictional Area Map would be consistent with County policies:

- A "Water and Sewer" designation for TMP 057000000029B.
- A "Limited Service" designation limiting water and sewer service to the Crozet Water Treatment Plant use only for TMP 057000000010A.

There is no cost to the County. The property owners would bear any costs for water and/or sewer connection.

Staff recommends that the Board of Supervisor's set a public hearing for July 11, 2018 to receive public comment on a proposal to amend the Albemarle County Service Authority Jurisdictional Area Map to designate:

- TMP 057000000029B for "Water and Sewer Service."
- TMP 057000000010A for "Limited Service, water and sewer to serve the RWSA public water treatment plant use only."

By the above-recorded vote, the Board set a public hearing for July 11, 2018 to receive public comment on a proposal to amend the Albemarle County Service Authority Jurisdictional Area Map to designate:

- **TMP 057000000029B for "Water and Sewer Service."**
 - **TMP 057000000010A for "Limited Service, water and sewer to serve the RWSA public water treatment plant use only."**
-

Item No. 8.5. Designation of a Segment of Route 637, Dick Woods Road, as a Rural Rustic Road.

The Executive Summary forwarded to the Board states that a segment of Route 637, Dick Woods Road, is scheduled to be paved in FY 2019 under the Rural Rustic Road paving program. This paving project was previously prioritized by the Board and approved in the most recent Secondary-Six Year Improvement Plan (SSYIP). The Virginia Department of Transportation (VDOT) requires that the governing body of the jurisdiction within which a road proposed for paving under the Rural Rustic Road program is located adopt a Resolution designating that road as a Rural Rustic Road.

Each spring the Board approves the SSYIP, which includes funds dedicated to paving unpaved roads in the County under the Rural Rustic Road (RRR) Program. The RRR Program is VDOT's preferred approach to paving low-volume roads. The goal of the program is to keep traditional rural lane ambience, while improving the road surface within the current right-of-way. In FY 2019 Albemarle County expects to receive approximately \$573,000 in funds towards paving unpaved state-maintained roads. In the Spring of 2017, the Board approved the most recent SSYIP, which included the funds to pave Dick Woods Road from Route 151 (Critzler Shop Road) to approximately the Albemarle-Nelson County Line.

The process for identifying and prioritizing RRR paving projects in Albemarle begins with an evaluation of submitted paving requests to identify the eligibility and need. The Board then approves the prioritized list of projects and the SSYIP that reflects those priorities. Within one year before paving the road, adjacent landowners are notified and given an opportunity to comment. Following that comment period, the Board is presented with a Resolution designating the road a RRR.

Property owner notifications went out in early February 2018 for this project requesting comments back by late March. Two property owners responded. One was in support of the project because of ongoing maintenance issues with the road and the second was opposed because of concerns of speeding and increased traffic. VDOT supports paving the road to reduce maintenance costs.

Dick Woods Road is located in an area of the County designated by the Comprehensive Plan and Zoned as Rural Areas. The Rural Area designation discourages new homebuilding and subdividing and supports low intensity uses such as agriculture, forestry, and protection and preservation of natural resources. As such, there is no pending development and it is unlikely that any future development would be of an intensity that could increase traffic on this road. The Average Annual Daily Traffic (AADT) in 2017 for this segment of road was 130 vehicles per day and is unlikely to increase in any significant manner in the future as a result of the Rural Areas designation.

Adoption of this Resolution will have no impact on the County budget. This authorizes VDOT to expend state funds on a project to which the Board has previously recommended state funds be allocated through the SSYIP.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to designate a segment of Route 637, Dick Woods Road, as a Rural Rustic Road.

By the above-recorded vote, the Board Adopted the following Resolution to designate a segment of Route 637, Dick Woods Road, as a Rural Rustic Road:

**RESOLUTION TO DESIGNATE A SEGMENT OF ROUTE 637,
DICK WOODS ROAD, AS A RURAL RUSTIC ROAD**

WHEREAS, Virginia Code § 33.2-332 permits the hard-surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to consider whether Route 637, Dick Woods Road, from Route 151 Critzer Shop Road to the Albemarle County Line should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of any pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates Route 637, Dick Woods Road, from Route 151 Critzer Shop Road to the Albemarle County Line, a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

BE IT FURTHER RESOLVED, the Board requests that Route 637, Dick Woods Road, from Route 151 Critzer Shop Road to the Albemarle County Line, be hard-surfaced and, to the fullest extent prudent,

be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Resident Engineer.

Item No. 8.6. Resolution to accept road(s) in the Jefferson Village Subdivision into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted the following Resolution to accept road(s) in the Jefferson Village Subdivision into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of June 2018, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in Jefferson Village Subdivision, as described on the attached Additions Form AM-4.3 dated June 6, 2018, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in Jefferson Village Subdivision, as described on the attached Additions Form AM-4.3 dated June 6, 2018, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

- 1) **Adams Court (State Route 857)** from Colonial Drive (State Route 830) to .034 miles south to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4976, pages 463-472, for a length of 0.03 miles.

Total Mileage – 0.03

Item No. 8.7. Reappointment of Juandiego Wade as the County of Albemarle's Proxy for JAUNT.

In a letter dated May 16, 2018, from Mr. Brad Sheffield, Executive Director, JAUNT, it states that JAUNT is a Public Service Corporation established under Title 56 of the Virginia Code to receive and expend federal, state, local and contractual funds with the purpose of operating a regional public transportation system. Albemarle County holds four shares of this corporation, and therefore entitled to a vote at its next annual shareholders meeting.

The annual shareholders meeting will be on July 11, 2018, at 9:45 am in JAUNT's main conference room. Proxy-shareholders for each locality are being requested to establish a quorum to vote on the slate of Directors and Officers for the FY19 fiscal year.

JAUNT is requesting a proxy be established for Albemarle County. Your proxy may be one of your appointed Board members. And, if you choose to do so, the annual process can be further simplified by establishing this proxy for multiple years. Regardless of term length established by this authorization, Albemarle County will receive an annual notice from JAUNT of this annual meeting and its intended actions.

Enclosed is a proxy authorization form. JAUNT would need an executed form by the end of June to ensure it has a quorum to take action.

By the above-recorded vote, the Board adopted the following to reappoint Juandiego Wade as the County of Albemarle's Proxy for JAUNT:

PROXY AUTHORIZATION

Albemarle County Board of Supervisors hereby appoint Juandiego Wade with power of substitution, proxy to act and vote all shares of the undersigned at the annual meeting of the shareholders of JAUNT, Inc., a Virginia Public Service Corporation, on Wednesday, the 11th of July, 2018 and at

any adjournments thereof, upon the election of directors, and, in his or her discretion, upon such other matters as may properly come before such meetings.

This proxy shall be valid until September 30, 2020.

Item No. 8.7a. Resolution Confirming the Declaration of a Local Emergency.

By the above-recorded vote, the Board adopted the following resolution confirming the Declaration of a Local Emergency:

**RESOLUTION CONFIRMING THE
DECLARATION OF A LOCAL EMERGENCY
(Virginia Code § 44-146.21)**

WHEREAS, the County Executive is designated as the Director of Emergency Management for the County of Albemarle; and

WHEREAS, on May 30, 2018, a major rain event occurred, during which it is estimated that between 8 and 10 inches of rain fell in the most impacted areas (the “Event”) in the County; and

WHEREAS, the Event caused major flooding resulting in the loss of life, property damage that is still being assessed, road closures, and the loss of public water in the northern part of the County; and

WHEREAS, because of the adverse impacts of the Event, County Executive Jeffrey B. Richardson, acting in his capacity as the Director of Emergency Management, declared a local emergency on May 30, 2018 pursuant to Virginia Code § 44-146.21; and

WHEREAS, the Albemarle County Board of Supervisors could not timely convene to declare the Event to be a local emergency.

NOW THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors confirms the Director of Emergency Management’s declaration of a local emergency on May 30, 2018.

Item No. 8.8. 2018 First Quarter Building Report, ***was received for information***.

The report states that During the first quarter of 2018, 217 building permits were issued for 524 dwelling units. There was one permit issued for a mobile home in an existing park, at an exchange rate of \$2,500, for a total of \$2,500. There were no permits issued for the conversion of an apartment to a condominium.

Item No. 8.9. 2018 First Quarter Certificate of Occupancy Report, ***was received for information***.

The report states that during the first quarter of 2018, 124 certificates of occupancy were issued for 218 dwelling units. There were no permits issued for a mobile home in an existing park. There were no certificates of occupancy issued for the conversion of an apartment to a condominium.

Item No. 8.10. Quarterly Transformational Initiatives Update, ***was received for information***.

The Executive Summary forwarded to the Board states that the Board’s FY 17-19 Strategic Plan objectives included direction to improve long-term structural realignment within the County through the use of transformational initiatives. Staff has been engaged in the implementation of several transformational projects in service of that goal:

- Time and Attendance System
 - o Objective: Improve operational efficiencies and lessen administrative burden through automation of current manual and paper-based processes
- Records Management
 - o Objective: Reduce costs associated with records storage expenses, increase efficiency and physical space availability
- Housing Transition
 - o Objective: Integration of housing and community improvement initiatives
- Website Redesign
 - o Objective: Create a digital presence that is responsive, data-driven, and citizen-engaged
- Technology Use Assessment
 - o Objective: Determine methods to further optimize technologies across the County and transform the customer experience through technology enhancements

At its October 4, 2017, meeting the Board of Supervisors was provided with an update on these initiatives. This report serves to apprise the Board of the most recent status of these projects.

Time and Attendance System Project has been engaged in a thorough review of the County’s pay

and leave administration processes across both divisions. As a result of this work, the School Board approved placing all its employees on a 12-month pay schedule effective July 1. This unification of pay schedules for all employees will make it easier and more efficient to process compensation and benefits for the entire organization. This review of pay processes will result in additional policy changes that standardize and centralize many processes, so that we can take more complete advantage of the time & attendance system's functionality. The time needed for this work has required us to delay the implementation of the time & attendance system; we are now working closely with the Kronos staff to revamp the timeline, building in sufficient time for change management, communication, and training of all employees.

The **Records Management** team continues to work with our Records Management Consultant, Unity Business Solutions. The latest accomplishment is the successful development of an electronic form for eliminating the paper production around employee performance appraisals. Without going into detail, this initiative will eliminate at least 1,000 print and copy jobs per year; in addition to eliminating file cabinet storage and time needed to retrieve paper appraisals. Trevor Henry and Mike Culp are working on revisiting the Records Management Steering team and setting goals for the year. Several members of the team recently met with the Albemarle Historical Society Executive Director and shared our Records Management Manual; we are initiating several projects as a result of the meeting.

The **Housing Consolidation** and transition of the Housing Choice Voucher (HCV) program and its staff into the Department of Social Services (DSS) was officially accomplished on December 1, 2017. A new supervisor role has been established and ably filled by a long-time County employee in the Housing Department; and the retired Housing Inspector has been replaced with an experienced new hire who starts 5/21/18.

Benefits of consolidation include:

- For the customer: one-stop for shared customers; ongoing potential for service coordination and collaboration
- For personnel: HCV staff have joined a larger workforce, with increased opportunity for training, staff development, etc.
- For process management: reduction in need for duplicative reception and switchboard coverage; administrative functions absorbed by DSS
- For technology: software enhancements to basic Housing package have been purchased

Website Redesign Project: Significant organizational changes in the County have overshadowed the ability to make any substantial progress on the website project since the Board was last updated on October 4, 2017. Additionally, Granicus, our contracted vendor for this project, recently acquired Vision Internet. That acquisition has caused a 1-2 month delay on their end. This delay is extremely beneficial to us as it will allow us to take advantage of new technology and features as a result.

Staff recognizes that we must not let our current web presence suffer from lack of attention while we wait for our new site. Now more than ever, the need for effective government communications, engagement, and transparency is critical. Our website serves as our front line in this effort. It is the main interface our residents, visitors, and businesses have with us in seeking information and accessing services before they step foot in a building or pick up a phone. Consequently, we have initiated a "spring cleaning" over the next few months to make sure that every piece of information on the website is functional, useful, up-to-date, and ready to migrate to the new site when the time comes.

As County leadership and staff continue work through the planning and prioritization of existing workloads and the many important activities identified in the assessment, we expect to have an updated project plan and timeline for the new website in place to share in the coming weeks.

Use of Technology Assessment: This past winter the County chose to engage Tech Dynamism and BIRCHbark Strategic Consulting to conduct a Technology Use Assessment to determine ways to further optimize technologies across the County and to transform the customer experience through technology enhancements. In April, the consultants delivered a final report, including detailed recommendations to move the organization towards increased centralization and integration in the areas of process, organization and technology.

After receiving the report, the County Executive's Office contracted again with the consultants to help with the implementation of several of the immediate recommendations this summer. This work includes creation of a centralized enterprise architecture, alignment of technical roles, and support to extend the County's existing project management framework to technology projects. Staff believes that implantation of these recommendations will both optimize internal operations, as well as ultimately transform both internal and external customer experiences.

There is no budget impact associated with this project update.

This report is to provide information only. No action is required.

Item No. 8.11. Copy of letter dated April 6, 2018, from Mr. Andrew J. Knuppel, Planner, Designee of the Zoning Administrator, to Ms. Stephanie Guerlain, **RE: LOD2018-00002- OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – 041000000047C0 (Property of Stephanie Guerlain and Robert Haschart) - Tax Map 41, Parcel 47C, White Hall Magisterial District, was received for information.**

Agenda Item No. 9. BF Yancey Transition Advisory Committee Recommendations for Long-Term Use.

The Executive Summary forwarded to the Board states that In May 2017, the Albemarle County School Board voted to close BF Yancey Elementary School and on September 25, 2017, the building transferred to the Board of Supervisors. For FY 18, the School Division has continued to maintain and operate the building and grounds at a reduced operating mode that has supported limited community use during this transition period.

At the Board's March 7, 2018 meeting, the Board endorsed a use framework (Attachment A) for the BF Yancey Elementary School building that included the differentiation of user group types, space types, and an associated fee structure. Since the approval of use framework, the BF Yancey Transition Advisory Committee has developed recommendations for long-term use of the school building.

Staff has closely supported the BF Yancey Transition Advisory Committee as they have worked to develop a mission, guiding principles, and recommendations for future use of the BF Yancey Elementary School building. The product of this work is provided in Attachment B: BF Yancey Transition Advisory Committee Recommendations.

Staff has reviewed the recommendations as drafted and has developed an approach to operationalize those recommendations in a manner that is consistent with the County's policies and value of responsible stewardship.

Management Structure

The use framework adopted by the Board supports both short and long-term uses. Operationalizing the BF Yancey Elementary School building in this way would require a management structure utilizing the policies, practices, and resources of both the Facilities & Environmental Services (FES) and Parks & Recreation (P&R) Departments.

Staff supports an approach that would involve a short-term/hourly use for special event and recreational type uses, and leasing for dedicated, long-term uses of the space. P&R has a use/rental policy (Attachment C) in place for the County Owned Community Centers that could be used at BF Yancey Elementary School. The County has, on a case-by-case basis, leased excess property to private sector entities when there was no immediate government need/use identified. Rents for such leases are typically based on market rates which helps in recouping the cost of maintaining those facilities. This is consistent with current County policy and practices.

Zoning

The County's Zoning Ordinance defines a Community Center as: a place, structure, area or facility used for cultural, educational and/or recreational activities, which is open to the public and intended to serve the local community. A community center is different from a neighborhood center, which is a use that is typically accessory to a residential development.

The proposed change in use of the BF Yancey Elementary School building to a different public use as a Community Center will require a Review for Compliance with the Comprehensive Plan (or 2232 Review). This review considers whether the general location, character and extent of a proposed public facility are in substantial accord with the adopted Comprehensive Plan. It is reviewed by the Planning Commission and the Commission's findings are forwarded to the Board of Supervisors for their information. An overview of this process is described below:

- Approximately four (4) weeks from submittal, adjoining property owners will be notified of the proposal and the upcoming Planning Commission meeting.
- Approximately five (5) weeks from submittal, a staff report will be provided to the Planning Commission
- Approximately six (6) weeks from submittal, the project will be reviewed at the Planning Commission.
- The staff report, and minutes of the meeting, will be forwarded to the Board of Supervisors for their information (consent agenda-information item).

Any use of the building, long or short-term, would be required to be in compliance with the zoning of the property. Current uses of the building are expected to continue during the review process. New uses of the building, will be evaluated for zoning compliance after the conclusion of the Review for Compliance with the Comprehensive Plan.

Continuance of Advisory Group

Staff supports the BF Yancey Transition Advisory Committee's recommendation to have an advisory group to Parks & Recreation and Facilities & Environmental Services staff that would meet quarterly on maintenance and operation concerns. This group would include community members from

Southern Albemarle, long-term tenants, and any “regular” short-term/hourly users.

The FY 19 Budget includes \$147,349 for the operation of the Yancey school building; this number includes \$12,480 for part-time wages to manage the building. Revenues from the proposed use (long and short-term) of the Yancey school building may offset some of the operational costs.

If the Board approves the BF Yancey Transition Advisory Committee recommendations as provided, then staff recommends that the Board endorse staff’s operational approach to support them including:

1. Use of the County’s current policies regarding short-term special event/recreational uses and the long-term leasing of space to manage uses in the Yancey Elementary School building.
2. Continuance of an advisory group for maintenance and operational concerns.

Mr. Doug Walker, Deputy County Executive, told the Board that staff had received reports and updates from the committee over the past several months, and he acknowledged the work of Emily Kilroy, who was currently on maternity leave. He acknowledged the work of Siri Russell and the participation of Supervisors Palmer and Randolph, as well as members of the community. He introduced Peggy Scott and Charlotte Brody of the advisory committee to present to the Board.

Ms. Peggy Scott and Ms. Charlotte Brody of the Samuel Miller District, presented. Ms. Scott thanked the committee for its work and asked members of the committee present in the audience to stand. She recognized the work of Ms. Kilroy and Ms. Russell and the support of Supervisors Palmer and Randolph. She said their work was still in its infancy and praised members of the community for their support and feedback. She said the committee recommended that the facility be used as a robust community center to include County Police, Department of Parks and Recreation, Department of Voter Registration, and Department of Social Services. Ms. Scott listed community agencies that might use the facility: the Jefferson Area Board of Aging, Piedmont Virginia Community College, and Bread of Life. She said they also envisioned having the center serve neighboring counties such as Fluvanna and Buckingham. She listed private organizations as potential users of the facility: The Education Transformation Center, Little Learners Day Care, exercise and yoga classes, the Girl Scouts, UVA, and Martha Jefferson telemedicine. Ms. Scott added that the building was already utilized for exercise classes and Girl Scouts and emphasized that the Education Transformation Center, although a private organization, would benefit the greater area. Additional uses she reviewed were hourly rentals for private functions, a community garden, a literacy program, and a farmer’s market. She invited Ms. Brody to present.

Ms. Charlotte Brody thanked the Board for adding emergency personnel for southern Albemarle. She said the committee hoped to find foundation dollars to transform the school entrance into a historic center as a reminder of its history. She said they would like to offer long-term leases of some of the classrooms, similar to what had been done at Crozet Library and The Depot. Ms. Brody asked the Board to support the establishment of a standing advisory committee that could meet quarterly to interact with the community and ensure the building was serving its purpose of a community building, including an onsite person to provide support during events, and the establishment of a 501c3.

Ms. Palmer recognized the work of the community, as well as how difficult it was to have the school closed. She emphasized the large area of the southern portion of the County and the need for a center of this kind to provide services to the community.

Mr. Randolph recognized the resiliency of the community since the school closing, as well as the channeling of energy in a positive direction. He expressed support for the recommendation to preserve the unique history of the community, the school, and for the center to play a regional role. He recalled the interest shown at presentation he gave to the Buckingham County Board of Supervisors two years ago about the potential of establishing a social services hub in Scottsville. Mr. Randolph said the community had the opportunity to take on a regional, cross-county service role that would be unique in Virginia. He expressed support for the committee’s request to establish a standing committee to keep the community investment and to keep the Board apprised.

(Note: Ms. McKeel arrived at 9:41 a.m.)

Mr. Walker explained that staff was seeking formal action from the Board through approving the recommendations of the committee, after which staff would move deliberately with the community to implementation, which would include completion of the 2232 review by late summer or early fall for compliance with the Comprehensive Plan for a community center. He said they would work with the County Executive and the community to re-charter the advisory group to serve its new mission going forward. Mr. Walker said staff also sought endorsement of the use for short-term recreational events and the long-term leasing of space as well as continuance of an advisory group for maintenance and operational concerns. Mr. Walker indicated the issue would be brought back to the Board sometime soon, possible August, on the consent agenda.

Ms. Mallek asked for confirmation that leasing requests would come before the Board. Mr. Walker confirmed this.

Mr. Dill asked what the role of a 501c3 organization would be and where it would fit within the organizational structure.

Mr. Walker replied that he did not have specific information and emphasized that the building belongs to the County, and the way in which the County wanted to distribute ongoing operational support for uses of the building would be determined by the Board.

Mr. Randolph stated that the President of the Rockfish Community Center, which had been a school in Nelson County that was converted to a community center, had presented to the committee. He said the center had been opened to micro and incubator businesses that paid very low rent sufficient to cover maintenance costs and had enabled them to hire a full-time president. He explained that the committee had recognized that community services could be provided while also operating a 501c3 to lease space to help small businesses.

Ms. Palmer stated that what they were approving today was what was in the written materials and not the 501c3 idea.

Mr. Kamptner interjected that it was referred to in the committee's recommendations and, with Mr. Randolph's clarification, he saw a coexisting entity with the County maintaining control of the overall use and occupancy, along with the potential for a 501c3 to coexist.

Ms. Mallek added that the enhancement of the historic entrance would be a great task for this group. She pointed out that Nelson County had given the building to the agency, which was not what was before the Board today.

Mr. Gallaway asked for confirmation that the uses recommended by the committee were suggested and that they would not be locking in anything.

Mr. Walker described the committee's suggested uses as "illustrative."

Ms. Palmer **moved** that the Board approve the B.F. Yancey Transition Advisory Committee's recommendations and to endorse staff's operational approach to support, as specified in the staff report. The motion was **seconded** by Mr. Randolph.

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

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

NAYS: None.

Yancey Transition Advisory Committee Recommendations to the Board of Supervisors

- Create a use policy that accommodates long-term tenants and "ad hoc" (short-term/hourly) users of common spaces.
- Allow, as quickly as feasible, opportunity for use by the following organizations (which have expressed interest in use of the building and have engaged with the community throughout the transition process):
 - o County Users
 - ☐ Albemarle County Police Department (ACPD)
 - ☐ Parks and Recreation (P&R)
 - ☐ Department of Voter Registration and Elections (polling location)
 - o Community Partners/Agencies
 - ☐ JABA
 - ☐ PVCC
 - ☐ Bread of Life/Food Pantry
 - ☐ Thomas Jefferson Health District
 - o Private
 - ☐ Education Transformation Centre
 - ☐ Little Learners Daycare
 - ☐ Exercise Class
 - ☐ Yoga Class
 - ☐ Girl Scouts
 - ☐ Telemedicine opportunities
 - ☐ Hourly rentals for functions including reunions and birthday parties
- Allow for historic materials curated by the community to be displayed in the front lobby and entry hall
- Advertise available classrooms for long-term tenant leases (as the County has done for other properties ie. Crozet Library, Crozet Depot)

- Appoint a standing advisory committee that meets quarterly to ensure a community connection with the County's operation of the community center
 - Provide support for an onsite building attendant during approved uses
 - Support for future interest by area stakeholders to form a 501c3 to lease and manage the BF Yancey Community Center
-

Agenda Item No. 10. 2018 Bond Referendum - Project Identification.

The Executive Summary forwarded to the Board states that on March 1 and March 5, 2018, as part of the budget development process, the Board of Supervisors held work sessions on the Capital Improvement Program. During the work sessions, the Board reviewed the Recommended FY 19 Capital Budget (which is the first year of the FY 19 - FY 23 Capital Improvement Plan (CIP)) as well as the information that was included in the Recommended Budget document about other longer-term capital requests and resource implications. During these work sessions, the Board discussed potential bond referendums, and reviewed debt management information.

On March 27, as part of the Budget Work Session, the Board received an overview from School Division staff on the High School Capacity and Improvement Project CIP request, including the timing and cost estimates of the phases envisioned for this project. The Board chose to include Phase 1 of the High School Capacity and Improvement Project at \$35.1 Million in the Proposed FY 19 Capital Budget, anticipating future discussion as to whether the project would be included in a 2018 Bond Referendum.

On March 29, the Board received further details from School Division staff regarding the School Division's High School pilot center, which was included in its operating budget, as well as other phases of the High School Capacity and Improvement Project. The Board also reviewed five potential FY 19 - FY 23 CIP scenarios and the associated cost estimates and directed staff to bring back additional scenario models on April 10.

On April 10, the Board of Supervisors reviewed three additional CIP scenario models based on information provided by the School Division. It also reviewed potential local government projects and the potential impacts on future tax bills based on current assumptions included in the scenario models. The Board stated that it was comfortable pursuing a \$35.1 Million November 2018 Bond Referendum, which would fund in whole or in part the Phase 1 (Center 1) of the High School Capacity and Improvement Project. The Board further directed staff to prepare for a May 9 CIP Work Session in which it would determine what additional projects to include in the 2018 Bond Referendum.

On April 17, the Board approved the 2018 Tax Rate and the FY 19 Operating and Capital Budgets. On May 9, the Board of Supervisors identified a maximum amount of \$59 Million in bonds to be included on a 2018 Bond Referendum. It further recommended that \$47 Million of this amount could support projects that would be identified by the School Board and then recommended to the Board of Supervisors for its final approval. The Board of Supervisors also discussed a number of local government "quality of life" projects that could be funded in whole or in part with the remaining \$12 Million in bond proceeds in a successful 2018 Referendum.

On June 6, the Board of Supervisors will discuss two items. First, the Board will review and discuss the resolution requesting a bond referendum received from the School Board. Second, the Board will determine which local government CIP projects to include on a 2018 Bond Referendum.

On June 13, staff plans to provide the Board with a FY 19 - FY 23 Capital Improvement Plan, which will include projects identified in its June 6 discussion for the Board's approval. In addition, on June 13, the Board will consider adopting a resolution requesting the Circuit Court to order an election on the bond referendum in conjunction with the November 6 general election, stating the purposes of projects to be funded in whole or in part by the bond proceeds, as well as the maximum amount of the bonds that may be issued. The Board is not required to adopt the resolution on that date.

If necessary, the Board could delay adopting the resolution to as late as July 5. The resolution and an accompanying petition will need to be filed with the Circuit Court on or before July 12 to ensure that the Court has adequate time to order the election by August 17, which is the latest date by which the Court may order the referendum to be held on November 6.

Lastly, the Board has the option under State law to ask the Planning Commission to provide a recommendation on the FY 19 - FY 23 CIP. Staff anticipates that if this option was pursued, the Board's adoption of the CIP and the resolution would be delayed well beyond July 5 and would jeopardize obtaining a timely order from the Circuit Court.

The size and scope of the 2018 Bond Referendum would impact the amount of future debt that would be issued by the County.

Staff recommends that the Board determine the maximum dollar amount of the bonds to be issued and identify the County projects to be funded in whole or in part by the bond proceeds in a 2018 Bond Referendum.

Ms. Lori Allshouse, Director of the Office of Management and Budget, presented. She noted that Supervisors were provided with three handouts, including a copy of the presentation slides and two information sheets. She explained that the desired outcome was to obtain the Board's guidance on the FY 19 – FY 23 Capital Improvement Plan (CIP) and potential November 2018 bond referendum.

Ms. Allshouse presented a slide with a schedule of next steps: The Board could approve the CIP on June 13 or July 5; August 17 was the deadline for when the court order must be entered for a bond referendum; the referendum would take place on Election Day, November 6. She pointed out that a public engagement process would take place along the way. Ms. Allshouse next presented a list of past dates when meetings to discuss the CIP were held. The next slide presented contained a list of highly ranked capital requests and watch list items that were not in the FY 19–23 CIP that was before the Board for consideration at this meeting. The next slide was titled, Results of May 9 CIP Work Session, and it contained the following bullet points:

- Based on the assumptions in the model, the model indicated that the FY 19 – 23 CIP (Including a \$59 million bond referendum) would require additional resources over the FY 19 – 23 period (estimated to be approximately equivalent to a 4.2 cent increase on the tax rate).
- Board recommended that the County plan to pursue a November 2019 bond referendum (maximum amount of \$59 million): Maximum amount for School Division (\$47 million), Maximum amount for Local Government (\$12 million).

Mr. Bill Letteri, Chief Financial Officer, continued the presentation and said he would discuss the modeling program and the School Board's modified request. He said they had a fairly sophisticated model that considered the impacts of adding major capital projects to the program. He said the modeling considered the economy, timing, and other variables. Mr. Letteri presented a slide with timing variables: timing of resources and expenditures, impact of short-term borrowing, additional resource requirements in out years, and end-of-year contributions to capital. The slide also listed the following cost variables: interest rate changes over time, project costs are estimates, operating costs are estimates. He described the modeling approach as a best practice and remarked that few counties in the state used as rigorous and sophisticated approach as Albemarle. He emphasized that it was an estimate that provided guidance to the Board, and the model had been applauded by rating agencies.

Mr. Randolph imagined a bell curve that considered the timing of a referendum with the peak being the ideal time to issue a bond. He emphasized how the long planning process made it difficult to capture the peak time. He added that the Federal Reserve's indication that it would likely raise interest rates by .25% once or twice this year, with the potential for additional increases, coupled with likely higher inflation as a result of tariffs, would raise costs rather dramatically. He said they may be on the downside of the bell curve now and that larger amounts would have to be mandated to the CIP in the future to cover interest, which would impact their ability to address other needs.

Mr. Letteri agreed there was upward pressure on interest rates and said consultants had advised that they use a 4–4.5% rate assumption for a November issue and higher rates for outyears, which the County had incorporated in its planning.

Ms. Mallek asked for the definition of a basis point. Mr. Letteri explained that 25 basis points equaled a quarter percent on the interest rate.

Mr. Letteri said he would address the School Board's status following the Board of Supervisor's direction. He said the School Board had passed a resolution on May 24 requesting a bond issue of up to \$96 million to accommodate the first two years of their capital plan, which was before the Board at this meeting. He emphasized that if this level of projects were introduced in the first two years of the plan, it would involve an additional \$50 million in debt, which would require an additional resource of \$3.8 million per year over five years to service the debt, equating to just over two cents on the tax rate.

Ms. McKeel asked Mr. Letteri to provide more specifics of what would be required. Mr. Letteri said staff had modeled a plan that involved an additional \$47 million for school projects and an additional \$12 million for local government projects, which would require additional resources over the five-year period, equivalent to at least 4.2 cents on the tax rate.

Ms. Palmer asked for confirmation that this did not include the stormwater fee. Ms. Allshouse confirmed that it did not.

Mr. Randolph added that the figure was 6.7 cents, with the stormwater fee.

Mr. Dill asked for clarification of this item. Mr. Letteri replied that 4.2 cents was the estimate of what would be required, plus an additional 1.5 cents for stormwater. He said the addition of \$50 million would involve two additional cents, bringing the total to 7.7 cents.

Ms. Mallek remarked that the figure did not include \$12 million for local government.

Ms. Allshouse interjected that the 4.2 cents included \$12 million for local government projects. She emphasized the Board still needed to hold a discussion on stormwater utility costs and levels of service.

Ms. McKeel said she thought 6.7 cents was the final number, with the School Division's request for \$96 million and \$12 million for local government. She asked where the extra penny in Mr. Letteri's 7.7-cent figure came from.

Ms. Allshouse clarified that the modeling estimated 4.2 cents for Scenario 3B, which included \$47 million for schools and \$12 million for local government. She said they estimated costs of a stormwater program at 1–1.5 cents plus 2 cents for debt.

Mr. Dill asked if there was money built in for future borrowing to fund local government. Mr. Letteri replied that this would absorb most of the County's capacity and that the addition of \$50 million would result in their exceeding some guidelines that had been established for the capital program as it related to debt to revenue ratios. He said it would not provide for additional capital capacity for other items, which meant they would have to rely entirely on natural growth or tax increases.

Ms. Palmer added that natural growth meant more people, which meant additional need for services from the County.

Ms. Mallek expressed concern that their estimates assumed a growing economy, commenting that \$96 million was too much for her.

Ms. McKeel asked where they would be in the scenario if the \$12 million for County government were taken out and by how much this would reduce the tax rate increase. Mr. Letteri replied that the figure would be \$38 million instead of \$50 million and equal to about a penny.

Mr. Randolph remarked that this would represent one of the largest property tax increases in the County's history.

Ms. McKeel remarked that in 2007, they reduced taxes by six cents.

Mr. Randolph added that they borrowed from the CIP to cover the budget.

Ms. Mallek added that this was because the increase in assessments was 15% per year for the previous four years.

Mr. Randolph emphasized that the international political economy was fraught with potential problems, many of them self-inflicted from Washington, and he was concerned about putting the County in a position where it could not borrow without raising taxes should an emergency arise.

Ms. Palmer urged them to rethink whether they should have a referendum this year while still considering the important needs of the schools and suggested instead a tax increase next year to cover the CIP for funding needed by the schools.

Ms. McKeel asked how much of the 4.2 cent tax increase was represented by existing projects. Ms. Allshouse replied that it was two cents, according to the modeling.

Ms. Mallek asked if the courts were included. Mr. Randolph replied that all the items were included in a funded CIP.

Ms. Mallek emphasized the importance of maintaining an AAA bond rating.

Ms. Mallek urged Supervisors to review the chart of starting point scenarios circulated yesterday by School Board member Jonno Alcaro, stating that it included a step-by-step way for high school modernization. She asked if the \$500,000 cost to conduct a referendum could be saved in interest, as it was a very small difference, or if it could be balanced by using regular borrowing power and the AAA bond rating.

Mr. Letteri replied that a bond referendum was always the best scenario from a point of financing and saving money over time. He agreed that they would save more than the \$500,000 cost of a referendum in interest savings over time.

Mr. Gallaway pointed out that the chart prepared by staff and distributed for the last School Board meeting, during which the School Board voted 4-3 to approve the request for \$96,000,000 demonstrated that there was not sufficient support for the other options. Mr. Gallaway asked Mr. Alcaro to clarify this because it was an important piece of information to be clear on.

Ms. Mallek stated that what was clear was that various board members were told individually that these were things under discussion. She emphasized that it was a different way to manage a more step-by-step improvement process than to put in a very large project, which would take 10 years and require decision making for which a lot of information was not yet available. She said she believed it was not possible to manage this number of projects over five years and it would require the hiring of project managers on the County staff side.

Mr. Gallaway referenced Mr. Letteri's earlier statement that \$96 million would be cause for concern over the ratios and said he couldn't find the charts of the different levels. He said the range went up to \$290 million and he didn't recall pushing the ratios presented on the chart.

Mr. Letteri replied that they had presented the charts at previous Board discussions. He said they always looked at the ratio of revenue to debt service and the total taxable properties to the total debt and included these in reports to the Board.

Mr. Gallaway clarified that he was referencing some graphs presented to the Board during the budget process that showed the projections if certain amounts of debt were taken on. He said it was important to have clarity as to how the \$96 million of debt would affect their credit rating.

Mr. Letteri said they had these charts already prepared and could distribute them to the Board immediately. He added that the County had \$192 million in outstanding debt, which would increase to \$250 million by the end of the five-year period if the Board approved the school funding request, which pushed the County close to the ratios. He said that if they added another \$50 million, they would be close to \$300 million in debt by the end of the five-year period. He emphasized that a tax rate increase would provide additional revenues to allow them to stay within the ratios.

Ms. McKeel noted that the School Board had held discussions over the years on dealing with school capacity, with a new high school and the type of school it should be, in order to meet 21st Century learning opportunities and bring education in the County into a more modern world. She pointed out that if the School Board had requested construction of a new high school, they could be looking at a cost of \$130 million or more and that the implementation of a new curriculum and educational model was less expensive but more difficult to understand. Ms. McKeel said it may not benefit the schools to partially fund their request. Ms. McKeel stated that it was hard to think about a 7.7 cent tax rate increase, though a previous Board dropped the rate by this amount a few years ago, although this did not mean it was right to hit the community with such an increase all at one time. She emphasized that this all should be taken into perspective when looking at the big picture, and if the Board determined that \$96 million was too much then they should consider funding at least the \$69 million portion of the project for the high school.

Ms. Palmer expressed appreciation to the schools for their innovative plan. She explained that under an atmosphere of increasing interest rates and assessments, she was very concerned about having a tax increase at this time, as this could seriously burden some residents. She added that it was her understanding the County had not reached the level of capacity where a new high school was required, though she acknowledged she did not know when this would occur or how they would prepare for it.

Ms. McKeel said she didn't disagree with Ms. Palmer's assessment but that it should be up to the taxpayers to decide, which was what referendums were for.

Ms. Palmer said she felt it was the Board's responsibility to look at the future, listen to the advice of professional finance people, and make these decisions. She clarified that she was not against a referendum, but it should be with the amount for which it had been proposed. Ms. Palmer remarked that if the Board did go out to referendum, it should be mindful to make sure that the referendum could be handled by the majority of residents.

Ms. McKeel surveyed the Board to see if there was interest in having staff investigate an expenditure of \$70 million, instead of \$96 million.

Mr. Gallaway estimated that an expenditure of \$70 million would take the tax rate increase down by 1.2 cents.

Ms. Mallek expressed her support for the center and modernization approach rather than construction of a new high school, including the expenditure of \$35 million for the center plus \$49 to \$52 million for the high school redesign. She said she did not want other local government projects to have to stop in order to proceed with an investment by one department.

Mr. Dill remarked that he thought they all agreed that education of students was the number one priority and that they should set priorities based on what would have the most impact on the most students in the most beneficial way. He noted that the schools were ranked third best in Virginia and nationally acclaimed. He said a referendum distorted priorities and politicized the process, as they would create a balance of school and non-school projects to appeal to the most people to make sure the referendum passed. He noted that they had used the CIP process for 50 years to set priorities, and the CIP would allow for a sequential, year-to-year approval of needed projects. He added that there were pressing needs for parks, transportation, walking and biking trails, and more.

Mr. Gallaway stated that if they were going to go to a bond referendum for anything other than the full system, he wondered what the sales pitch by the School Board, which would have the responsibility to obtain community support, would be. He said he didn't know how they would explain an approach that obtained partial funding rather than for all needs and expressed concern this would set up the system to fail. He acknowledged the importance of the consideration of debt service levels. He remarked that the prior referendum was very tidy and clean with the understanding that it was being done to reduce financing charges, while this time it was not clean and there were different concerns. He articulated concerns about investing in a portion of a system where all systems are needed for success. He agreed with Mr. Dill's suggestion to utilize the CIP and have the Board decide on which projects were funded.

Ms. McKeel agreed with Mr. Gallaway's comments.

Mr. Gallaway noted that he was a former member of the School Board and that public education was a priority for him, but he wanted to make sure that if they were to invest tens of millions of dollars and he had to be accountable to the public, then to not invest in the entire project may not be the best decision he could make.

Ms. McKeel noted that they had partially funded projects in the past that had come back to bite them.

Mr. Gallaway said that they were in year six or seven of the school modernization process using the normal CIP process and that he was ok with waiting a year to get their ducks in a row and reach an agreement and then go to a referendum for the entire project.

Ms. Mallek remarked that the 2016 referendum was well described. She said she supported the center and high school modernization, but the rest of the project details were not clear, and they would not be able to explain this to those who asked.

Mr. Gallaway said that to him the request was clear, though it was less so if they took an incremental approach.

Mr. Dill said the proposal seemed to have flexibility built in as the seminal building and student center building were trials within a sequential development. He reiterated his support for the annual CIP process, which allowed them to make decisions in a logical, flexible way and didn't see the need to have a referendum.

Mr. Gallaway added that he did not disagree with Mr. Dill and that if there were a need for a full, comprehensive high school, it would have been one line in the CIP process, but the schools determined the system approach was better for pedagogical reasons, though it did not solve capacity issues. He emphasized that the Board of Supervisors would have to vote on whether to fund this approach incrementally, and the School Division would have to figure out what to do if the Board didn't follow the proposal.

Ms. McKeel reiterated her concern with a piecemeal approach as things would not fit together in the way the School Board envisioned.

Mr. Gallaway pointed out the drawback of Mr. Dill's year-by-year approach as a future Board could de-prioritize items.

Mr. Randolph said he would weigh in on what he described as two opposing camps, the all or nothing camp versus the no need for a referendum camp. He stressed the importance of differentiating wants versus needs. He noted that each school was autonomous and had its own culture within the County school system. He said the School Board had identified its wants and that if they were to put all \$146 million plus \$12 million in general government projects in the referendum, the Board would jeopardize the AAA bond rating. He said the \$96 million approved in the School Board's 5-4 vote compromised the County's AAA rating and jeopardized the County's capacity to borrow for an emergency in the future. He described politics as "the art of the possible" and that the Board's setting of a \$59 million ceiling during prior discussions represented what they felt was possible. He stated that the School Division had made a strong and reasonable case for a \$35 million learning center, but that there were other needs out there.

Mr. Randolph noted that the recent closing of B.F. Yancey School had created additional needs for neighboring schools and said that he had asked the rising superintendent of schools if the needs of Red Hill School had risen to a level where funding was needed immediately. Mr. Randolph said he received the response that it could be postponed, and that Scottsville had a greater need which had resulted in the Board's decision to allocate \$12 million for Scottsville. He remarked that at this time and in this economy, he didn't think the schools could get \$96 million and even \$62 million, which a member of the Scottsville School Board had said was needed, was too high. Mr. Randolph stated that the maximum he could support was \$59 million, though he hoped the Board could come in below this. He lamented that the Board had spent so much time discussing a late proposal for additional school funding and had not discussed the allocation of local government needs, including Parks and Recreation projects that would serve large areas of the County. He urged Supervisors to reach a compromise agreement on what would be workable and urged the Board to determine whether there was support for a referendum of \$59 million maximum. He said he would then like to move on to a discussion on how to allocate the \$12 million for local government.

Ms. Mallek suggested that before the Board held a vote, Supervisors should pose questions about information in the handouts to make sure they understand what they were asking for. She asked if the lists for biking and green space were incorporated in the \$12 million.

Ms. Allshouse offered to share some slides and remarked that the information referenced by Ms. Mallek was supplemental to the slides. She recalled that at the May 9 meeting, there were a lot of items brought forward from the CIP Oversight Committee's earlier meeting. In a slide she presented, she noted that highlighted items were those ranked in the top half by three or more Supervisors for local government. She presented a list of project criteria considered by the oversight committee for local government projects: Geographic Diversity, Quality of Life, Non-Mandated Projects, High Scoring Projects from the Technical Review Committee (TRC) (per category), Timeliness, Importance to Citizens,

Conditions of Facilities, Project Diversity, and Strategic Initiatives. She presented a color-coded map of the County, with transportation and parks and recreation-related projects under consideration for the \$12 million local government portion of a bond referendum as identified from adopted plans and studies that reflected the results of surveys and public input. These projects advance the establishment of a complete interconnected bike and pedestrian network around the urban area, supports transit use and access to the Rivanna River and additional sports field areas, and supports economic development. She next presented a slide with a list of six bicycle/pedestrian projects, marked with blue dots on a map provided, and noted that additional information was provided in the packet distributed to Supervisors.

Mr. Dill asked if the \$1.5 million estimate to complete the bike/pedestrian system was just for the Rio Road portion.

Mr. David Benish clarified that the six items listed total \$6 million and confirmed that the \$1.5 million cited by Mr. Dill was for Rio Road and Northtown Trail.

Ms. Palmer asked about a portion of the map titled "Old Lynchburg Place." Mr. Benish explained that this was the Old Lynchburg Road project and ran from Region Ten to Azalea Park to connect some private developments to the City limits.

Ms. Palmer commented that this connection was incredibly important since there was affordable housing to be added and the road system was underdeveloped.

Mr. Gallaway commented that some transportation projects may be eligible for funding under various mechanisms. He asked if the Board would be locked in to use bond referendum funding for the purposes specified or if they would retain flexibility in the event that some items approved in the referendum became eligible for outside funding.

Mr. Kamptner addressed Mr. Gallaway's concern and said it would depend on how the question was posed to the voters.

Mr. Benish stated that money approved in a bond referendum would make some transportation grant applications more competitive and allow the County to leverage more money to do more, and he would like them to have flexibility with the funding approved in a referendum.

Mr. Gallaway asked if a voter-backed referendum would enhance applications beyond the matching of local dollars and score better. Mr. Benish indicated that he was not sure about this, but his understanding was that local commitment to money was most important. He offered to investigate whether commitment in the CIP or from a referendum made a difference.

Ms. Palmer asked if the referendum could be worded to allow for flexibility among projects. Mr. Letteri replied that the referendum question could be phrased broadly enough to allow flexibility, though the education campaign should provide specificity in terms of what they were considering to obtain public support.

Mr. Kamptner said they could describe projects that would be considered and recognize that additional funding not recognized by the referendum may be applied to the projects.

Ms. Allshouse presented a slide with a list of parks and recreation community facilities/green space/blue ways projects totaling \$6 million: Hedgerow Trail Park, athletic fields, Buck Island Creek Park, and the Rivanna Reservoir boat launch. She noted that these projects were identified in the 2018 Community Recreation Needs Assessment as the highest unmet needs.

Ms. Mallek asked if the Rivanna boat launch was located below or above the dam. Mr. Bob Crickenberger, Director of Parks and Recreation, addressed Ms. Mallek's question. He clarified that the boat launch was on a five to six-acre property donated to the County several years ago and was located on the reservoir and close to the treatment plant. He said it would allow for additional parking, a ramp, floating docks for shoreline fishing, and would be a more manageable facility than what was currently there.

Mr. Randolph asked if the dock would have the capacity to rise at least seven feet. Mr. Crickenberger confirmed that it would.

Ms. Mallek suggested they place this item on hold until the afternoon and go on with the agenda and ask for feedback from the Board.

Mr. Richardson offered to distribute charts that analyzed the debt ceiling. He emphasized that there were three areas of focus for the Board's consideration: schools, general government/quality of life projects, and a dedicated earmark for stormwater infrastructure. He remarked that it could be confusing to estimate a tax rate increase when they blended these items together and pointed out that the School Board conducted its own modeling and asked Supervisors if there was any additional information about school projects that could be provided during the afternoon to assist them with their decision making.

Ms. McKeel asked that the chart provided by the School Board be downloaded for the benefit of the public. Mr. Richardson agreed to do so.

Mr. Gallaway reminded the Board that as part of base level 4.2 tax increase, there is a past bond referendum tax rate increase included.

Agenda Item No. 11. **Work Session:** Elected Official & Executive Staff Guide to Emergency Events.

The Executive Summary forwarded to the Board states that the purpose of this presentation is to provide Board members with information related to emergency management and the necessary and appropriate role of elected officials. This material is being provided in response to interest from Board members following a number of emergency events over the course of the past six months which involved collaboration among various public safety entities at the local, state, and federal level.

In the past six months, the County of Albemarle and its residents have experienced:

- An Amtrak accident involving US Congressional leaders
- Brush fires in the southern part of the County
- High wind events
- A plane crash

The Charlottesville-UVA-Albemarle Office of Emergency Management, Albemarle County Fire Rescue (ACFR), and the Albemarle County Police Department (ACPD) have partnered to provide a synopsis of the Regional Emergency Operations Plan, an overview of Albemarle's management of emergency events, and a discussion of the role of Board of Supervisors members before, during, and after an emergency.

Specific guidance is provided in the Charlottesville-UVA-Albemarle County Elected Official and Executive Staff Guide to Emergencies and Disasters (Attachment A).

This information item has no budget impact.

Staff recommends that Board receive the information provided.

Ms. Allison Farole, Emergency Management Coordinator for the City of Charlottesville, University of Virginia, and Albemarle County, stated that she would present on the response to the previous week's flood as well as a guide she had created to assist officials in their roles during emergencies. She said they had a Regional Emergency Operations Plan that was utilized when the Emergency Operations Center was open and during a declared emergency. She said the regional plan was a framework that covered the mitigation, prevention, and preparation to respond to any type of disaster in the area and had been in effect since the 1980s. She emphasized that the plan does not supersede day-to-day procedures that were in place among the three jurisdictions. She explained that there were four main parts to the plan. She reviewed the 17 Emergency Support Functions (ESF's) and presented a slide that listed them.

Ms. Farole next reviewed Supporting and Incident Annexes, which she said were the newest pieces of the regional emergency operations plan as a result of the most recent adoption in December. She explained that annexes provided a framework for how they would handle damage assessment and unique types of incidents. She pointed out that the local, state, and federal emergency plans were structured similarly so that in an emergency they would all talk in the same language. She next explained the four phases of the emergency management lifecycle: mitigation, preparedness, response, and recovery. She indicated that for the response to the recent flood, they were in the recovery phase and moving towards the mitigation phase.

Ms. Farole said the guide she had prepared provided detail in processes involved in an emergency or disaster and defined the phases of the emergency management lifecycle. She said the guide also included important telephone numbers and contacts and provided information for the structure of the policy group and she noted that it was developed at the executive leadership level. She next presented a chart of the command structure, which she explained showed how information was moved to respond to an incident.

Mr. Gallaway asked for clarification as to what was meant by "regular briefings to elected officials," as mentioned in the guide. He said that if he received regular briefings, he would be able to handle questions from constituents. Mr. Gallaway noted that the briefings he received the previous week seemed to come after press releases and he was not more informed than he would have been from obtaining information from other places.

Mr. Dan Eggleston, Chief of Fire Rescue, addressed the Board. He said his department had been working with Ms. Farole to develop the guide as well as structure and policies surrounding the Board's need for information during a disaster. He said they were pursuing the idea to establish a liaison for the Board as a single point of contact.

Ms. Palmer asked if during briefings, could there be a review of damage that had occurred, including the geographic area, so that Supervisors could respond to constituent inquiries. Chief Eggleston replied that his department would provide the most up-to-date and pertinent information they can, with a single point of contact that could assist with providing additional information.

Mr. Randolph emphasized the importance of having information disseminated to the Board to get the word out to the public, so people could avoid certain areas, which would enable the Board to help

emergency responders. He asked Ms. Farole if there was anything the Board could have done better the previous week to assist during the flood.

Ms. Farole replied that things went pretty well, and they had been working with residents that were impacted, including the residents of Holkham Drive. She said they would work on improving communication with the Board.

Ms. Farole reviewed the response to the previous week's event. She explained that they had declared a local emergency on May 30 at 11:45 p.m., which allowed them to procure any resource needed from regional jurisdictions and the state. She said they utilized state resources in the search for two individuals which involved a search and rescue team and the Virginia Department of Emergency Management Command Bus. She noted that 500–600 damage assessments were performed on June 1, and they had asked residents to call the Office of Emergency Management with any additional information related to damage. Ms. Farole said they would compile this information into a single document to be provided to Virginia Department of Emergency Management, after which they would determine the individual assistance opportunities. She said there were two reimbursement opportunities, with the first being assistance to individual homeowners and the second being public assistance reimbursement to local government, for costs accrued from response to the events. She said the four jurisdictions impacted by the event were Greene, Albemarle, Madison and Rockingham Counties. She said that if a strong enough case could be made at the state level, they would request reimbursement from the federal government, though this could take several months.

Ms. Mallek remarked that with other federal programs, one would not receive reimbursement if work was done prior to approval and asked how this process would work for the County.

Ms. Farole said she would find out details and communicate them to those impacted. She said they were working with USDA, which had assistance programs for farmland, orchards, and fencing that were impacted by the floods. She added that the Red Cross also offered a modest amount of \$50/per person in financial assistance to every member of a household for clean-up costs. She said she was aware of only one family with a home in which they could not live.

Ms. Palmer noted that the threshold for federal assistance consideration was \$11.6M and asked if the four counties impacted were assessed all together. She also asked about the threshold for individual assistance.

Ms. Farole confirmed that this was the threshold for damage in the state. She added that individual homeowners were considered on a case-by-case basis, and it was based on more of a story than the amount of monetary damage.

Ms. Palmer commented that it was her impression from reading the materials that there wasn't any state money but the state evaluated whether it would apply for federal assistance.

Ms. Farole confirmed this.

Mr. Randolph asked if the Emergency Management Center had the addresses of all those who had been identified as having damage from the flood, as this information could be valuable to add to the GIS system and it could help them learn about areas susceptible to flooding to assist with the stormwater management strategy.

Ms. Farole confirmed that they did have this information.

Ms. Palmer asked how an individual homeowner could apply for help and if those in a community impacted apply as a group or individually. Ms. Farole replied that homeowners applied individually, though she did not know the process for those who belonged to an HOA but she would find out.

Ms. Palmer said a 32-foot dam in West Leigh was severely damaged by the flood, damage had occurred to several homes, and she would like to understand the process in order to assist these residents.

Ms. Farole said they were also tracking and identifying expenses incurred during the previous week to public areas to determine if the County had reached its \$395K threshold in order to qualify for state reimbursement assistance.

Mr. Randolph emphasized how the reimbursement process was complicated and requires a lot of paperwork.

Ms. McKeel asked if Ms. Farole would present to Charlottesville City Council. She also asked if cities and counties were treated the same in terms of the process for reimbursement. Ms. Farole replied that City Council members were in attendance to hear her presentation and she would not be presenting to them separately. She said there was no difference in how jurisdictions applied for assistance, but the thresholds were different since they were determined by capita. She said it was \$4/per capita if the state did not declare an emergency, with the County threshold at \$395,880 and the City at \$173,900.

Ms. McKeel asked if anyone was formulating a response plan in the event people had to be evacuated during an emergency. Ms. Farole replied that the state looked at this, particularly along the coast, and worked with jurisdictions where this was most likely to occur. She said they didn't have an

evacuation plan for the local level but would work on one, which would involve multiple jurisdictions in the region.

Mr. Gallaway remarked that he was shocked by the amount of water moving through the Ivy area where the vehicles were hit. He would like to understand what occurred that allowed the height of the water to build to this level, so that the County could take action to avoid this in the future.

Ms. Palmer responded that Ivy Creek, like many waterways in the County, was entrenched and separated from its natural floodplain. She pointed out that some creeks had buffers, though they were not the best.

Mr. Randolph remarked that a sinkhole opened in Crozet, and he was driving in Ms. Palmer's district Wednesday night as the rain had intensified and the amount of sedimentation and orange color defied the Farm Bureau's perspective that there was not a problem with sedimentation in the rural area. He said they would have to find a dedicated way to cover the costs to address stormwater issues in the rural area as the problem was intensifying with time.

Ms. McKeel added that the rural area need combined with the need for infrastructure in the urban ring and development areas was significant. She said she had returned to the area on an airplane flight on Monday and could see the impact of the flood from the air.

Ms. Palmer said she had a creek in her yard that rerouted to the Mechums River and took out areas with mature trees as the soil could not hold them.

Ms. Mallek reiterated the urgency to identify the steps to be taken to prevent further damage.

Ms. McKeel remarked that emergency planning around these events meshed well with climate change discussions, and they needed to think about resiliency planning and a regional approach.

Chief Eggleston stepped forward and thanked Councilors and Charlottesville staff for being at the Emergency Operations Center within a matter of minutes on the night of May 30, 2018.

Mr. Richardson echoed the comments of Chief Eggleston. He said the County had declared a local state of emergency at 11:45 and he received a message within four minutes of the declaration from the Charlottesville City Manager's office offering assistance.

Ms. Farole commented that the event had demonstrated the importance of working together regionally and the need to work day-to-day to strengthen relationships.

Ms. McKeel asked if there was damage to University of Virginia property. She remarked that they were doing a wonderful job with stormwater programs and daylighting streams. Ms. Farole replied that the University had not reported anything to her.

Ms. Mallek read the telephone number for Ms. Farole's office: 971-1263.

Mr. Richardson addressed Mr. Randolph's suggestion to collect information for download to the GIS system. He said they were capturing this information and thanked Mark Graham of Community Development for redirecting inspectors and providing volunteers.

Agenda Item No. 12. **Presentation:** Local Climate Action Planning Process – Presentation and Guidance.

The Executive Summary forwarded to the Board states that at its September 6, 2017, meeting the Board of Supervisors approved a resolution (Attachment A) re-affirming the County of Albemarle's commitment to climate action, resolving to continue to stand with cities, counties, and other public and private sector partners throughout the world to advance action in accordance with local and international goals. The resolution further committed to ongoing efforts to coordinate with community partners and local stakeholders to build on past measures by developing a Climate Action Plan. A Climate Action Plan is a set of strategies intended to guide efforts for climate change mitigation. Recommended practice involves setting a specific total goal for reducing greenhouse gas (GHG) emissions - usually stated in a carbon dioxide equivalency. The intent of the Albemarle County Climate Action Plan (ACCAP) development process is to create a guidance document that clearly states emission reduction goals for the entire community, policies declaring County commitments, strategies to achieve desired results, and tools that may be used to execute the strategies.

County of Albemarle staff propose the ACCAP will be the first of multiple, iterative efforts over the course of the coming decades. It will build on the 2011 Local Climate Action Planning Process (LCAPP) report (Attachment B), including the emissions reduction sector 5-Part Framework. GHG reduction goals will be specific, measurable, attainable, relevant and time-bound. The goals will include sub-goals by emissions sector and interim goals to measure progress. Goals and the strategies to achieve them will address climate impacts of local government operations and the greater Albemarle community.

Development of a robust and actionable ACCAP will require cross-functional teams from multiple departments and partner agencies. The following structure is proposed:

- Steering Team - consisting of Albemarle County management team members and major stakeholders, will provide guidance on goals, policies, and strategies, and will support the plan development process through commitment of necessary resources
- Coordination Team - a core group of County staff members across departments will serve as the project team and nucleus of activity of the ACCAP development process. The Coordination Team will coordinate the efforts of Emissions Sector Work Teams (see below), ensure ACCAP integration with the Comprehensive Plan and other planning and policy instruments, coordinate community engagement efforts and external stakeholder engagement, and compile the draft ACCAP
- Emissions Sector Work Teams (ESWT's) - organized by emissions sector and internal/external focus, and comprised of staff with relevant expertise and responsibilities, ESWT's will analyze national and global best practices, establish recommended emissions sector-specific goals and strategies, and will weigh the short- and long-term costs and benefits of emissions reduction strategies, in terms of climate impact, practicability, and fiscal responsibility.

A meaningful Climate Action Plan necessitates a robust community engagement process. Community engagement will include both in-person and online opportunities for citizens to learn and to provide input. Public meetings are anticipated at several stages throughout the ACCAP development process. Provided that the Board approves the ACCAP, work will begin to implement those strategies which can be accomplished with existing resources and expected resource additions in FY19. Staff envisions that the Coordination Team and others will then begin preparing the first of several secondary planning efforts, further defining more broadly stated strategies into discreet efforts and/or projects, and where necessary developing resource proposals to accomplish them. Similar exercises should be conducted on a recurring basis, as progress toward emissions reduction goals are measured, reduction strategies develop, and/or opportunities emerge to leverage advancements in technology.

It can be expected that the recommended strategies will require ongoing commitments of staff resources and direct impacts to the County's operating and capital budgets. Associated cost estimates will be refined during and immediately following the ACCAP development process and will be included in budgeting processes in out years.

An Energy Program Coordinator (EPC) position (1 FTE) and a \$100,000 budget for climate action plan implementation programs are included in the proposed Fiscal Year 2019 budget which was recently approved by the Board for public hearing. The Energy Program Coordinator staff position will be a critical resource in the timeline and development of the climate action plan as described in this presentation. The EPC position will aid in work of the Coordination Team, Emission Sector Work Teams as well as the public engagement plan. The Local Energy Alliance Program (LEAP) has proposal to implement residential and commercial energy programs in Albemarle County.

Staff requests Board concurrence with direction to implement the work plan as described.

Mr. Trevor Henry, Assistant County Executive, stated that staff was seeking Board direction as to the scope and scale of the Local Climate Action plan. He reminded the Board that it had passed a resolution on September 6, 2017 that affirmed the County's commitment to reduce greenhouse gas emissions. He said that staff proposed that the plan be countywide, outcome-oriented, long-term, would use an iterative process with adjustments made as needed, and would be informed by the Comprehensive Plan and citizens. He emphasized that it would cross all functions of County government and schools with heavy lifting required of the Board, the Office of the County Executive, and partners throughout the organization as well as outside. He reminded the Board that some additional funding was identified through the strategic planning process last fall, and approved by the Board, that provided for a full-time Energy Program Coordinator within the Department of Environmental Services. He explained that this position would help with plan development and support, including the tracking of internal and external data. Mr. Henry said Andy Lowe's role with the Solid Waste Alternatives Advisory Committee had increased, and the Energy Program Coordinator would help cover some of his responsibilities. He said the funding also included \$100K in programming dollars they could use to implement towards activities the Board felt strongly about. He introduced Andy Lowe to continue with the presentation.

Mr. Andy Lowe, Environmental Compliance Officer, presented. He said he would begin with a brief recap and informed the Board that LCAPP stood for Local Climate Action Plan Process. He said the collaborative process involved the University of Virginia, City of Charlottesville, and Albemarle County and included a steering committee, working group, subject matter experts, and community events. He said the plan consisted of recommended principles, next steps, and a five-part action framework. He said they had published a greenhouse gas emissions baseline report using calendar year 2000 and subsequent data from 2006 and 2008. He presented a pie chart of greenhouse gas emissions by sector and noted that transportation and buildings represented the lion's share of the community's emissions.

Mr. Henry interjected that if the County government and schools did everything possible to lower emissions, it would only affect 3 to 4% of emissions, so the effort needed to be countywide with support from the community, though the County could offer leadership and incentives.

Mr. Lowe continued that the LCAPP needed to be aligned and integrated with other local government plans such as the Comprehensive Plan, Strategic Plan, MPO Long-Range Plan, Transportation Improvement Plan, Bike/Ped Plan, Parks Master Plan, Biodiversity Action Plan, Solid Waste Management Plan, and Capital Improvement Plan.

Mr. Lowe presented a slide with actions to be taken:

Phase One: Climate Action Plan

- High level goals and strategies, overall and by sector
- Requires subsequent and detailed near-term implementation plans at defined frequencies
- Recommendations for immediately actionable efforts

Phase Two: Climate Action Implementation

- Detailed, near-term plans to meet each interval sector goal
- Revisited regularly (2-5 years) prior to interim goal year

Mr. Lowe presented an example of a goal from Arlington County to reduce baseline emissions by 80%, with a chart that depicted the goal for each year over time. He explained how goal setting would involve an overarching goal with specific goals established for each sector. He presented a staffing organizational chart that was similar to LCAPP's structure included Steering, Coordination, and Emissions Sector teams. His next slide listed five sector working groups with an internal and external focus: Built Environment, Mobility, Source, Materials, and Landscape. The next slide listed the following key internal players: Board of Supervisors, County Executive's Office, Community Development, Community Engagement, County Attorney's Office, County Schools, Economic Development, Facilities and Environmental Services, Finance, Office of Management and Budget, and Parks and Recreation. Mr. Lowe stated that the list of external resources and stakeholders consisted of over 20 names. He explained that a community engagement plan would be developed by the steering committee and would include in person and online opportunities and would be an iterative process with various stakeholders and feedback from the Board of Supervisors and the public. The next slide contained development steps under Phase One.

Mr. Henry continued and presented a list of near-term objectives as follows: form and brief the steering committee, form and brief the coordination team, outline detailed "plan for the plan," determine resource requirements, recommend a timeline, steering and coordination visioning sessions, return to Board of Supervisors with update prior to Phase One kickoff. He said the steering committee would be modeled similarly to what had been done with Southwood. He suggested that the County begin community engagement in late August when school started and work through the fall to develop the plan, followed by work sessions in the spring, after which the Board would approve Phase One. He explained that staff sought the Board's concurrence as to the scope and scale of the Climate Action Plan as well as confirmation of the process, phases, and structure to develop the plan.

Mr. Randolph stated that the first question that arose was "why," and the Board recognized that the planet was heating and that air pollution was a real and present danger to public health and to the viability of the planet. He said the next question involved "what" and what the focus should be. He said the proposal to address greenhouse gas emissions only dealt with a single bandwidth of the problem and emphasized that most GHG (greenhouse gas) emissions that came to the County were airborne and originated from far away localities. He noted that the EPA had reduced regulation and that some states in the south and Midwest had little regulation of emissions. He informed the Board that in 2002, chlorofluoromethanes and zinc were the number one and two pollutants in Albemarle County. He said it was difficult to find data on pollutant levels in the County, although he was able to find that a science class at Albemarle High School provided a daily measure of GHG emissions in the community and he praised them for this effort. He urged staff to expand the bandwidth in order to seriously address emissions and pointed out that non-greenhouse gas emissions were the more serious problem, along with methane. He wondered if measuring could best be handled by government as a critical function or by nonprofit organizations to which the County could provide funding.

Ms. Mallek asked if local government should serve as a source of information and create the structure for partners to work under. Additionally, she said she was interested in buydowns on efficiency investments for residents and businesses and asked Mr. Randolph how this would fit in with his idea.

Ms. Palmer said she saw this issue as more of an educational thing to bring the community into the discussion, which would be needed if they developed different building codes. She remarked that the County was limited in what it could do with the money it had.

Mr. Lowe clarified that it was the state that enacted building codes and the County that enforced them.

Mr. Henry addressed Mr. Randolph's questions. He said the energy program coordinator would help the County develop a plan, which would have education, communication, and monitoring aspects – and the government's role could be to create incentives. He described the plan as a coordination of effort that would be continuous and would involve nonprofit organizations, with the County setting the goals and bringing the resources together.

Mr. Randolph noted that Page 1 of the executive summary discussion contained the following sentence: "GHG reduction goals would be specific, measurable, attainable, relevant, and time bound." He said this meant the County was making itself accountable to try to achieve these things, which he supported, though the critical question was how they would get there. He suggested that the County provide \$25,000 annually to Albemarle High School to devise a program to address this, as there was a lot of talent and the students could rise to the opportunity with a project that was recognized statewide.

Ms. Mallek applauded the work done by Albemarle High School with the air quality monitor, which she advocated for over the years but for which the Board declined to offer funding. She said that for \$40,000, they could have had baseline information going back 25 years. She said the process would evolve and the County was doing catch up, and it was important to keep this in house.

Mr. Dill remarked that environmental issues were important to him, and he described the issue as extremely complicated, stating that the vast majority of County residents wanted to do something about the environment as they saw the destruction of the natural world as harming humanity, and this seemed like a great plan through which they could develop incentives. He said there were opportunities for ecotourism and the UVA technology department was coming up with interesting ideas. He said the County could look for opportunities to educate the public and get schools involved and acknowledged that the program and priorities would change over time. He said they needed to be a creative, flexible body that could work with nonprofits.

Ms. Palmer summarized that what staff was asking for was approval of a committee to get the plan going. She said she assumed that more than two Supervisors would be interested in participating. She expressed concern that, since the charge was so broad, it would be difficult to focus – though this was likely to be worked out as they went forward.

Mr. Gallaway said the County was doing a lot of things to impact these goals and it would not take a long time to implement actionable items that had an impact on the 3-4% that the County had control over. He said if they looked to the plans of other jurisdictions, including those in other states, and saw how they banded and interacted, a coalition of legislative bodies could have an impact on those jurisdictions that weren't doing anything, which could enable them to grow and have a bigger regional impact.

Ms. McKeel asked that they not let the perfect be the enemy of the good and spend a lot of time developing a plan when there were things they could do now. She said she had recently returned from Japan where she did not see litter or graffiti, and she learned that a program of education in the schools was enacted by the government years ago to address litter problems, and each student was assigned a job to clean up the school. Ms. McKeel expressed support for educating students through anti-littering campaigns. She remarked that Japan did not have public trash cans and learned this was because they overflowed and blew litter everywhere. She said they used incinerators that burned at a level of heat that didn't emit bad substances. Ms. McKeel stated that there were not rush hour traffic jams as people used mass transit, which was provided largely by private companies, with the government running the non-profitable lines that served rural areas.

Ms. Palmer added that the Japanese separated garbage into burnable and non-burnable, compacted the burned garbage and made new land out of it, which worked in a densely populated area.

Ms. McKeel suggested the County begin with low hanging fruit, acknowledged that some of what works in Japan won't work here, and said they had to figure out a way to develop community spirit.

Mr. Henry summarized the Board's comments and said there seemed to be a strong consensus in support of the plan, the County should not wait 18 months to implement it, and staff could take internal measures. He asked if staff should delay adding a staff position until they had formed a steering team or if they should proceed with FY19 authorization.

Mr. Dill, Ms. Mallek, and Ms. Palmer expressed support to proceed with the authorization. Mr. Randolph did not support this.

Ms. Mallek surveyed the Board and established that there was no disagreement with Mr. Henry's summary.

Mr. Henry said two Supervisors would be needed to serve on the steering team.

Ms. McKeel encouraged staff to take a regional approach to reach a critical mass.

Mr. Henry replied that Andy Lowe worked well with Charlottesville and UVA, though he acknowledged that Ms. McKeel was talking about a broader outreach.

Mr. Randolph suggested they involve Thomas Jefferson Planning District Commission.

Agenda Item No. 13. **Presentation:** Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals (CASPICA) Annual Report.

Ms. Angie Gunter, Executive Director of Charlottesville-Albemarle SPCA, presented. She expressed her appreciation for being invited and said she would provide a brief overview of the services they provided to the County in 2017. She said they were founded in 1914, were a nonprofit organization, served as a public shelter, and provided pound service for Charlottesville and Albemarle. She emphasized that they had a no-kill policy and had been recognized by Best Friends Animal Society as the second most substantial community to achieve no-kill status, after San Francisco. She said they cared for stray, homeless, and abandoned animals and provided spay, neuter, vaccination, and microchip services. She said they employed 70 people and performed over 5,300 spay/neuter surgeries in 2017 and were proud of the level of service they offered, for which the County provided 11% of their revenue.

Ms. Gunter presented a slide with statistics for 2017:

- 95% live release rate
- 3,345 annual intakes
- 2,560 pets adopted
- 556 lost pets were reunited with owners
- 206,650 meals served to homeless animals
- 5,385 pets spayed/neutered
- 183 lifesaving surgical procedures performed
- 3,132 pets were microchipped

Ms. Gunter next presented a pie chart of 2017 intake and noted that 50% of the animals taken in to the shelter were from the County, 44% from SPCA, and 10% from City of Charlottesville. She said that of the intake from the County, 340 came in through animal control, 1,290 were public strays, and 427 were owner surrenders. She next presented data on the final disposition of the 1,671 animals taken in from the County. She said that 68% were adopted, 24% were reunited with owners, 5% were euthanized, 1% transferred out, and 1% were lost while in care. She explained that lost in care meant the animal had died.

Mr. Gallaway asked what the threshold was for euthanasia. Ms. Gunter replied that they didn't treat animals that were not medically or behaviorally treatable.

Ms. Gunter next presented a slide with a list of all the services offered under the contract with Charlottesville and Albemarle and noted that 63% of the intake came from the County. She said they offered sheltering care for stray, homeless, unwanted, and abandoned animals. She said they provide a safe place for dogs roaming at large, rabies control programs for dogs and cats four months and older, sterilization, housing and care for animals on court hold, 10-day bite quarantines, veterinary care to animal control officers, assessed the condition of neglected animals for evidence in court cases, took in small wildlife and provided transport to the wildlife center, and sold dog licenses on behalf of the County.

Ms. Gunter reviewed non-subsidized services, including spay/neuter, free trap/neuter return program, vaccinations for free-roaming cats, monthly microchip and rabies clinics, pet pantry, dog obedience classes, compassionate care clinics, and a public assistance program through vet referrals of clients who could not pay.

Ms. Gunter informed the Board that they were in the process of renovating the kennels to provide shelter dogs with better living conditions, including dog parks.

Ms. Mallek commented that most of the dogs shown on the website were hounds.

Heather Sullivan replied that the shelter filled up with hounds after hunting season and that many of them were left overnight in drop off cages.

Mr. Randolph asked if the Board could assist with getting information out about responsible ownership of hounds. Ms. Heather Sullivan replied that education of the public helped.

Mr. Randolph suggested that they create reminders during hunting season for people to be responsible with their animals.

Ms. Gunter replied that animal control did a good job of trying to educate the public.

Ms. Palmer remarked that rural property owners ended up with stray hounds and beagles on their doorsteps.

Ms. McKeel said she had a stray beagle that was left in the woods.

Ms. Gunter explained the formula for pound services compensation was the County population multiplied by the per capita amount, which equated to \$5.628 per person for a total of \$601,551 for FY 17. She said the cost of care for an animal was \$25/day. She said the cost of care equals the number of animals received multiplied by the number of days in shelter care which equaled \$563,450 for canines, \$1,649,425 for felines, and \$34,300 for other animals in 2017. She listed some of the cost of care expenses including pet food, vaccinations, medications, staff time, spay/neuter services, microchips, cleaning and pet supplies, electricity, computers, and internet. Ms. Gunter estimated the cost of care in 2017 to be \$2.2 million, whereas the ASPCA received \$575,000. She reviewed specific costs of care for Niko, a dog that had been under protective custody since December 29, 2014 as a result of a pending court case, and a slide showed the total cost to care for Niko since he had been in custody was \$31,410. She said he had been deemed to be vicious, but the owners continued to appeal the case.

Ms. Gunter reported that CASPCA provided spay/neuter services to 933 County animals in 2017, of which 390 were offered for free, mostly for cats. She said that 157 cases were subsidized under public assistance and 379 were regular low-cost services. She concluded the presentation, remarking that they strongly believe in transparency, and issue monthly reports of financials and animal statistics to the board of directors as well as to other animal welfare organizations. She said they provide a monthly animal custody record to VDACS. She noted that an unannounced inspection occurred on December 18, 2017 and they were found to be in compliance with all regulations. She reviewed the recent success story of

Pixie, an underweight, infected, flea-covered beagle with an abnormal gait that was brought to SPCA by Officer Tate in September. She said an examination by a veterinarian found she had IVDT, a chronic condition where a spinal disk was ruptured. She said that Pixie was started on medication, was fostered by Officer Tate, spayed, received a partial toe amputation, and was adopted two weeks later.

Mr. Dill asked if stray cats were adopted. Ms. Gunter replied that these cats were spayed and neutered and then released.

Mr. Dill asked why they aren't put up for adoption. Ms. Gunter replied that feral cats don't do well in the home.

Mr. Dill expressed concern that feral cats were released to kill small animals and birds.

Ms. Gunter asked Ms. Sullivan to address this as she began the community cat program at the shelter. Ms. Sullivan explained that the Trap, Neuter, Release (TNR) program was for cat caretakers and was the only solution that had been found to be effective, and they had found that the cat population had declined.

Ms. Palmer remarked that a well-run SPCA added to the quality of life of everyone in the community, and she thanked them for their work.

Agenda Item No. 14. **Presentation:** Board-to-Board, May 2018, ***A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.***

This item was removed from the agenda for presentation.

Agenda Item No. 15. Closed Meeting.

At 1:46 p.m., Mr. Gallaway **moved** that the Board of Supervisors enter into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1),
 - To consider appointments to boards, committees, and commissions in which there are pending vacancies for requests for reappointments.
 - To conduct the annual performance reviews of the Board Clerk and the County Attorney.
- Under Subsection (3), to discuss and consider the disposition of real property in the City of Charlottesville related to court facilities, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
- Under Subsection (6), to discuss and consider the investment of public funds for infrastructure improvements in Crozet where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County.
- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to:
 - The negotiation of an agreement for, and the possible relocation of, court facilities;
 - A pending zoning text amendment; and
 - The legal authority of the County when a local emergency is declared.

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

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

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

NAYS: None.

Agenda Item No. 16. Certify Closed Meeting.

At 3:28 p.m., the Board reconvened into open meeting, and Mr. Gallaway **moved** that the Board of Supervisors 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. Mallek.

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

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

NAYS: None.

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

Mr. Dill **moved** that the Board make the following appointments/reappointments:

- **appoint** Randy Nolt to the Social Services Advisory Board as the Scottsville District representative, to fill an unexpired term commencing July 1, 2018 and ending on December 31, 2019;
- **reappoint** Charles Riegler and Leslie Hamilton to the Solid Waste Alternatives Advisory Committee, with said terms to expire May 31, 2022.

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

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

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

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

Ms. Ruth Buckwalter, resident of Rio District, addressed the Board. She expressed concern with quality control in the tax collector's office and said she would relate three experiences. She said she had bought a house in the County in July 2016, and in December of the same year she deposited a check in the box located outside the building and called the office when she noticed the check had not been cashed. She said she was told that she either had not done this or someone had robbed the box and since it was past the due date, she had to pay extra. Ms. Buckwalter explained that it turned out that her check, along with others, had been placed in a safe and forgotten about. She said it was suggested that she establish direct deposit and upon doing so, she noticed she was charged four times, though there were three tax bills. She said she called the office and eventually a representative acknowledged their mistake and agreed to mail her a check by Friday. She said that in the meantime, she had received two notices as they had forgotten to tell her they were going to automatically deduct the payment. She questioned the quality controls of the office and suggested they be improved.

Agenda Item No. 19. **Public Hearing: FY19 Appropriations.**
(Advertised in Daily Progress on May 27, 2018)

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

The cumulative total of the FY 2019 appropriations itemized below is \$61,357,334.56. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2019 Budget Amendment totals \$61,357,334.56. The estimated expenses and revenues included in the proposed amendment are shown below:

Local Revenues	\$ 1,073,724.30
State Revenues	\$ 5,043,142.05
Federal Revenues	\$ 159,000.00
Bond Proceeds	\$ 17,684,214.12
Proffer Revenue	\$ 1,848,622.68
Other Fund Balances	\$ 35,548,631.41
TOTAL ESTIMATED REVENUES	\$ 61,357,334.56
General Fund	\$ 50,221.30
Special Revenue Funds	\$ 471,610.93
Capital Improvement Funds	\$ 60,835,502.33
TOTAL ESTIMATED EXPENDITURES	\$ 61,357,334.56

The budget amendment is comprised of four (4) separate appropriations: #2019001, #2019002, #2019003, and #2019004.

After the public hearing, staff recommends that the Board adopt the attached Resolutions (Attachments B and C) to approve appropriations #2019001, #2019002, #2019003, and #2019004 for local government and school projects and programs as described in Attachment A.

Appropriation #2019001 **\$61,307,113.26**

This request is to appropriate \$61,307,113.26 as described in the Resolution for the County's On-Going Multi-Year Capital Projects (Attachment B). This total is the remaining balance (net of transfers between CIP funds) for both the encumbered purchase orders and contracts and the remaining unencumbered special revenue project and capital project funds.

Appropriation #2019002 **\$30,221.30**

Source:	Local – Interest Earnings	\$ 221.30
	Proffer Funds	\$ 30,000.00

This request is to appropriate \$30,000.00 in Riverside Village proffer funds and \$221.30 in interest earnings to fund a Park Master Plan for the County-owned park property at Riverside Village.

Appropriation #2019003 **\$20,000.00**

Source:	Proffer Funds	\$ 20,000.00
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This request is to appropriate \$20,000.00 in Out of Bounds proffer funds to fund a Biological Diversity Study of the Hedgerow property. This study will determine the different species on the property and will serve as a road map for the development of the Hedgerow property by the Department of Parks and Recreation.

Appropriation #2019004 **\$0.00**

Source:	FES Operating Expenses*	\$ 186,662.00
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*This appropriation does not increase or decrease the total County budget.

This request is to appropriate \$186,662.00 from the Facilities and Environmental Services (FES) Administration Budget to a newly formed Project Management Office (PMO). The PMO will provide a framework for the organization to standardize and manage large, complex, and cross functional efforts to achieve high performance. The PMO portfolio will include strategic plan projects, organizational efforts, and technology projects, and focus on collaboration across departments. Funding includes salaries, benefits, and operating expenses associated with the Strategic Planning Project Manager and Operations Project Manager positions that were included in the FY 19 Adopted Budget.

Mr. Andy Bowman, Budget Manager, stated that the item was a public hearing on the FY 2019 budget amendment. He said the Code of Virginia required that a public hearing be held when the total amount of funds appropriated exceeded 1% of the currently adopted budget. He said the proposed amendment totaled \$61.4 million and included four appropriations, with \$61.3 million representing the carry-forward of capital project balances that had been approved by the Board for FY19. He said that after the public hearing staff recommended the adoption of Resolutions Attachments B and C.

Ms. Mallek opened the public hearing.

As no one stepped forward to speak, Ms. Mallek closed the public hearing.

Ms. McKeel **moved** that the Board adopt the following resolutions to approve appropriations 2019001, 2019002, 2019003, and 2019004, as described above. The motion was **seconded** by Mr. Randolph.

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

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

For the Fiscal Year Ending June 30, 2019
Appropriation # 2019001

Whereas, purchase orders and contracts encumbered at the end of the fiscal year must be carried over into the next year for payments; and

Whereas, capital and special revenue projects that are not completed within one fiscal year necessitate the budgeting and appropriation of the remaining balance of project funds from one fiscal year to the succeeding fiscal year; and

Whereas, the encumbrances are estimated at \$12,179,508.36 as of June 30, 2018, and approval of an estimated remaining balance of \$49,127,604.90 for unencumbered capital project balances and special revenue project balances will give the responsible departments and agencies continuous access to project funding; and

Whereas, the total amount of estimated encumbrances and unencumbered capital project balances and special revenue project balances, net of transfers, is \$61,307,113.26 set forth as follows:

Total School Division Capital Improvement Fund:

<u>School Division Capital Improvement Fund Appropriations</u>	
High School Capacity Planning	\$272,601.77
Learning Space Modernization 2016 Referendum Project	\$7,979,589.08

School Maintenance/Replacement Program	\$8,917,788.65
School Security Improvements Program	\$2,017,889.61
Scottsville Elementary School Site Work Improvements	\$74,742.03
Western Albemarle High School Environmental Studies Academy	\$5,492.62
Western Albemarle High School Environmental Studies Academy Phase 2 2016 Referendum Project	\$6,042,831.45
Woodbrook Elementary School Addition-Modernization	\$6,423,844.10
CATEC Contingency	\$144,700.00
Administrative Technology	\$41,073.05
Instructional Technology	\$303,090.00
State Technology Grant	\$726,000.00
Telecommunications Network Upgrade	\$254,861.69
School Bus Replacement Program	\$1,171,966.31
Total School Division Capital Improvement Fund Appropriations	\$34,376,470.36

School Division Capital Improvement Fund Sources

Revenue From Local Sources (Other Transfers)	\$11,875,886.09
Revenue From the Commonwealth	\$200,000.00
Use of Fund Balance	\$22,300,584.27
Total School Division Capital Improvement Fund Sources	\$34,376,470.36

Total General Government Capital Improvement Fund:

General Government Capital Improvement Fund Appropriations

Acquisition of Conservation Easements (ACE) Program	\$1,196,418.93
Fire Rescue Apparatus Replacement Program	\$231,752.57
City-County Owned Facilities Maintenance/Replacement	\$560,619.08
City-County Owned Parks Maintenance/Replacement	\$800,000.00
County Office Building McIntire Windows Replacement	\$159,561.00
Connector Road Study: Berkmar Dr. Extended-Lewis and Clark Dr.	\$491,556.21
Cory Farm Greenway Connector	\$44,594.00
Cost of Bond Issuance	\$353,684.28
County-Owned Parks Maintenance/Replacement	\$1,000,000.00
County View Project	\$8,339.12
County-Owned Facilities Maintenance/Replacement	\$1,074,468.30
Court Facilities Addition/Renovation	\$3,249,563.55
Crozet Park Maintenance/Replacement and Improvements	\$297,344.56
Fire Rescue Mobile Burn Unit	\$180,000.00
Geographic Information Services (GIS) Project	\$347,865.97
Greenways/Blueways Program	\$681,199.26
Ivy Landfill Remediation	\$344,054.29
Neighborhood Improvements Funding Initiative (NIFI)	\$1,209,225.00
Pantops Master Plan	\$108,731.45
Pantops Public Safety Station	\$177,280.81
Parks Restroom Renovation/Modernization	\$423,626.88
Pilot Fundraising Parks Project	\$2,500.00
Places 29 Small Area Study	\$30,789.76
Police County 800Mhz Radio Replacements	\$35,041.63
Police Mobile Command Center Replacement	\$188,593.00
Police Technology Upgrade	\$198,331.18
Preddy Creek Park Phase II	\$9,181.11
Public Safety Tactical Robot	\$85,000.00
Rescue 8 Renovation	\$2,100.35
Rivanna Master Plan	\$50,000.00
Roadway Landscaping	\$33,785.30
Sidewalk Program Contingency	\$71,251.91
Sidewalk, Crozet Ave N & South Pantops Drive/State Farm Blvd	\$76,077.58
Sidewalk, Hydraulic & Barracks Rd	\$84,319.21
Sidewalk, Ivy Road (US Route 250 West)	\$1,991,325.25
Sidewalk, Old Lynchburg Road	\$19,571.30
Sidewalk, Rio Rd. Avon St. Rt 250	\$2,998,007.56
Street Improvement - Local	\$1,360.44

Time and Attendance System	\$133,125.23
Borrowed Proceeds Transfer	\$11,846,796.94
Transportation Revenue Sharing Program	\$3,440,000.00
Total General Government Capital Improvement Fund Appropriations	\$34,237,043.01

General Government Capital Improvement Fund Sources

Borrowed Proceeds	\$17,684,214.12
Revenue From Local Sources (Other Transfers)	\$1,704,237.53
Revenue From Other Local Sources	\$1,073,503.00
Revenue From the Commonwealth	\$4,635,079.65
Use of Fund Balance	\$9,140,008.72
Total General Government Capital Improvement Fund Sources	\$34,237,043.01

Total Regional Firearms Training Center Capital Improvement Fund:

Regional Firearms Training Center Capital Improvement Fund Appropriations	
Regional Firearms Training Center	\$250,362.93
Total Regional Firearms Training Center Capital Improvement Fund Appropriations	\$250,362.93

Regional Firearms Training Center Capital Improvement Fund Sources	
Use of Fund Balance	\$250,362.93
Total Regional Firearms Training Center Capital Improvement Fund Sources	\$250,362.93

Total Water Resources Capital Improvement Fund:

Water Resources Capital Improvement Fund Appropriations	
Chapel Hill Stream Restoration	\$400,832.00
Hollymead Dam Spillway Improvement	\$2,196,019.00
Large-Scale Best Management Practice (BMP) Retrofits on Private Lands	\$132,943.80
Water Resources Infrastructure Program	\$202,381.10
Water Resources Total Maximum Daily Load (TMDL)	\$1,136,610.00
Total Water Resources Capital Improvement Fund Appropriations	\$4,068,785.90

Water Resources Capital Improvement Fund Sources	
Revenue From Local Sources (Other Transfers)	\$1,006,264.80
Revenue From the Commonwealth	\$208,062.40
Revenue From the Federal Government	\$159,000.00
Use of Fund Balance	\$2,695,458.70
Total Water Resources Capital Improvement Fund Sources	\$4,068,785.90

Total Special Revenue Funds:

Special Revenue Capital Improvement Fund Appropriations	
Avinity Proffer Fund	\$823,247.36
Avon Park Proffer Fund	\$64,596.33
Belvedere Station Proffer Fund	\$20,000.00
Estes Park Proffer Fund	\$191,752.11
Grayrock West Proffer Fund	\$83,019.50
Haden Place Proffer Fund	\$37,133.00
Liberty Hall Proffer Fund	\$4,196.83
Livengood Proffer Fund	\$177,280.81
Lofts at Meadows Proffer Fund	\$52,217.63
Martha Jefferson Hospital Proffer Fund	\$76,077.58
Old Trail Village Proffer Fund	\$94,385.15
Westhall 1.2 Proffer Fund	\$9,859.00
Wickham Pond Proffer Fund	\$30,538.17
Willow Glen Proffer Fund	\$134,319.21
Total Special Revenue Capital Improvement Funds Appropriations	\$1,798,622.67

Special Revenue Funds Sources	
Use of Fund Balance	\$1,798,622.67
Total Special Revenue Funds Sources	\$1,798,622.67

Total Belvedere Bond Default Project Fund:

Belvedere Bond Default Project Fund Appropriations	
Belvedere Bond Default Project	\$221,248.00
<hr/>	
Total Belvedere Bond Default Project Fund Appropriations	\$221,248.00
Belvedere Bond Default Project Fund Sources	
Use of Fund Balance	\$221,248.00
<hr/>	
Total Belvedere Bond Default Project Fund Sources	\$221,248.00

Whereas, approval of an estimated remaining balance amount at the beginning of the fiscal year facilitates the payment of outstanding bills and ensures continuity of ongoing projects; and

Whereas, a properly advertised public hearing was held on June 6, 2018 on the proposed amendment to the FY 19 Budget and all citizens who asked to speak were heard.

Now, therefore, be it resolved that the Albemarle County Board of Supervisors:

1. Does hereby budget and appropriate the remaining balance of \$61,307,113.26 for encumbered purchase orders and contracts and the unencumbered capital and special revenue project balances of June 30, 2018, as set forth above; and
2. Does hereby authorize the County Executive to adjust this amount downward, if necessary, to accurately reflect the actual encumbered amounts and actual unencumbered capital and special revenue project amounts at the end of FY 18; and
3. Does hereby authorize the County Executive to close out a Capital project and transfer any unencumbered residual funds to the Capital Improvement Fund fund balance.

This resolution shall become effective on July 1, 2018.

**RESOLUTION TO APPROVE
ADDITIONAL FY 19 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

1. That the FY 19 Budget is amended to increase it by \$61,357,334.56, which amount includes the sum of \$61,307,113.26 budgeted and appropriated this day pursuant to the "Resolution to Appropriate FY 19 On-going Funding of Multi-Year Capital Projects" pertaining to Appropriation #2019001; and
2. That Appropriations #2019002, #2019003, #2019004, are approved; and
3. That the appropriations referenced in Paragraphs #1 and #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2019.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2019004	4-1000-43201-443200-110000-1004	-66,586.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-210000-1004	-5,094.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-221000-1004	-8,130.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-231000-1004	-8,280.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-232000-1004	-250.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-241000-1004	-872.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-270000-1004	-1,764.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-332104-1004	-393.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-382040-1004	-44.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-520300-1004	-180.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-520315-1004	-360.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-550100-1004	-500.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-580100-1004	-150.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-600100-1004	-300.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-601100-1004	-100.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-601200-1004	-300.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-601700-1004	-75.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-43201-443200-999998-1004	-93,284.00	SA2019004 Create Proj Mgmt Office
2019004	4-1000-12017-412010-110000-1001	128,916.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-210000-1001	9,862.00	SA2019004 Original PMO Budget

2019004	4-1000-12017-412010-221000-1001	15,740.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-221500-1001	50.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-231000-1001	16,560.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-232000-1001	500.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-241000-1001	1,689.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-270000-1001	1,820.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-332104-1001	786.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-360000-1001	300.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-382040-1001	44.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-520100-1001	100.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-520300-1001	1,060.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-520315-1001	720.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-540305-1001	600.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-550100-1001	2,650.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-580100-1001	660.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-600100-1001	400.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-600200-1001	1,000.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-601100-1001	200.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-601700-1001	150.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-800200-1001	1,100.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-800700-1001	1,635.00	SA2019004 Original PMO Budget
2019004	4-1000-12017-412010-800710-1001	120.00	SA2019004 Original PMO Budget
2019001	3-9000-69000-324000-240265-6599	200,000.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9000-69000-351000-510100-6599	22,300,584.27	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9000-69000-351000-512054-6599	94,385.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9000-69000-351000-512090-6599	11,781,500.94	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-16000-316000-160531-1007	310,053.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-19000-319000-190204-2180	500,000.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-19000-319000-190207-1004	90,000.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-19000-319000-190207-1007	173,450.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-24000-324000-240049-1007	69,000.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-24000-324000-240231-1004	4,566,079.65	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-41400-341000-410530-9999	17,684,214.38	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-510100-9999	9,074,712.61	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512055-9999	64,596.33	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512059-9999	9,858.71	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512065-9999	4,196.83	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512068-9999	20,000.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512075-9999	76,077.58	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512083-9999	191,752.11	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512085-9999	30,538.17	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512086-9999	37,133.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512087-9999	83,019.50	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512088-9999	823,247.04	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512089-9999	134,319.21	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512096-9999	177,281.41	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9010-51000-351000-512098-9999	52,217.63	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9011-51000-351000-510100-9999	221,248.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9050-51000-351000-510100-9999	250,362.93	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9100-24000-324000-240052-1008	208,062.40	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9100-33000-333000-330034-1004	159,000.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9100-51000-351000-510100-9999	2,695,458.70	FY 18 Carry Forward to FY 19 - CIP
2019001	3-9100-51000-351000-512050-9999	1,006,264.80	FY 18 Carry Forward to FY 19 - CIP
2019001	4-9000-91040-491040-999999-6599	34,376,470.21	FY 18 Carry Forward to FY 19 - CIP
2019001	4-9010-91040-491040-999999-9999	34,171,747.16	FY 18 Carry Forward to FY 19 - CIP
2019001	4-9100-91040-491040-999999-9999	4,068,785.90	FY 18 Carry Forward to FY 19 - CIP
2019001	4-9011-91000-491000-940080-9999	221,248.00	FY 18 Carry Forward to FY 19 - CIP
2019001	4-9050-31029-431010-999999-3110	250,362.93	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8534-93010-493010-930010-9999	64,596.33	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8542-93010-493010-930010-9999	9,858.71	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8544-93010-493010-930010-9999	4,196.83	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8536-93010-493010-930010-9999	20,000.00	FY 18 Carry Forward to FY 19 - CIP

2019001	4-8529-93010-493010-930010-9999	76,077.58	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8578-93010-493010-930010-9999	191,752.11	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8549-93010-493010-930010-9999	30,538.17	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8576-93010-493010-930010-9999	37,133.00	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8577-93010-493010-930010-9999	83,019.50	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8548-93010-493010-930010-9999	823,247.04	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8575-93010-493010-930010-9999	134,319.21	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8574-93010-493010-930010-9999	177,281.41	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8526-93010-493010-930010-9999	52,217.63	FY 18 Carry Forward to FY 19 - CIP
2019001	4-8537-93010-493010-930010-9999	94,385.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8534-15000-315000-150101-9999	64,596.33	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8542-15000-315000-150101-9999	9,858.71	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8544-15000-315000-150101-9999	4,196.83	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8536-15000-315000-150101-9999	20,000.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8529-15000-315000-150101-9999	76,077.58	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8578-15000-315000-150101-9999	191,752.11	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8549-15000-315000-150101-9999	30,538.17	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8576-15000-315000-150101-9999	37,133.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8577-15000-315000-150101-9999	83,019.50	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8548-15000-315000-150101-9999	823,247.04	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8575-15000-315000-150101-9999	134,319.21	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8574-15000-315000-150101-9999	177,281.41	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8526-15000-315000-150101-9999	52,217.63	FY 18 Carry Forward to FY 19 - CIP
2019001	3-8537-15000-315000-150101-9999	94,385.00	FY 18 Carry Forward to FY 19 - CIP
2019001	3-1650-51000-351000-510100-9999	1,006,264.80	FY 18 Carry Forward to FY 19 - CIP
2019001	4-1650-93010-493010-930202-9999	1,006,264.80	FY 18 Carry Forward to FY 19 - CIP
2019002	3-1000-51000-351000-512057-9999	30,221.30	SA2019002 Riverside Village Park Master Plan Proffer Fund Transfer
2019002	4-1000-71011-471010-950527-7100	30,221.30	SA2019002 Riverside Village Park Master Plan Proffer Fund Transfer
2019002	3-8579-51000-351000-510100-9999	30,000.00	SA2019002 Riverside Village Proffer Revenue
2019002	3-8579-15000-315000-150101-9999	221.30	SA2019002 Riverside Village Proffer interest earnings
2019002	4-8579-93010-493010-930009-9999	30,221.30	SA2019002 Transfer to General Fund for Riverside Village Park Master Plan
2019003	3-8522-51000-351000-510100-9999	20,000.00	SA2019003 Proffer Revenue from fund balance
2019003	4-8522-93010-493010-930009-9999	20,000.00	SA2019003 Transfer to General Fund for Hedgerow Environmental Study
2019003	3-1000-51000-351000-512057-9999	20,000.00	SA2019003 Hedgerow Environmental Study Proffer Fund Transfer
2019003	4-1000-71011-471010-950526-7100	20,000.00	SA2019003 Hedgerow Environmental Study Proffer Fund Transfer
TOTAL		151,987,888.24	

Agenda Item No. 20. **Public Hearing: SP2017-00027 – Keswick – Tier III Personal Wireless Service Facility.**

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

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL: 09400000003900.

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

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

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

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

PROFFERS: No.

COMPREHENSIVE PLAN: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/residential density 0.5 unit/acre in development lots.

(Advertised in Daily Progress on May 21 and May 28, 2018)

The Executive Summary forwarded to the Board states that at its meeting on February 20, 2018 the Planning Commission conducted a public hearing and voted 7:0 to recommend denial of SP201700027. The Commission also voted 7:0 to recommend denial of special exceptions for an increase in the number of arrays, and increased antenna projection. The Commission also voted 7:0 to recommend approval of a special exception to allow the buffer adjacent to the Rural Areas zoning district to be disturbed.

This special use permit is for the construction of a new 150 foot tall tower with associated ground equipment. This tower is proposed as a replacement for an existing tower located approximately 850 feet to the west. The existing tower must be removed because of a provision in a conservation easement held by the Virginia Outdoors Foundation. The County is not requiring the removal of the existing tower. The Commission supported the staff recommendations and offered the following comments:

- No alternative sites have been investigated.
- The proposed tower is highly visible which is not consistent with the County's ordinance or policy
- The urgency to replace the existing tower should not be a factor in decision making. The need to replace the existing tower has been known for some time.
- The County has made the decision to have multiple less visible towers instead of a single multi-use tall tower.
- The tower does provide service in the area, including broadband service.
- The area has already been impacted. The proposed tower is not more visible than the existing tower.
- The proposed tower is a monopole, which is better than the existing lattice tower.
- The proposed antenna standoff is less than the standoff on the existing tower.
- This proposal does eliminate the need for multiple tree top towers.
- The existing tower is the backbone of the cellular system for the eastern part of the County and the proposed tower effectively replaces it.
- There is a significant expense associated with the removal of the existing tower and construction of a new tower.

Staff recommends that the Board of Supervisors: 1) adopt the attached Resolution to deny SP201700027 (Attachment D); 2) adopt the attached Resolution to deny the special exceptions for an increase in the number of arrays and increased antenna projection (Attachment E); and 3) adopt the attached Resolution to approve the special exception to allow disturbance of the buffer (Attachment F).

Mr. Bill Fritz, Development Process Manager, reported that the proposal was to construct a 150-foot monopole tower and that the application had been submitted because a tower on an adjacent property must be removed due to the provisions of an open space easement held by Virginia Outdoors Foundation (VOF). He said the applicant was working with VOF to amend the easement conditions to allow the existing tower to remain. He emphasized that the County was not a party to the easement, could not control what would happen to the existing tower, and the application had been reviewed on the merits of the application only.

Mr. Fritz presented an aerial photograph of the area with the parcel outlined and pointed out important features, including the intersection of I-64 and Black Cat Road. He said the front of the property was wooded and zoned C1 Commercial while the rear portion was an open field zoned RA. He pointed out the locations of the proposed and existing towers. He next presented a map of the property and noted that it had two zoning designations, with commercial to the right side and rural to the left side. He said that one of the requested special exceptions was to allow disturbance of the buffer between commercial and rural property, as the ordinance required a 20-foot, undisturbed buffer between zoning districts. He said that staff supported the special exception because any by-right use of the rear portion of the property would require some disturbance of the buffer to get from the front to the back of the property from the road or driveway. He explained that the disturbance and conditions were limited to the establishment of an access which was the same that would occur for by-right use.

Mr. Fritz presented a diagram of the proposed tower and explained that the tower was proposed to have five arrays, while the ordinance limited the number of arrays to three, unless a special exception was approved. He stated that staff did not support the special exception because it served to increase the height and visibility of the tower. He said the ordinance limited stand-off distances to four antennae, allowing for the downward tilt of an antenna, with the maximum distance from the back that an antenna could be mounted from the tower by-right being 18 inches, and the maximum proposed stand-off for the antenna proposed by the applicant was approximately 8 feet. He said that some antennae would be mounted closer, though none would comply with the ordinance. He noted that the increase in stand-off increased the visibility of the tower and therefore staff recommended denial of the special exception to increase it. He pointed out that if the special request was approved, the tower could be increased by 20 feet in height and additional arrays could be added.

Mr. Fritz next presented a photograph from the Comprehensive Plan that showed the existing tower with two carriers, the lattice of the existing tower, and the proposed tower's monopole, and he noted that it now had five carriers. He said the height and mounting techniques as well as the visibility of the towers were similar. He said the Comprehensive Plan referenced the existing tower "Below was an example of the type of facility not supported by the County." He said that staff had concluded that the proposed tower was not the type of facility supported by the Comprehensive Plan. He presented several photographs taken during the balloon test, pointed out the proposed tower, and noted that photographs

were contained in the staff report. He next presented a County-created map that showed where the tower might be visible from within a one-mile radius.

Mr. Fritz explained that staff recommended denial because it was their opinion that the facility would be highly visible from streets and properties in the area, based on the results of the balloon test, and the special exceptions for the number of arrays and stand-off increased the visibility. He noted that the tower would be visible from a resource identified in an open space easement, and staff had determined the request was not consistent with the Zoning Ordinance or Comprehensive Plan and recommended denial. He said the Planning Commission supported the staff recommendations and had offered comments: "No alternative sites had been investigated. The proposed tower was highly visible, which was not consistent with the County's ordinance or policy. The urgency to replace the existing tower should not be a factor in decision making. The need to replace the tower had been known for some time. The County had made the decision to have multiple, less visible towers instead of a single, multi-use, tall tower."

Mr. Fritz said the Planning Commission had noted that the tower provided service in the area, including broadband; the area had already been impacted and the proposed tower was not more visible than the existing tower; the proposed tower was a monopole, which was better than the existing lattice tower; the proposed antenna stand-off was less than that on the existing tower; the proposal eliminates the need for multiple treetop towers; the existing tower was the backbone of the existing cellular system for the eastern part of the County, which the proposed tower effectively replaced; and there was a significant expense associated with the removal of the existing tower and construction of a new one. He concluded and invited questions.

Ms. Mallek opened the public hearing.

Mr. Ed Donahue, local counsel for Crown Castle, addressed the Board and introduced Mr. Paul Peckens, Project Manager. Mr. Donahue remarked that the discussions with the Virginia Outdoors Foundation (VOF) were ongoing, and he had met with their staff 10 days ago and hoped the proposal would be considered by VOF by September or October. He noted that members of the Board served on the broadband committee, the Board encouraged the shared use of infrastructure, and there were ongoing discussions about the use of existing towers.

Mr. Donahue presented an RF propagation map that demonstrated the coverage area and pointed out that signal strength was strongest at the base of the tower and weakened with distance from it. He indicated that they estimated as many as 41,000 vehicle trips per day on I-64 and said this was a very important area of coverage. He said that four of the five carriers that utilize the tower had representatives present today, including Verizon, Shentel, AT&T, and US Cellular. He presented several slides with propagation maps to demonstrate the area of coverage if they complied with the County's requirements. He said they would need five poles of approximately 90 feet in height for each of the five carriers to replicate the coverage of the Johnson tower. He presented a slide with side-by-side drawings of the proposed and existing towers and pointed out various features. He next presented a slide with the landscape plan that was developed after the first hearing with the Architectural Review Board, described the area around the compound as containing dense plantings, and pointed out setbacks.

Mr. Donahue presented several photographs from the balloon test and emphasized that the existing trees would reduce or eliminate the visibility of the tower. He presented a slide as viewed from 23,000 feet away from the sight which was taken during the balloon test. He highlighted that there was significant tree cover to the north of the parcel, separating the tower and I-64. He stated that in some cases, there was no visibility of the balloon and in other cases, the balloon could be seen through the foliage. He showed several photographs where there was no visibility of the balloon: Black Cat Road, the I-64 off ramp, and 1270 feet away from I-64. Next, he showed a picture from I-64 off ramp where the existing tower was just visible above the tree line. Following this, he presented a picture from I-64 where the existing tower was visible, but the proposed pole, represented by the balloon, was not. He then showed a view from Black Cat Road looking back to the proposed location, and a view North of I-64 from Black Cat Drive and Club Drive (approximately 1940 feet from the site) where the balloon was not visible. Lastly, he showed photographs taken in the dead of winter which displayed the tree cover and a view looking back from the Johnson Tower to the proposed location.

Mr. Donahue emphasized that the site anchored the network for each of the five carriers, with other towers in the area built around it. He called attention to a letter from the Fluvanna County Sheriff's Office that explained the critical importance of maintaining coverage in this area. He said they had held a community meeting in December, had had conversations with staff since last July, and he noted that conversations with VOF had gone on for more than a decade. He said they were actively pursuing the 1704 diversion program, which they became aware of last spring but had proposed this location, secured a lease with Virginia Oil, and developed an application they believed was supportable in case they could not get a fully funded 1704. He expressed appreciation to County staff and concluded the presentation.

Ms. Mallek said that Mr. Donahue had described a flush mount on the new tower, whereas it was described as an eight-foot standoff. Ms. Mallek asked for clarification.

Mr. Fritz replied that in the propagation maps, they would use flush mount antennae that met the requirements of the ordinance, which was different from what they were proposing. He said the standoffs on the existing towers were much greater, while the proposed tower was less of a standoff, though it still did not meet their definition.

Ms. Mallek asked if it was 16 feet instead of 20 feet and not 18 inches.

Mr. Fritz replied that it was an 8-foot standoff instead of an 18 inches standoff and emphasized that the existing tower had much greater standoff than the proposed tower.

Mr. Rex Linville of the Piedmont Environmental Council addressed the Board and reminded them that in 2000, the County amended its Comprehensive Plan to include a personal wireless facilities policy, which expressly discouraged tall, non-concealed towers such as the one proposed. He said Mr. Fritz had demonstrated in the staff report that the location, height, and design of the monopole, as well as the method of antenna attachment, did not minimize visibility and defeats concealment techniques established and relied upon by the County. He said the County policy had been to encourage multiple, small, treetop towers with very limited visual impact, which he remarked had been a huge success in protecting the scenic beauty of Albemarle County. Mr. Linville stated that he believed that as a direct result of the policy, most citizens and visitors would be hard pressed to find and identify cell towers. He stated that effective wireless coverage was accomplished through a distributed network of nearly invisible towers and that everybody wins.

Mr. Linville said it was historically relevant to mention that this proposed tower was the poster child for the passage of the 2000 policy. He said the latticework tower would be removed from the adjacent property because the 2007 easement required its removal and the applicant has had over 10 years to try to remedy the situation. He reminded the Board that they had sent a letter to the VOF board trustees in October that asked VOF to enforce the terms of its easement as written and not to allow the nonconforming tower to remain. He said the Board rejected the argument that the adjacent land would be threatened by a higher and substantially more visible tower because a replacement tower, if the existing lattice were removed, would be required to be a treetop distributed tower, according to the Board's policy. He urged the Board to uphold a very effective wireless policy in the Comprehensive Plan, to vote no, and to require the applicant to work within the scope of the County's policy to replace the existing tower with a distributed network of minimally impactful towers.

Mr. Michael Wingate Hernandez, attorney for the landowner of the existing tower, Karen Johnson, addressed the Board. He asked that in the event the VOF did not grant the 1704 application and allow his client's tower to remain, and in the further event that the Board denied the application for the alternative tower, would the carriers provide like-for-like service in a different alternative?

Mr. Donahue replied that it was reasonable to assume the carriers would insist on getting coverage for I-64. He said a lot of the land in the area was under conservation easement and it was an open question as to whether the carriers would be willing to deploy in more remote areas and that it was a question of capital.

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

Mr. Randolph observed that what they were being asked to do was balance County consistency in terms of whether they honored the Comprehensive Plan, as well as consistency with the County Code and ordinance, which sought to limit visibility of cell towers. He said the issue of service consistency was an issue for the carriers and not the Board. He noted that the Architectural Review Board had expressed its concern with visibility, and the Planning Commission was unified in opposition to the application mainly because it was not consistent with the County Code and with the Comprehensive Plan. He remarked that he was present during the balloon test and offered to respond to questions about this. He said that at 150 feet, the balloon was visible from Black Cat Road in Keswick, especially on the west side of the road. He said that under FCC permission, this could go another 20 feet and the arrays could be further out and the visibility would be greater than with that of the existing Johnson tower, which was the trigger for the development of a countywide cell tower policy.

Ms. Palmer stated it pained her to see the letter from the Sheriff about the need; however, this problem and the policy had been known for many, many years and she believed that a sincere effort to take care of this problem on the part of private industry should have happened by now. She said she would support staff's decision on this.

Mr. Dill commented that it was inconceivable to him that five responsible large businesses would not understand the law that they had to remove the towers and find a replacement. He said that in the spirit of public safety, it may be possible under some financial arrangements to allow the tower to operate for a certain limited amount of time until the replacements were built.

Mr. Randolph asked Mr. Kamptner if three motions were sought this afternoon with two for special exception, including one applying to buffer disturbance and the second applying to the arrays, and a motion for a special use permit. Mr. Kamptner confirmed this, adding that the one that applied to the arrays also applied to the offset.

Mr. Randolph **moved** that the Board adopt the proposed resolution to approve the special exception to allow buffer disturbance. The motion was **seconded** by Mr. Dill.

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

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

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SP 2017-27 KESWICK-TIER III PERSONAL WIRELESS SERVICE FACILITY**

WHEREAS, Virginia Oil Company Incorporated is the owner of Tax Map and Parcel Number 09400-00-00-03900 (the "Property");

WHEREAS, Edward Donohue (the "Applicant"), who is the authorized agent of the owner, filed an application for a special use permit to install a 150 foot tall steel monopole, five arrays of platform-mounted antennas, associated ground-equipment in a 10,000 square foot fenced compound, and an access road (SP 2017-27); and

WHEREAS, Albemarle County Code § 18-21.7(c) requires the maintenance of a 20 foot undisturbed buffer between commercially zoned property and Rural Areas zoned property, which may be waived by special exception; and

WHEREAS, the Applicant filed a request for a special exception in conjunction with SP 2017-27 to waive the requirements of County Code § 18-21.7(c).

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary and staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-21.7(c), and 18-33.9, and the information provided at the Planning Commission and Board of Supervisors' meetings, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the waiver of County Code § 18-21.7(c). as set forth above, subject to the condition attached hereto.

* * *

SP 2017-27 Keswick-Tier III Personal Wireless Service Facility Special Exception Condition

1. Disturbance of the buffer is limited to that necessary to construct a single access road providing access to permitted uses on the RA, Rural Areas zoned portion of the property.

Ms. McKeel expressed interest in allowing the private carriers to respond to Ms. Palmer's comment regarding private industry not making an effort to address the issue.

Ms. Mallek stated that it was important to follow the procedures for the hearings.

Ms. Palmer said this was in the staff report.

Mr. Fritz interjected that the staff report indicated the carriers were aware of it and had been working with Virginia Outdoor Foundation, though he did not know the details of when this started.

Mr. Donohue addressed Ms. McKeel's question. He said the conversations with VOF go back over 10 years and that in the spring of last year, the VOF staff advised that a 1704 diversion could be successful. He said that Karen Johnson had donated a significant portion of her property to increase the amount of land in the easement, which was pending before VOF. He said that it had taken a long time to find a willing landlord to develop a site that replicated the coverage from the Johnson tract. He remarked that the applicant felt it was a responsible and good application that took care of each of the five carriers and was permitted under the special use permit. He said they had embraced the monopole design, had shrunk the offset from the pole, and had a site that was visually less intrusive than the existing one.

Mr. Randolph **moved** that the Board adopt the proposed resolution to deny the special exemption for an increase in the number of arrays and increased antenna projection. The motion was seconded by Ms. Mallek.

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

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

NAYS: None.

Mr. Kamptner noted that this was the resolution that was Attachment E to the staff report.

**RESOLUTION TO DENY SPECIAL EXCEPTIONS
FOR SP 2017-27 KESWICK-TIER III PERSONAL WIRELESS SERVICE FACILITY**

WHEREAS, Virginia Oil Company Incorporated is the owner of Tax Map and Parcel Number 09400-00-00-03900 (the "Property");

WHEREAS, Edward Donohue (the "Applicant"), who is the authorized agent of the owner, filed an application for a special use permit to install a 150 foot tall steel monopole, five arrays of platform-mounted antennas, associated ground-equipment in a 10,000 square foot fenced compound, and an access road (SP 2017-27); and

WHEREAS, Albemarle County Code § 18-5.1.40(b)(2)(a) limits the number or arrays to three,

which may be modified by special exception; and

WHEREAS, Albemarle County Code § 18-5.1.40(b)(2)(c) requires that antennas be mounted so that in no case shall the farthest point of the back of the antenna be more than 18 inches from the facility, which may be modified by special exception; and

WHEREAS, the Applicant filed a request for special exceptions in conjunction with SP 2017-27 to modify the requirements of County Code § 18-5.1.40(b)(2)(a) and County Code §18-5.1.40(b)(2)(c).

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary and staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40(b)(2)(a), 18-5.1.40(b)(2)(c), and 18-33.9, and the information provided at the Planning Commission and Board of Supervisors' meetings, the Albemarle County Board of Supervisors hereby denies the special exceptions to authorize the modification of County Code § 18-5.1.40(b)(2)(a) and County Code § 18-5.1.40(b)(2)(c).

Mr. Randolph **moved** that the Board adopt the proposed resolution to deny SP 2017-00027. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

Mr. Kamptner noted this was Attachment D to the staff report, with a correction to the last recital - the date of the Board's public hearing from April 4 to June 6.

**RESOLUTION TO DENY
SP 2017-27 KESWICK – TIER III PERSONAL WIRELESS SERVICE FACILITY**

WHEREAS, Virginia Oil Company Incorporated is the owner of Tax Map and Parcel Number 09400-00-00-03900 (the "Property");

WHEREAS, Edward Donohue (the "Applicant"), who is the authorized agent of the owner, filed an application for a special use permit to install a 150 foot tall steel monopole, five arrays of platform-mounted antennas, associated ground-equipment in a 10,000 square foot fenced compound, and an access road, and the application is identified as Special Use Permit 201700027 Keswick-Tier III Personal Wireless Service Facility ("SP 2017-27"); and

WHEREAS, on February 20, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended denial of SP 2017-27 by a vote of 7 to 0; and

WHEREAS, on June 6, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-27.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-27 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 §§ 18-10.2.2(48) and 18-33.8, the Albemarle County Board of Supervisors hereby denies SP 2017-27 for the following reasons:

1. The location, height and design of the monopole, and the method of antenna attachment, do not minimize visibility and defeat concealment techniques/elements established and relied upon by the County in siting PWSFs as provided for in section 5.1.40(b) of the Zoning Ordinance, the Comprehensive Plan, and the Personal Wireless Service Facilities Policy.
2. The proposal fails to meet section 5.1.40(b)(6) of the Zoning Ordinance because the facility is not adequately screened and sited to minimize its visibility from the entrance corridor and adjacent parcels.
3. The tower fails to meet section 5.1.40(b)(6) of the Zoning Ordinance because the facility would be visible from a resource identified in an open space easement.
4. The proposal fails to meet section 5.1.40(b)(2) of the Zoning Ordinance because the facility does not propose the flush mounted antennas.
5. The tower fails to meet section 5.1.40(b)(2) of the Zoning Ordinance because the facility proposes five arrays instead of a maximum of three.
6. The facility is inconsistent with the Comprehensive Plan.
7. Under FCC regulations if approved the monopole would be permitted to increase in height by 20 feet and install antenna extending up to 20 feet from the monopole which would further increase the visibility of the facility.

Agenda Item No. 21. **Public Hearing: Open Air Burning Regulations for Land Clearing and Development Operations.** To receive public comment on its intent to adopt an ordinance to amend Chapter 6, Fire Protection, Article IV, Burning of Brush, etc., of the Albemarle County Code. The proposed ordinance, authorized by 9 VAC 5-130-100, would amend the open burning regulations related to the development of land to: i) increase the required distance of a

burning from an occupied building from 500 feet to 2,000 feet unless the occupants have given prior permission, or to 1,000 feet if a special incinerator device is used; ii) require the approval of a written site and burn plan; iii) require proof of a minimum of \$1.5 Million in liability insurance; iv) restrict burning completely during the Virginia Department of Forestry restriction from February 15 to April 30; v) restrict burning to Monday through Friday between 8 a.m. and 8 p.m. from May 1 through February 14 when the Virginia Department of Forestry has no burning restrictions in place; and vi) limit the number of burn permits allowed to three permits per parcel per year. *(Advertised in Daily Progress on May 21 and May 28, 2018)*

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

The Board has addressed open-air burning on a number of occasions. The Board was briefed on open-air burning associated with land clearing on July 02, 2008, barring open-air burning of trash on January 09, 2013, increasing open-air burning permit fees associated with land clearing on March 04, 2015, and additional regulation on December 6, 2017. The Board most recently discussed strengthening permit requirements and introducing additional commercial restrictions on April 4, 2018 (Attachment B). During the April 4, 2018 meeting, the Board requested staff return with a draft ordinance incorporating the suggested changes to the Chapter 6, Article IV ("Burning of Brush, etc.") of the County Code.

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

To address the concerns of citizens and members of the Board, the Fire Marshal's Office previously recommended changes to the County Code that would further restrict open burning by date, time, distance, and number of permits issued. In addition, applications for commercial open burning will also require proof of liability insurance. The Board directed staff to incorporate the recommendations of the Fire Marshal's Office into the County Code as an amended ordinance (Attachment C).

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

The budget impact will be some additional workload but significant budget impact is not anticipated at this time.

Staff recommends that, after the public hearing, the Board reach consensus on the attached proposed draft ordinance (Attachment C) and authorize staff to submit a proposed ordinance to the Virginia Air Pollution Control Board for its approval. After such approval, the ordinance will be presented to the Board for final consideration and adoption.

Mr. Howard Lagomarsino, Division Chief, Fire Prevention/Fire Marshal, reported that the process was meant to regulate open air burning in regard to construction sites. He said the proposal brought forward would increase the distance to 2,000 feet with the ability to reduce this to 1,000 feet for notification of occupied dwellings with the use of an incinerator device, requirement of site and burn plans, requirement of a \$1.5 million liability insurance policy, restriction of all burning of this type during the forestry restriction between February 15 and April 30 and that burning be restricted to Monday through Friday 8:00 a.m.–8:00 p.m. when permitted, and a limit on the number of permits per parcel to three per year.

Ms. Mallek expressed concern with the reduction of the distance to 1,000 feet and said there had been a lot of instances when neighbors felt strong-armed into signing their approval for something they did not want to sign but were afraid. She said that instead of having a rule for people to follow, they were putting residents in a situation where they had to fend for themselves to fight off those who want to take advantage. Ms. Mallek emphasized that her preference was to not offer this exception.

Ms. Palmer asked Mr. Lagomarsino for a further explanation. Mr. Lagomarsino emphasized that the 1,000-foot exemption would be regulated by his office, and if a burn plan showed a special incinerator device would be used, then only residents of occupied dwellings within 1,000 feet would have to be notified.

Ms. McKeel commented that she was trying to determine if this was complaint driven, as she did not want neighbors to feel as though they were spying on each other and the department did not have enough people to investigate complaints.

Ms. Mallek asked if neighbors would still have to sign their approval. Mr. Lagomarsino confirmed this and said that if an application did not indicate that a special incinerator device would be used, then residents of any dwelling within 2,000 feet of the burn pile would have to approve, while the distance required for approval was reduced to 1,000 feet, when a special incinerator device was to be used.

Ms. Palmer asked if one resident could prohibit a burn even if all other area residents had granted permission. Mr. Lagomarsino confirmed this.

Ms. Mallek described the resulting situation as “neighbor against neighbor.” She also expressed concern that the draft did not prevent someone from importing wood from other projects for example in Crozet. She related a case where wood was brought into Foothills Crossings from Chesterfield and burned for weeks, and as a result houses in the area were coated. She said there were not enough staff to keep up with those intent on doing this wrong.

Mr. Randolph asked for confirmation that the draft indicated the material burn had to be generated onsite. Mr. Lagomarsino replied that this was part of the process rather than codified.

Mr. Randolph remarked that he thought it should be codified.

Mr. Lagomarsino replied that it may be in Section 6 of the Code, though he did not have this information with him.

Mr. Randolph suggested that in Attachment C, Page 2, Section 6-406 of the ordinance they add the word “sourced” after the word “located.” He said that if someone was bringing in material from elsewhere, they would be in violation.

Mr. Lagomarsino said that Section A was geared towards residential burning, whereas what they were addressing was debris waste.

Ms. Mallek said they would not include two-by-fours, concrete, or debris from the tearing down of a building but would include debris from clear cutting.

Mr. Lagomarsino said the material from clearcutting was called debris waste in the code, whereas demolition waste was prohibited from being burned. He emphasized that the process prior to codification had been to make it a condition of the permit that debris had to be sourced onsite, and if debris were brought from offsite this was a violation of the permit.

Ms. Mallek asked Mr. Lagomarsino if there was a way to solve her question about intimidation. She asked if responses to a burn request come to the applicant or directly to his office. Mr. Lagomarsino replied that this went to the applicant as part of the application package. He proposed that they have an education program whereby residents could contact his office prior to signing.

Ms. Mallek proposed that the applicant pay the bill and that the County send a letter inviting residents to call Mr. Lagomarsino’s office if they didn’t wish to give permission so that his office would receive responses directly.

Mr. Lagomarsino replied that the challenge was with staff hours.

Ms. Mallek reminded Mr. Lagomarsino that 10 years ago, he promised that his office would verify the signatures, so an applicant wouldn’t sign everyone’s name when nobody was looking. She said that not having this at all would be a better solution.

Ms. Palmer agreed that complaints were difficult to deal with and asked how often complaints were received.

Mr. Lagomarsino replied that there were approximately 40 burns per year and they receive complaints for about 30% of them, and by the time his office responded, the fire was often already out. He emphasized that to bring a prosecutable case, they had to prove who lit the fire and there were a lot of steps that must be taken.

Ms. Palmer wondered if there was a faster way to report violations to Mr. Lagomarsino’s office such as by calling the fire department.

Mr. Lagomarsino replied that sometimes they responded, and it turned out the burn was not illegal. He added that typically they heard about a burn when a Supervisor informed them of a complaint submitted by email.

Ms. Mallek remarked that residents often had gotten the impression that there was nothing staff could do and contacted their Supervisor. She said they would be setting a trap for staff by giving them rules they could not effectively enforce.

Ms. Palmer remarked that, though she had respiratory problems herself, she was reluctant to prohibit burning and expressed her approval of the changes suggested by Mr. Randolph. She asked Mr. Lagomarsino if his office followed up on approved permits by going out to the sites.

Mr. Lagomarsino responded that they didn't track the number of times they went out to inspect a burn, although if they saw smoke they typically checked on things and in many cases discovered that everything was in order. He said there would be a learning curve with what had been proposed, and he expected to see a reduction in the number of complaints once people got used to the process.

Ms. Mallek inquired about the burn fee.

Mr. Lagomarsino responded that it was \$500.

Ms. Mallek suggested they increase the fee to pay for additional staff resources for follow up. She also commented that because permits last for 30 days, and because fires stop and start, residents get frustrated.

Mr. Dill commented that there were only 40 permits granted and they should be able to send someone to check on permit recipients on a daily basis or to check with neighbors.

Mr. Gallaway recalled that a resident of Earlysville had requested that they notify neighbors of the burn schedule in advance, when a permit was issued. He said this could potentially reduce the number of complaints.

Ms. Palmer asked Mr. Lagomarsino if Mr. Gallaway's suggestion that neighbors be informed of the burn schedule was a reasonable policy and if contractors knew in advance when they would burn items.

Mr. Lagomarsino replied that this was the purpose of the submittal of the site and burn plan, as it informed of when the burn would occur.

Mr. Gallaway asked if an adjoining property owner would see the burn plan. Ms. Palmer asked what went into the requirement of the letter sent by the applicant to adjoining property owners.

Mr. Lagomarsino explained that under the current process, they had to provide notice to owners of properties within 300 feet indicating that they had applied for a permit and obtained permission from them to conduct a burn. He said that if they increased the distance for notification, then more people would know what was going on.

Mr. Randolph said that the Supervisor representing the district where a burn permit had been issued should be notified, which would enable them to be responsive to complaints. He noted that the 30-day time period allowed by a burn permit was a wide window of time compared to the rules of the town where he lived in Connecticut where a permit was issued for 24 hours. He suggested they reduce the time period so that residents and Supervisors would be more aware of when burns would occur.

Mr. Gallaway wondered if they could list active burn permits on the County's website.

Mr. Lagomarsino responded that there was not a requirement that the schedule of a burn or site plan be sent to area residents; however, it would be required with the adoption of the amendment. He said staff in their office had discussed having a burn section on the website. He said that applicants could burn seven days a week under the current system, whereas the amendment would reduce the hours to Monday through Friday 8:00 a.m.–8:00 p.m.

Mr. Gallaway asked if the reduction in distance was an incentive to get people to use the incinerator. Mr. Lagomarsino confirmed this and said that when used properly, the devices reduce the carbon footprint and smoke production.

Ms. Mallek asked if people must become certified to use the machine. Mr. Lagomarsino replied that he was not aware of any certification, though they came with manufacturer's instructions that the County required they follow.

Ms. Palmer asked for clarification that a homeowner was not allowed to conduct a burn on the weekend. Mr. Lagomarsino replied that they could not and explained that debris waste was defined in the code as being for land clearing operations. He said that what a homeowner would burn was not classified as debris waste and noted that agricultural processes such as clearing land for grazing were regulated differently by the burn code.

Ms. McKeel agreed with Mr. Gallaway's idea to place information on approved burn permits on the website. However, she acknowledged that the information would have to be maintained and updated, which would require that someone watch and look after it.

Mr. Lagomarsino said they had been trying to figure out how this would work, as they would not want to have outdated information on the website.

Ms. Mallek suggested a compromise option under which a Supervisor would receive notice of an approved permit and a County staff member would plant a sign on the property that listed the allowed burn times.

Ms. McKeel remarked that in most cases they would go out to a property twice.

Mr. Lagomarsino replied that one of the reasons the permit fee was increased to \$500 was for the cost of staff to deal with complaints and to periodically monitor the burns.

Ms. Mallek asked if the Board imposed a fee for instances when staff had to go out to a property to respond to a complaint, would this would get people's attention? Mr. Lagomarsino replied that the fee schedule did not contain such a provision.

Ms. Mallek opened the public hearing and invited public comment.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board and said that if the Board decided to reduce the time frame during which a burn was permitted, the Board should increase the number of permits allowed. He expressed his approval of having signage and expressed hope the County would find a resolution that worked for everybody.

As no one else stepped forward to speak Ms. Mallek closed the public hearing.

Ms. Palmer asked Mr. Lagomarsino to comment on why staff limited the number of burn permits to three per year. Mr. Lagomarsino explained that their department was trying to strike a balance between not being too restrictive while addressing the issue of perpetual burn permits. He pointed out that when the forestry burn ban was not in effect, one could burn through the night and 24 hours per day, 7 days a week, which was why staff had imposed limitations.

Ms. Mallek asked for confirmation that there were no other seasonal things that avoided the dry time, besides the forestry ban. Mr. Lagomarsino confirmed this and noted that in counties in Northern Virginia that have ozone problems, they have banned burning completely during periods of dryness.

Ms. Palmer asked if a construction company that was issued a 30-day permit may burn Monday through Friday 8:00 a.m. – 8:00 p.m. for one month. Mr. Lagomarsino responded that when the fee was raised to \$500 in 2015, they increased the permit period to 60 days as a result of some pushback. He added that staff monitored atmospheric conditions, and the day before the 300-acre brush fire near Scottsville, staff had issued a burn ban for the entire County, as permitted by the fire code, based on safety and atmospheric conditions.

Ms. Mallek asked for confirmation that there was not a daily inspection during dry time to consider the weather and wind speed. Mr. Lagomarsino replied that there was not and staff relied on the assessment of the Department of Forestry.

Ms. Mallek suggested that they notify those who had been issued permits of when a burn ban had been declared.

Mr. Kamptner said a motion was needed to ask staff to send an ordinance to the Virginia Air Pollution Control Board. He said there were only two substantive written changes to the ordinance. He said that on Page 2, Section 6-406A, they would insert "garden trimmings located and sourced on the premises" and to Subsection B2 they would insert "similar debris waste located and sourced on the premises." He expressed his understanding that the rest of the discussion related to the internal processes of the fire marshal, communications with board members, permit recipients, and abutting owners.

Ms. Mallek **moved** that the Board approve the proposed changes as discussed, and to authorize staff to submit a proposed ordinance to the Virginia Air Pollution Control Board for approval. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

Agenda Item No. 22. **Public Hearing: Ordinance to amend County Code Chapter 5, Building Regulations, Article 4, Smoke Detectors.** To receive public comment on its intent to adopt an ordinance to replace Article 4 (Smoke Detectors), Chapter 5 (Building Regulations) of the Albemarle County Code with a new § 5-400 (Smoke alarms in certain buildings) that tracks 2018 amendments in Senate Bill 391 to governing state law (Virginia Code § 15.2-922).
(Advertised in Daily Progress on May 21 and May 28, 2018)

The Executive Summary forwarded to the Board states that the 2018 General Assembly amended Virginia Code § 15.2-922 to create a statewide standard for the installation and maintenance of smoke and carbon monoxide alarms in rental property and to require localities that have enacted a fire and carbon monoxide alarm ordinance to conform their ordinances with these state standards.

The County has enacted a fire alarm ordinance in County Code Chapter 5 (Building Regulations), Article 4 (Smoke Detectors). The attached proposed ordinance (Attachment A) would amend County Code §§ 5-400 through 5-403 to incorporate the amendments to Virginia Code § 15.2-922. Specifically, the ordinance would:

- Require smoke alarms to be installed in the following structures or buildings if smoke

alarms have not been installed in accordance with the Uniform Statewide Building Code (Virginia Code § 36-97 et seq.):

- (i) any building containing one or more dwelling units,
 - (ii) any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, and
 - (iii) any rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.
- Require that smoke alarms be installed only in conformance with the provisions of the Uniform Statewide Building Code.
 - Provide that the installation not require new or additional wiring.
 - Require that installed alarms be maintained in accordance with the Statewide Fire Prevention Code and the Uniform Statewide Building Code.
 - Require that the owner of a rental unit provide the tenant a certificate that all smoke alarms are present, have been inspected by the owner, his employee, or an independent contractor, and are in good working order.
 - Provide that except for smoke alarms located in public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke alarms in rented or leased dwelling units shall be the responsibility of the tenant.

Adoption of the attached ordinance is not expected to have a budget impact. Existing staff should be able to handle the enforcement of the revised provisions.

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

4:53:51 Mr. Kamptner presented.

Mr. Randolph asked Mr. Kamptner if he would define Airbnb as a rooming house. Mr. Kamptner replied that he would not.

Mr. Kamptner explained that the proposal was to make a series of technical amendments to Chapter 5 of the ordinance, which dealt with the County's local implementation of the Virginia Uniform Statewide Building Code. He said the purpose of the ordinance was to make corrections to implement new state legislation, which became effective July 1, 2018. He said the code did not require that the Board adopt these until June 30, 2019. Mr. Kamptner stated that the primary purpose of the change was to establish statewide standards for smoke alarms since the Virginia Department of Housing and Community Development was conducting a comprehensive review of building and fire codes and they would eliminate a number of non-enforceable provisions. Mr. Kamptner explained that the bill amended the County's regulations under Section 15.2-922, though a number of other statutes were amended, including two of the state landlord and tenant acts. He said he had found an inconsistency in the current law between Section 15.2-922 and the state landlord and tenant acts, adding that he had learned from Mike Dellinger that the proposed changes were not creating any significant changes for the Albemarle County building official and what he was responsible for carrying out.

Ms. Mallek asked if this took into account Mr. Kamptner's interpretation that none of the County's bed and breakfasts or Airbnb's qualified for rooming houses. Mr. Kamptner said he had been looking at definitions of some of the terms used and they were not defined. He said he equated a rooming house with a boarding house, as something that was permanently set up. He stated that the General Assembly had told the County what its authority was, and that Article 4 was plugging in what the General Assembly had said they could regulate, as the legislature's objective was to have a statewide structure. Mr. Kamptner emphasized that this did not cover everything as there were a number of other state statutes that dealt with a range of smoke alarms standards. He explained that the General Assembly had said what localities should regulate, which was limited to three classes of rental properties.

Ms. Mallek remarked that under the proposed change they could require Airbnb people to have smoke alarms.

Ms. Kamptner replied that they would fall under Section A. He said they already regulated dwelling units and the changed language was just to the introduction to this section, as the term "smoke detector" was changed to "smoke alarm".

Ms. McKeel remarked that a dwelling unit was where a person sleeps.

Mr. Kamptner pointed out that under the prior ordinance, smoke alarms were not required until there were four or more dwellings in a structure. He continued that under Section 5-401, the new legislation restructured how the regulations were laid out. He said they were amending rules for power sources for smoke alarms, wiring requirements, maintenance requirements, and the upgrading of existing smoke alarms.

Ms. McKeel commented that in a lot of new construction, including attached townhomes, the codes had changed on firewalls and building materials. She said the light weight of some materials was shocking.

Mr. Randolph referred to Section 5-402 that indicated the owner of a rental unit shall provide the tenant with a certificate indicating that all smoke alarms had been inspected by the owner, an employee, or independent contractor. He noted that the building code required a smoke detector in each bedroom, and he expressed concern that some older buildings had never been inspected so the County didn't know

if they were in compliance with code. He read the code for part A, “any building containing one or more dwelling units,” and he emphasized that in a 100-year old house, a smoke detector could be placed in the kitchen and not in any of the bedrooms. He mentioned that the code did not specify that each occupied dwelling unit must have a smoke detector, and asked Mr. Kamptner if he was correct or nitpicking.

Mr. Kamptner replied that this was not the extent of how smoke alarms were regulated in dwelling units or other buildings but the part the County building official could enforce. He added that the landlord and tenant law contained a similar provision along with additional requirements.

Mr. Randolph remarked that they didn’t send a building official to inspect Airbnb’s and that in an old house, one could technically meet the stipulation of the proposed ordinance by putting the smoke detector only in the kitchen.

Ms. McKeel remarked that in the past she had asked questions and staff had replied that they were matching state code, though she wondered if this was what the Board’s expectation should be, as it seemed to her like a low bar.

Mr. Kamptner replied that the Dillon Rule operated in certain ways and in cases where the authority of localities was specified, the County couldn’t make a change because the state wanted the code to be uniform. He said that there had been discussion about this at the state level as fire officials had expressed concern.

Mr. Kamptner continued his presentation. He said the first two parts of Section 5-403 were a restatement of what was already there but noted the third part was stated as follows: “Deletes the current enabling authority for the County to require the owner of a rental unit to service, repair, or replace a malfunctioning smoke alarm within five days after receiving written notice of the malfunction.” He emphasized that this responsibility was shifted over to the tenant.

Ms. Mallek and Ms. McKeel expressed disappointment with this change.

Ms. McKeel said she heard on the news last night that fire deaths had increased nationally by 40%.

Ms. Mallek opened the public hearing.

As no one stepped forward to address the matter, she closed the public hearing.

Ms. McKeel **moved** that the Board adopt the proposed ordinance. Ms. Palmer **seconded** the motion.

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

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

NAYS: None.

Ms. Palmer reminded everyone that the County had a wonderful program under which the fire marshal’s office would install smoke detectors in a resident’s home for free, operating under a grant.

ORDINANCE NO. 18-5(2)

AN ORDINANCE TO AMEND CHAPTER 5, BUILDING REGULATIONS, ARTICLE 4, SMOKE DETECTORS, 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 5, Building Regulations, Article 4, Smoke Detectors, is hereby amended and reordained as follows:

By Amending and Renaming:

Sec. 5-400	Applicability <u>Smoke alarms required in certain buildings.</u>
Sec. 5-401	Smoke detector required <u>Installation of smoke alarms.</u>
Sec. 5-402	Certificate that smoke detector <u>alarm is</u> in working order.
Sec. 5-403	Interim testing, repairing, and maintaining a smoke detector <u>alarm.</u>

Chapter 5. Building Regulations

Article 4. Smoke Alarms

Sec. 5-400 Smoke alarms in certain buildings.

Smoke alarms shall be installed in the following structures or buildings if smoke alarms have not been installed in accordance with the Building Code:

- A. *Dwelling units.* Any building containing one or more dwelling units.
- B. *Hotels and motels.* Any hotel or motel regularly used, offered for, or intended to be used to provide

overnight sleeping accommodations for one or more persons.

- C. *Rooming houses.* Any rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; § 5-400, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18)

State law reference-Virginia Code § 15.2-922.

Sec. 5-401 Installation of smoke alarms.

Smoke alarms required to be installed pursuant to County Code § 5-400 shall be installed only in conformance with the provisions of the Building Code. In addition:

- A. *Power.* Smoke alarms may be either battery operated or AC powered.
- B. *Wiring.* The installation of smoke alarms shall not require new or additional wiring.
- C. *Maintenance.* Smoke alarms shall be maintained in accordance with the Statewide Fire Prevention Code (Virginia Code § 27-94 *et seq.*) and Virginia Code § 36-105(C)(6), Part III of the Uniform Statewide Building Code.
- D. *Upgrading not required.* Nothing in this article shall be construed to require the upgrading of any smoke alarms provided by the Building Code in effect at the time of the last renovation of the building, for which a building permit was required, or as otherwise provided in the Building Code.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; § 5-401, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18)

State law reference-Virginia Code § 15.2-922.

Sec. 5-402 Certificate that smoke alarm is in working order.

The owner of a rental unit shall provide the tenant a certificate that all smoke alarms are present, have been inspected by the owner, his employee, or an independent contractor, and are in good working order.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; § 5-402, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18)

State law reference-Virginia Code § 15.2-922.

Sec. 5-403 Interim testing, repairing, and maintaining a smoke alarm.

Except for smoke alarms located in public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke alarms in rented or leased dwelling units shall be the responsibility of the tenant in accordance with Virginia Code § 55-225.4 or 55-248.16, as applicable.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; § 5-403, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18)

State law reference-Virginia Code § 15.2-922.

This ordinance shall be effective on and after July 1, 2018.

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

Item No. 23a. **Discussion:** Equal Justice Initiative-Wood's Crossing Memorial Project Update.

Mr. Richardson introduced Ms. Siri Russell, Management Policy Analyst, and said they would review work that had received some recent publicity in the local newspaper. He said the Equal Justice Initiative Community Remembrance Project, a large, national initiative based in Montgomery, AL, was planning to memorialize the local lynching of John Henry James. He said the Legacy Museum and national memorial to peace and justice were opened to the public on April 26, 2018. He said that local historians, community activists, and the University of Virginia Geospatial Lab had researched the location of the lynching on property currently owned by Farmington Country Club. He said the local project was being led by Dr. Andrea Douglas, Jefferson School African American Heritage Director, and Dr. Jalane Schmidt, University of Virginia Professor of Religious Studies, and they had formed a regional coalition made up of key community activists, clergy, the Virginia Foundation for the Humanities, the NAACP, and the City of Charlottesville to determine what the memorialization should look like.

Mr. Richardson explained that Siri Russell had been a key staff member and had attended a meeting at Farmington Country Club along with Drs. Schmidt and Douglas, who would like to come before the Board of Supervisors on July 5 to receive a resolution of support for the project. He said that Drs. Schmidt and Douglas would like to meet with individual Board members at the proposed memorialization site to discuss project planning prior to the July 5 resolution. Mr. Richardson stated that they had proposed taking some soil from the site and shipping it to Montgomery, AL. He said there were three components of the community effort: 1) the memorialization project, 2) community pilgrimage, 3) post-trip community events planning. He explained that a number of local residents would travel to

Montgomery, AL and make strategic stops along the way, including in Greensboro, NC; Greenville, SC; and Atlanta, GA, and they had extended an invitation to local community leaders to join them on the trip scheduled for July 8–13. He said the Board may wish to discuss whether the County had a role in making a financial contribution to the community pilgrimage. He invited Ms. Russell to comment.

Ms. Siri Russell replied that Mr. Richardson had summed this up nicely.

Mr. Richardson suggested that two Supervisors meet with the Equal Justice Initiative leadership. He added that Ms. Russell had worked with the Fluvanna County Historical Society to research the process for memorialization and they worked with local government officials to have soil collected and shipped to Montgomery, AL. He explained that those involved with the initiative planned to hold community events for a one-month period after the pilgrimage to relate what they had learned and viewed.

Ms. Mallek suggested they hold presentations at libraries.

Ms. McKeel expressed her support for the County's participation and the resolution, and she said would like to participate in the trip to Montgomery. She volunteered to represent the Board in the meeting at Farmington Country Club.

Ms. Mallek noted that she and Ms. McKeel planned to meet with initiative representatives.

Ms. Palmer expressed interest in serving as a Board representative and asked Ms. Mallek if she would attend the meeting.

Ms. Mallek replied that she did not plan to participate in the pilgrimage but would attend the meeting to represent the County and to express that it would do its own process.

Mr. Dill said the County should participate in Emancipation Day events as this was an important day in the history of Charlottesville and Albemarle and honor the 240 black men who risked their lives by joining the Union army and returning home. He expressed interest in participating in some way.

Mr. Richardson reviewed what he described as a brisk timeline. He said that the July 5 Board resolution would be followed by ceremonies, including soil gathering, beginning July 7, with a pilgrimage trip on July 8–13. He said he would arrange for two Supervisors to meet with Drs. Schmidt and Douglas and Ms. Russell as County representatives at Farmington Country Club.

Ms. Palmer volunteered to be a stand-in if Ms. Mallek or Ms. McKeel was not able to attend.

Ms. McKeel suggested they have a future discussion about opportunities for participation.

Ms. Mallek proposed that the County pay for Mr. Richardson and Ms. Russell to attend, but the rest were on their own.

Ms. McKeel commented that she was not thinking about asking for money but would like to go.

Mr. Richardson explained that the site of the lynching was at the old Woods Crossing site, which was located near the entrance of the Farmington Country Club. He noted that representatives of the club had been very receptive, and another site meeting would help Supervisors visually understand what was being considered.

Ms. Russell commented that they had received some direction and she looked forward to visiting the site.

Ms. Mallek next invited Mr. Randolph to speak about Southwood.

Mr. Randolph reminded the Board that he had provided a visual presentation of the previous week's Southwood Phase 1 charrette. He said he had met with Kristy Shifflett earlier in the day to finalize a letter sent today to Habitat for Humanity and had furnished copies to Supervisors. He said the letter covered points of non-displacement, affordable housing, and the overall concept plan. Mr. Randolph stated that they believed a concept plan for the entire Southwood site was the best way to obtain a sound evaluation from the Planning Commission and Board. He said they wanted to assure there would be at least 341 units of affordable housing, as part of the \$675,000 was for expansion of affordable housing options for County residents. He said they addressed the non-displacement clause, which was something that Habitat was committed to, but they wanted to let the organization know it was not a County requirement but something Habitat had self-imposed.

Ms. Mallek asked Mr. Randolph to explain what he meant by non-displacement. She said it was part of their presentation and something to which she was strongly attached, and they were not giving them permission not to do this but saying this was Habitat's stipulation – and the County would look forward to seeing how they would do it.

Mr. Randolph said they would not hold Habitat accountable for this, and he read a prepared statement: "The County would not interfere or in any way involve itself in this topic. Each Southwood resident possesses a personal right to choose where he or she wishes to live. The County's assumption going forward was that Habitat would make every effort to offer Southwood-based residential solutions for

residents. The County would defer to and support Habitat's expertise on this important topic. The County had accepted proffers or special use conditions placed on similar, good faith offers by applicants in the past. He said that in the latest Executive Committee meeting they determined they would not require or stipulate but allow Habitat to figure it out. He said they hope they could satisfy their objective of not displacing anyone, though people may leave."

Ms. Mallek commented that the choice of houses built may cause people to leave which means they were not really meeting what she thought they would be meeting.

Mr. Randolph pointed out that Habitat was not building everything.

At this time, the Board returned to its discussion on Agenda Item No. 10. 2018 Bond Referendum - Project Identification.

Ms. Mallek proposed that the Board accept \$12 million for 10 projects as examples of local investment. She asked Ms. Allshouse and Mr. Richardson for an explanation.

Ms. Allshouse stated that she had passed out additional slides to aid in the Board's discussion of school projects. She explained that the ratio of debt service expenditures to General Fund and School Fund revenues should not exceed 10%, and net debt as a percentage of the estimated market value of taxable property should not exceed 2%. She presented a slide with charts of debt service as a percentage of revenues and outstanding debt as a percentage of assessed property values for FY18–FY23, assuming \$47 million School Division and \$12 million local government referendum projects. The charts showed estimates assuming AA and AAA ratings, maximum debt, and estimates from modeling. The next slide contained the same charts for a \$70 million School Division referendum without a local government referendum. A third slide contained the same charts for a \$96 million School Division referendum without a local government referendum. She invited Mr. Letteri to comment.

Ms. Palmer asked how a stormwater utility tax would affect the debt service. Ms. Allshouse replied that she did not model the stormwater utility piece.

Mr. Randolph asked for an explanation of the role an AAA rating played in rate setting and if the County would be penalized with a higher rate if they exceeded the mean. Mr. Letteri acknowledged that there were times in their estimates when this level was exceeded, though he did not believe this would cause a problem, especially if the County was able to explain what happened and what they projected would happen in the following years, although he would be more concerned if they hovered near the limit or exceeded it in more than one year. He emphasized that to achieve the levels and ratios demonstrated on the graphs required tax rate increases or an overall revenue increase.

Ms. Allshouse emphasized that the graphs only represented a five-year snapshot. She clarified for Ms. Palmer that while the stormwater utility fee was not included, the .7 for current stormwater projects was included.

Mr. Letteri explained that they had used the information provided by the School Division to update scenarios and create the charts. He said there were a number of considerations they would like to look at carefully that they haven't had a chance to do today. He presented a list of items they would like to review: debt to equity ratio, pay-as-you-go goal of 3%, pay-out ratio, operating impacts, the School Division CIP request was not fully funded in FY21–23, and the watch list. He pointed out that the \$96 million scenario did not include years 3, 4 and 5 of the schools' program.

Ms. Mallek said she had created a middle chart between the \$70 million and \$47 million that equaled \$60 million. She said this would keep them where they belonged in the categories and asked if anyone would support a \$60 million total referendum that would include \$12 million for local government projects. She said this would enable a more complete job with high school modernization and the proposed center.

Ms. McKeel said she was considering the same thing.

Ms. Palmer asked for more specifics. Ms. Mallek explained that her numbers were not exact, but she wanted to get the discussion going.

Mr. Gallaway indicated that he had a process question. He said that, presuming this passed, the resolution would have to go back to the School Board and if they decided not to hold a referendum, there was nothing in the Board of Supervisors' actions that would require this and they could go forward with the \$12 million if they chose to.

Ms. Mallek interjected that they could put this in the CIP. She added that the responsibility of the Board of Supervisors was to figure out the amount of money, while the School Division's responsibility was to determine how to spend it.

Mr. Gallaway said the School Board would still have the choice of saying yay or nay to a bond referendum. He expressed support for increasing the amount for schools.

Ms. McKeel concurred.

Mr. Gallaway said the additional money Ms. Mallek was presenting was to be the decision of the School Board and could be enough to modify the high school redesigns and open up the door for Scottsville.

Ms. Mallek said they would have to decide if they wanted to put the extra funds into having two high schools refurbished and go with the new center or leave one or more alone and do something at one of the other levels.

Ms. Palmer asked Mr. Letteri to explain how \$10 million would affect the tax increase. Mr. Letteri replied that for a 5% rate, they usually used a factor of 10, so if it was \$10 million it would add \$1 million to debt service.

Ms. McKeel said she wanted to make sure that school officials understood they were not talking about less money for schools but a proposal that would offer them a bit more.

Ms. Palmer said she felt like they were agreeing to raise taxes by another .7 cents, and she was having a hard time raising taxes from what they had agreed to.

Mr. Gallaway **moved** that the Board authorize \$58 million for schools and \$12 million for local government in a bond referendum. He was **seconded** by Ms. McKeel.

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

AYES: Mr. Gallaway and Ms. McKeel.

NAYS: Mr. Randolph, Mr. Dill, Ms. Mallek and Ms. Palmer.

Mr. Randolph remarked that it was important for the public to hear what the Board was comfortable with as a maximum level and to reaffirm the \$47 million for schools and \$12 million for local government referendum.

Mr. Gallaway remarked that the last vote was clear on the \$58 million, and he believed they were on the record.

Ms. Mallek said the school representatives in the audience could convey what the Board of Supervisors had been contemplating and get a response so they could talk about this the following week.

Ms. Palmer stated that they needed to hear back from the School Board as to whether they would prefer to go to a bond referendum or not.

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

There were none.

Agenda Item No. 25. Closed Meeting.

There was no need for an additional Closed Meeting.

Agenda Item No. 26. Adjourn to June 13, 2018, 2:00 p.m., Lane Auditorium.

At 6:04 p.m., Ms. Mallek adjourned the meeting until June 13, 2018 at 1:00 p.m. in Lane Auditorium.

Chairman

Approved by Board
Date 03/20/2019
Initials CKB