

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 5, 2018, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from June 13, 2018.

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

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:04 p.m., by the Chair, Ms. Mallek.

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Dill **moved** that Items 13, 14 and 15 – Quarterly Reports for Albemarle County Service Authority, Virginia Department of Transportation, and transportation planner – be moved to the consent agenda for information. The motion was **seconded** by Ms. McKeel.

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

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

Mr. Randolph **moved** that the Board approve the final agenda, as amended. 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, Ms. McKeel, Ms. Palmer and Mr. Randolph.
NAYS: None.

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

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

Mr. Randolph reported that there was an outstanding turnout at the July 4th parade in Scottsville. He said that this parade was especially enjoyed by younger residents on bicycles.

Ms. McKeel reported that she had attended the naturalization ceremony held July 4th at Monticello and that the Daughters of the American Revolution, to which she belongs, laid wreaths on the grave of Thomas Jefferson after the ceremony.

Ms. McKeel related a statistic she had heard recently that by the 180th day of 2018, the U.S. experienced its 154th mass shooting of the year, and it was good to keep this statistic in their consciousness.

Ms. Palmer reminded residents that 250 West at Ivy Road would be closed for two weeks, beginning next Friday, for replacement of the Ivy Creek Bridge.

Mr. Randolph added that he had seen signs along I-64 West indicating that the bridge on 250 would be shut. He questioned whether the signs would be sufficient and suggested they identify the location of the construction zone.

Ms. Palmer asked Mr. Richardson to place this information on the County website. Ms. Mallek suggested that Ms. Palmer appear on the radio to talk about this.

Ms. Palmer pointed out that drivers use 250 as an alternate route when accidents occur on I-64 and that the occurrence of an accident during the two-week construction period would be a problem.

Ms. Mallek stated that she had met Mr. Keith Forbes, a local leader of Team RWB, at the Crozet 4th of July parade. She explained that RWB assists veterans in becoming engaged in the community, and the volunteer organization has a large presence at both the Crozet and Free Union parades, which offers

an opportunity to meet constituents. She stressed the important role played by fire departments in the parades, with firemen's carnivals in Earlysville and Crozet, and in Free Union the homemakers have carried the ball for 23 years. She reminded the Board that volunteer fire companies have been the primary source for filling paid staff positions, as more than 30 from Crozet and 18 from Earlysville had joined the Albemarle County Fire/Rescue in the last 10 years. She stressed the importance of recruiting volunteers to train them for eventual employment opportunities.

Agenda Item No. 6. Proclamations and Recognitions:

There were none.

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

Mr. Sean Tubbs, Piedmont Environmental Council Field Representative, addressed the Board. He explained that in his prior role working for another organization, he had devoted time to learning and reporting on the history of the County's growth management policies and how this fit into the community's bigger picture. Mr. Tubbs stated that the mission of PEC is to promote and protect the natural resources, rural economy, history, and beauty of the Piedmont region, as well as to create high-quality communities. He said the Biodiversity Work Plan the Board is about to consider in a work session is the culmination of over 20 years of dedication of citizen naturalists and others who want to ensure the preservation of flora and fauna and to prepare for a landscape that has and will be affected by climate change. He urged County and City residents to read the detailed explanation of how they have gotten to this point, with the plan emphasizing the importance of the rural area in providing ecological services to the urban area and documenting what has been lost in the past 100 years and beyond – including the loss of species such as the porcupine, elk, etc. He noted that the plan used data collected over more than 100 years to describe the County's forest and to offer a detailed plan of what was required to preserve habitat into the future. He said the PEC thanked those who have been determined to see the plan make its way from an idea in the 1999 Comprehensive Plan to the draft before the Board at this meeting.

Mr. Peter Krebs, Community Outreach Coordinator for Piedmont Environmental Council, addressed the Board. He said the PEC is working with the Thomas Jefferson Planning District Commission on a project to implement a network of safe and beautiful connections in Charlottesville and urban Albemarle, which will help make for a better and healthier community, and he thanked the Board for its support. He expressed PEC's support for a bond referendum to fund bicycle and pedestrian infrastructure. Mr. Krebs said he has had hundreds of conversations with residents, businesses, homeowners, and stakeholders, and PEC has thousands of data points that underline the community's support for the project. He said they also have a petition with over 1,000 signatures and a survey of over 750 respondents, and noted that the citizen survey identifies sidewalks and trails as the highest need and that two-thirds of respondents expressed a willingness to pay higher taxes to fund these connections. Mr. Krebs stated that the bond issue is the right thing to do and will result in a community that is healthier and more prosperous, with more choices for residents. He suggested the Board consider tweaking the project list to focus on connecting people with jobs in the urban area of the County and looks forward to working with the Board to find the right mix and secure the bond's passage.

Mr. Tom Olivier, resident of the Samuel Miller District, addressed the Board to comment on the proposed Biodiversity Protection Action Plan. He disclosed that he had served on the Natural Heritage Committee in the past and more recently had worked with the committee as a volunteer on climate change and invasive species issues and was involved in the early stage of the plan's drafting. He described the proposed action plan as a major step forward in the County's efforts to protect natural resources, though he offered two criticisms. He said his first concern is that the plan does not recognize the effect of human population growth as a primary driver of biodiversity loss or urge policies at containing growth. His second critique is that the climate change adaptation measures of the plan were not included as high priorities for the management of invasive species. He acknowledged that these topics are somewhat addressed as priority education items, but that is insufficient.

Mr. John Cruickshank, resident of Earlysville, addressed the Board. He expressed support for the Biodiversity Protection Plan and acknowledged an email he had recently sent to the Board regarding this. He related that about a year ago, he kayaked on Chris Greene Lake and witnessed a greenish bluish algae flowing into the lake from a tributary that made its way to a swimming area. He said he had since learned that this was cyanobacteria and could cause rashes and respiratory problems, and swim lessons for his grandchildren were cancelled last month as a result of the lake being closed due to the presence of the algae. Mr. Cruickshank stated that earlier that day, he had spoken with Tim Hughes of Parks and Recreation and Greg Harper of the County, who both confirmed his assumption that the primary causes of the algae were nitrogen and phosphorous from fertilizers. He said he had learned that a company had been hired to treat the lake with SeeClear, an algaecide and toxic chemical. He stated that the long-term solution was to have the County offer property owners incentives to cease the use of fertilizers and pesticides and to have a riparian buffer created to make sure cows do not get into the stream.

Dr. Richard Gullick, former Director of Operations for the Rivanna Water and Sewer Authority and resident of Earlysville, addressed the Board and said he would discuss the RWSA's proposed \$82-million

pipeline project to connect the Ragged Mountain and South Fork Rivanna Reservoirs. He said the RWSA's leadership had presented a plethora of misleading and false information to cover up the true facts about the lack of need for the pipeline. He said he resigned his position as a result of this egregious miscommunication campaign in protest and to bring forth the truth to the community and to the Board. He emphasized that RWSA's data indicated the pipeline would not be needed until well after 2062. Dr. Gullick said the recent water shortage was not a result of the weather but of leaking water from gates, and he said that a RWSA representative had provided three reasons for the water shortfall to the Board. He said the first reason furnished, drought, was not the cause as there was more rainfall from August 1 to September 20, 2017 than in any of the previous three years. He said that inaccuracies in the estimated inflow to the reservoir based on adjustments to the state's Mechums River flow gauge, the second reason for the water shortage according to RWSA, were negligible and only represented about 1% of the shortage. He said the adjustments were in October, whereas most of the drought had occurred in August and September. He said the third reason provided, that leaking dam gates released three million gallons per day, was a selective understatement that ignored many other vital facts.

Dr. Gullick stated that the evidence is irrefutable that the abnormal drop in the reservoir level was caused by leaking gates and that mandatory water restrictions were unnecessary. He said the spreading of falsehoods about this self-induced emergency to create fear in the community was designed to rally support for the unrelated and unnecessary pipeline. He asked why RWSA was not advocating for the filling of Ragged Mountain Reservoir to the final 12 feet it was built for, which would store an additional 600 million gallons and two months of supply, if additional source water system redundancy was needed now. He continued that the County's improved water system redundancy could be found in the North Rivanna, Crozet, and Scottsville systems – which each have only one treatment plant and one source for water. He urged the Board to advocate for the filling of Ragged Mountain and to base the timing of the pipeline on actual need as determined by engineering analyses. He said that once the pipeline was completed, the RWSA should change the permit and continue to transfer water from Sugar Hollow directly to Ragged Mountain as much as possible for protection of public health and the community. He urged the Board to read the information he would provide.

Mr. David Redding, member of Eagle Village Charlottesville and board member of Advisories for Community Bikes and the Sierra Club, addressed the Board. He said that Community Bikes had increased its operations to 40 hours per week and had been giving away more than 20 bicycles per week and selling an additional 20 at low cost, with a goal to get many bikes on the street. He said that with all of these bikes on the road, they would need a quicker way to get from Treesdale to John Warner Parkway, which could be addressed with more bike lanes and paths. He emphasized that bike paths do not require a lot of maintenance, which could have benefits for biodiversity if this results in more people riding to work.

Ms. Eleanor Matano, resident of the White Hall District, addressed the Board. She expressed concern with her experience with CenturyLink customer service. She said they are located in the Philippines, supervisors will not provide their last name, and response is slow. She asked why they are allowed to operate as a monopoly on her side of town.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board. He addressed the Biodiversity Action Plan before the Board, which he said represents significant research and development on the part of staff and volunteers. He said the document only makes an allusion to the property owners who are really protecting the environment through good stewardship. He applauded the education of property owners program but said the idea of protecting private property rights is a critical balance in moving forward.

Agenda Item No. 8. Consent Agenda.

(Discussion: Ms. Mallek announced a correction to Item 8.2, FY18 appropriations, which should refer to the first paragraph and not something else.

Mr. Randolph said he would comment on Item 8.3 but feels comfortable in allowing this to stay on the consent agenda. He said Mr. Trevor Henry had forwarded a communication from Mr. Phil McKalips regarding the operation of the McIntire Recycling Center and he wants the Board and the public to be well aware of his support for the expansion of the facility, though he is looking for an empirical demonstration that expanded hours results in an increase in tonnage of recycled materials. He said he also wants to learn whether the increase in hours has increased the number of users or if the same users are just spacing out their drop offs at more convenient hours. Mr. Randolph emphasized the importance of having this data before they determine whether to expand hours at other facilities, and he acknowledges that Mr. Henry is gathering this information.

Ms. Palmer expressed agreement with Mr. Randolph's comments, adding that the recycling landscape has changed as China is no longer taking materials and so the committee and RSWA is evaluating this.)

Mr. Dill **moved** that the Board approve the consent agenda as amended. Ms. McKeel **seconded** the motion.

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

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

Item No. 8.1. Approval of Minutes: February 14, February 16, February 20, March 5 and March 14, 2018.

Ms. Palmer had read her assigned minutes of February 14, February 16 and February 20, 2018, and found them to be in order.

Ms. McKeel had read her assigned minutes of March 5, 2018, and found them to be in order.

Mr. Dill had read his assigned minutes of March 14, 2018, and found them to be in order.

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

Item No. 8.2. FY 2018 Appropriations.

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

The total increase to the FY 2018 budget due to the appropriations itemized in Attachment A is \$47,712.90. 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 #2018094 and #2018095 for local government and school division projects and programs as described in Attachment A.

Appropriation #2018094 \$3,000.00

Source: Federal Revenue \$3,000.00

This request is to appropriate the School Division's appropriation request approved by the School Board on June 14, 2018:

This request is to appropriate \$3,000.00 in Federal revenue from the United States Department of Agriculture (USDA) Fresh Fruit and Vegetable Program (FFVP) grant awarded to Albemarle County Public Schools providing free fresh fruits and vegetables to students in participating schools during the school day, outside of breakfast and lunch.

Appropriation #2018095 \$44,712.90

Source: Local Non-Tax Revenue \$44,712.90

This request is to appropriate \$44,712.90 to the Department of Finance for expanded Greenshades Employee Management licensing capabilities and Kronos enhancements. The Greenshades expansion allows employee self-service for profile, tax, demand deposit, and benefits management. The Kronos enhancements improves the process of onboarding new employees. This appropriation is funded with revenue generated through the Purchase Card program and includes \$22,356.45 from the General Fund and \$22,356.45 from the School Fund.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2018094 and #2018095 for local government and school division projects and programs as described:

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2018094 and #2018095 are approved; and
- 2) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2019094	3-3010-63010-333000-330001-6599	3,000.00	SA2019094 USDA FFVP
2019094	4-3010-63010-460204-139300-6520	928.00	SA2019094 PT/Wages-Food Service
2019094	4-3010-63010-460204-210000-6520	72.00	SA2019094 FICA
2019094	4-3010-63010-460204-600220-6520	2,000.00	SA2019094 Student Snacks/Meals
2018095	4-1000-12141-412140-301210-1001	44,712.90	SA2018095 Use Pcard Rebates
2018095	3-1000-18000-318000-180301-1001	22,356.45	SA2018095 For Greenshades/Kronos
2018095	3-1000-51000-351000-512001-9999	22,356.45	SA2018095 For Greenshades/Kronos
2018095	3-2000-62000-318000-180301-6599	22,356.45	SA2018095 For Greenshades/Kronos
2018095	4-2000-62115-493010-930009-6503	22,356.45	SA2018095 For Greenshades/Kronos
TOTAL		140,138.70	

Item No. 8.3. RSWA Support Agreement for McIntire Road Recycling Center.

The Executive Summary forwarded to the Board states that the County, the City of Charlottesville (City), and the Rivanna Solid Waste Authority (RSWA) entered into an Agreement dated August 23, 2011, providing the terms of the County's and City's shared financial support for, and the RSWA's operation of, recycling services at the McIntire Road Recycling Center (McIntire). There have been six (6) amendments to this agreement to extend the term of the agreement. The current agreement amendment, Amendment No. 6, expires on June 30, 2018. The County desires an additional extension of services through June 30, 2019. The attached Amendment No. 7 (Attachment A), which extends the Agreement through June 30, 2019, was approved by the RSWA Board and is provided to the Board of Supervisors for its approval.

The Amendment No. 7 to the Local Government Support Agreement for Recycling Services (Attachment A) continues the current funding arrangement and services at McIntire from July 1, 2018 through June 30, 2019. Because the City is a party to the McIntire agreement, the Amendment No. 7 requires City Council approval. City Council approved Amendment #7 to extend recycling services to June 30, 2019 on June 18, 2018.

The extension of this agreement is funded in the County's adopted FY18 Budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the Amendment No. 7 to Local Government Support Agreement for Recycling Programs.

By the above-recorded vote, the Board adopted the following Resolution to approve the Amendment No. 7 to Local Government Support Agreement for Recycling Programs:

**RESOLUTION APPROVING AMENDMENT NO. 7 TO
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS**

WHEREAS, the County, the City, and the Rivanna Solid Waste Authority ("RSWA") entered into an Agreement dated August 23, 2011 providing the terms of the County's and City's shared financial support for, and the RSWA's operation of, the Recycling Services through June 30, 2012, with an option for the County and the City to extend the agreement for two successive one-year periods; and

WHEREAS, the County and the City exercised their first option to extend the term of the Agreement through June 30, 2013; and

WHEREAS, the County, the City and the RSWA entered into Amendment Nos. 1, 2, 3, 4, 5, and 6 to extend the term of the Agreement through December 31, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, respectively; and

WHEREAS, the County desires an additional extension of the term of the Agreement through June 30, 2019, and the City is agreeable to an extension for such period.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Amendment No. 7 to Local Government Support Agreement for Recycling Programs and authorizes the County Executive to sign the Amendment subject to it being approved as to content and form by the County Attorney.

**AMENDMENT NO. 7 TO
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS
AMONG
THE CITY OF CHARLOTTESVILLE
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amendment No. 7** to the **Local Government Support Agreement for Recycling Programs** (this “Amendment”) is made this ____ day of June, 2018 by and among the **City of Charlottesville, Virginia** (the “City”), the **County of Albemarle, Virginia** (the “County”) and the **Rivanna Solid Waste Authority** (the “Authority”, individually a “Party”, and together referred to as the “Parties”).

WHEREAS, the City, the County and the Authority entered into a certain Local Government Support Agreement for Recycling Programs dated August 23, 2011 (the “Original Agreement”) providing the terms of the City’s and County’s shared financial support and Authority’s operation of the Recycling Services; and

WHEREAS, the Original Agreement provided that such financial support and operations continue through the Authority’s fiscal year ending June 30, 2012, with the City and County retaining an exclusive option to extend the Original Agreement for two successive one-year periods by giving prior written notice to the Authority; and

WHEREAS, the City and County exercised their first option to extend the term of the Original Agreement through June 30, 2013, but the County elected not to exercise its second option to extend the term through June 30, 2014 and instead requested, with the concurrence of the City, an extension of the Original Agreement through December 31, 2013; and

WHEREAS, the City, the County and the Authority entered into Amendment No. 1 to the Original Agreement dated June 5, 2013 extending the term of the Original Agreement through December 31, 2013; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 2 to the Original Agreement dated October 23, 2013 extending the term of the Original Agreement through June 30, 2014; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 3 to the Original Agreement dated January 28, 2014 extending the term of the Original Agreement through June 30, 2015; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 4 to the Original Agreement dated July 1, 2015 extending the term of the Original Agreement through June 30, 2016; and

WHEREAS, the City, the County and the Authority entered into Amendment No. 5 to the Original Agreement dated June 6, 2016 extending the term of the Original Agreement through June 30, 2017; and

WHEREAS, the City, the County and the Authority entered into Amendment No. 6 to the Original Agreement dated July 14, 2017 extending the term of the Original Agreement through June 30, 2018 (the Original Agreement, as amended by Amendment No. 1, Amendment No. 2, Amendment No. 3, Amendment No. 4, Amendment No. 5, and Amendment No. 6, hereinafter, the “Agreement”); and,

WHEREAS, the County desires an additional extension of the term of the Agreement through June 30, 2019, and the City is agreeable to an extension for such period.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. **Amendment to Section 4.** Section 4 of the Agreement, entitled “Term of Agreement,” is amended and restated as follows:

4. **Term of Agreement**

This Agreement shall be effective upon execution and the financial participation requirements shall be retroactive to July 1, 2011 and shall continue through June 30, 2019.

2. **Miscellaneous.** Capitalized terms used herein shall have the meanings ascribed to them in the Agreement unless otherwise specifically defined herein. Except as expressly modified hereby, all other terms and conditions of the Agreement shall remain unchanged and shall continue in full force and effect. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates below.

CITY OF CHARLOTTESVILLE:

Maurice Jones
City Manager

Date

COUNTY OF ALBEMARLE:

Jeffrey Richardson
County Executive

Date

RIVANNA SOLID WASTE AUTHORITY:

William I. Mawyer, Jr., P.E.
Executive Director

Date

Item No. 8.4. Hollymead Dam Spillway Improvements.

The Executive Summary forwarded to the Board states that the scope of work for Hollymead Dam Spillway Improvement project affected by this request includes:

- improvements to the primary spillway at water’s edge of Lake Hollymead Dam
- construction of concrete walls along the crest of the dam to direct a modeled
- overtopping event to the center, lowest portion of roadway
- a new concrete outlet structure
- and concrete mat installation on the downslope face of the dam to armor and protect against failure in event of extreme high water (modeled at 5.6’ higher than lowest point in road).

This project was recently advertised. Construction is scheduled to begin in mid to late August, with road closure effective the first week of September. Based on this schedule, the construction of dam spillway improvements could commence in September 2018, with need for one-lane road closure extending through April 2019, but not beyond without Board and VDOT extension of Maintenance of Traffic Plan (MOT Plan) temporary road closure with detour to US Rt. 29.

The scope of work requires uninterrupted construction for a period anticipated to last eight (8) months, once contractor mobilizes. The guardrail that extends along the east edge of Timberwood Parkway along the crest of the dam will be removed. An MOT Plan (under development) will likely recommend jersey barriers as a temporary fixed centerline protective device for southbound vehicles, to isolate construction zone and limit possibility of off-road event once guardrail on the east side is removed. Guardrail on the west (lakeside) of the road will remain in place for the duration of project.

FES /PMD anticipates the Engineer (Kimley-Horn Assoc.) and VDOT are inclined to favor one lane, northbound-only road closure detour via Hollymead Drive to US Rt. 29, to Timberwood Boulevard, to reconnect with secondary streets north of the dam. Northbound traffic will use this detour upon approach to the dam. Southbound traffic on Timberwood Parkway may cross the dam safely, with physical separation from construction.

The MOT Plan may account for brief intermittent periods of material delivery or construction activity that requires contractor to halt southbound traffic, as well, using hand paddles or approved signaling equipment. The northbound detour may remain in place for eight (8) months. County Fire/Rescue, Police, and Schools (Director of Transportation) appreciate the need for safety, and signal willingness to coordinate and work with PMD as time of closure approaches. These agencies are aware of plans for one lane northbound-only road closure, with provision that allows emergency vehicles to cross in the northbound direction (sirens would alert oncoming motorists). The length of road closure is approximately 600' and given narrow width of southbound lane during construction, it remains to be seen whether plan for southbound traffic to yield to oncoming emergency response vehicles is workable. In any event, Fire /Rescue and Police will share temporary road closure information with response personnel, such that there is minimal appreciable delay in rescue response in either direction.

Alternatives:

- Two-way (two lane) traffic allowed, with frequent disruption of traffic in both directions via contractor personnel use of stop-slow paddles to allow cranes, trucks, or heavy equipment to position, deliver, grade, or otherwise engage in routine activity. With this option, there would be no physical barrier to prevent a car exiting the roadway and traveling down the dam face to stream below, across an active sloped construction site. Also, with this option, if traffic approaches from the south, traveling north, and does not detour to U.S. Rt. 29, the traffic circle at Powell Creek Drive and Shadybrook Trail is blocked, and non-functional. Vehicles exiting the 126-unit development served by Shadybrook Trail have only a single outlet. If two-way (two lane) traffic is maintained, then apart from safety concerns with proximity of construction, vehicles trying to exit Shadybrook Trail, in either direction, north or south, will be delayed until their turn, at which point, all north /southbound Timberwood Parkway must halt to allow Shadybrook traffic to access the traffic circle at Powell Creek Drive (see Attached Exhibit).
- Two-way (one lane) traffic allowed, with alternating movement and frequent full stop of traffic in the opposing direction. This option, with full-stop intervals, disrupts all traffic movement daily for many months, imposing wage rate expense of two or more full-time certified contractor personnel to control traffic movement. This option voids possibility of quick fire-rescue crossings, as traffic will routinely back up, in one direction or the other. The preferred option provides possibility of unimpeded southbound emergency response, siren-alert northbound emergency response crossing, keeps open Shadybrook Trail development entry /exit point at the traffic circle (unchanged from existing condition), and saves the County considerable pass-through expense of additional contractor personnel. This alternative, by closing northbound lane to traffic with likely centerline jersey barrier protection, at least provides a one-lane buffer between vehicles and active construction.

Both alternatives listed above impose a frequent full-stop condition in each direction, isolate the Shadybrook Trail community, impose avoidable costs, limit fire-rescue access /response, and do not allow drivers to acclimate to fixed conditions during construction. A detour to Rt. 29 would allow southbound traffic to acclimate to slower speed, with no other change; would allow northbound traffic to learn detour route to Rt. 29, then north to Timberwood Boulevard. The detour, depending on points of departure and destination, time of day, and signals on Rt. 29, may add ten minutes travel time, at most. Average additional travel time, for a trip south to north via US Rt. 29 detour, would likely be less.

Project Management Division requests a one-lane northbound closure of Timberwood Parkway (Rt. 1521) between Shadybrook Trail south of the dam and Cove Pointe Road north of the dam (except for emergency traffic) for eight (8) months during construction to allow installation of dam spillway improvements. VDOT has granted permission for this detour with the following restrictions/requirements: closure of one lane only (northbound lane); maintenance of traffic in accordance with VDOT-approved Maintenance of Traffic Plan (MOT Plan), mill /pave northbound lane of Timberwood Parkway as shown on final design plans (or as needed to restore Timberwood Parkway to pre-construction condition); physical barrier between vehicles and edge of pavement along dam crest once east-side guardrail is removed; on-site periodic inspection of Maintenance of Traffic Plan signals, barriers, cones, barricades, message boards, or signs, with prompt correction of any safety or messaging device deficiency; and maintenance of the detour route, signage, and flagging as needed.

The road closure has been coordinated with Albemarle County public school Director of Transportation, with Albemarle County Fire Rescue, Albemarle County Police, and Charlottesville Residency of VDOT. One lane closure of the road would expedite the proposed Hollymead Dam Spillway improvements, and result in a safer construction work zone.

Albemarle has determined a reasonable detour to US Rt. 29 (Seminole Trail) will not place undue strain on Hollymead Drive or Timberwood Boulevard, as these surface roads are primary entry /exit points for Hollymead and Forest Lakes communities. The length and duration of detour will require adjustment by residents, commercial carriers, emergency response personnel, transportation officials, CAT and public school operators, but PMD believes a one-lane closure with free-moving southbound traffic is least disruptive while providing degree of predictability and level of safety not possible with any other alternative.

VDOT has confirmed that this route is within existing public right-of-way. PMD recommends closure of Timberwood Parkway at Hollymead Lake to northbound traffic, by maintaining one-lane unimpeded southbound traffic during construction of Hollymead Dam Spillway improvements.

Adoption of the attached Resolution would help preserve project funds via contractor savings, which should reflect in bids received. Additional costs for preparing, maintaining, etc. the detour will be more than offset by the savings in flagging personnel and construction time.

Staff recommends that the Board adopt the attached Resolution (Attachment B).

By the above-recorded vote, the Board adopted the following Resolution supporting the temporary closure of Timberwood Parkway (Route 1521) during construction period:

**A RESOLUTION SUPPORTING
THE TEMPORARY CLOSURE OF TIMBERWOOD PARKWAY (ROUTE 1521)
DURING CONSTRUCTION PERIOD**

WHEREAS, the Albemarle County Board of Supervisors concurs with the Department of Facilities & Environmental Services' request to temporarily close one-lane, northbound, of Timberwood Parkway (Route 1521) in Charlottesville, Virginia during the construction of the Hollymead Dam Spillway improvements; and

WHEREAS, the closure of the one Northbound lane of Timberwood Parkway (Route 1521) is proposed for approximately eight (8) months to allow safe installation of concrete block (ACB) mats on the downslope face of Hollymead Lake Dam during the months of September 2018 through April 2019; and

WHEREAS, compliance with state regulations for this dam is the responsibility of Albemarle County, and said dam spillway improvements are required to meet state dam safety regulations; and

WHEREAS, VDOT has reviewed and supports the proposed closure subject to the following conditions:

- Timberwood Parkway Northbound Lane may be closed to all but emergency vehicles, and the detour used weekdays and weekends, including holidays.
- The detour serving Hollymead and Forest Lakes subdivisions, commercial traffic, and public school transportation routes, must be clearly delineated as a detour, in a manner acceptable to VDOT.
- U.S. Rt. 29, Hollymead Drive, and Timberwood Boulevard remain capable of bearing detour traffic during the approximate eight (8) month construction period.
- The detour route must be maintained as described in the Detour Exhibit (Attachment B) for the duration of the detour usage.
- A Maintenance of Operation (MOT) Plan will be provided to VDOT for review and approval. Said MOT plan must specify signage and placement for the detour.

NOW, THEREFORE, BE IT RESOLVED THAT, for purposes of public necessity, convenience and general welfare, the Albemarle County Board of Supervisors hereby supports the request to close a single (northbound) lane of Timberwood Parkway (Route 1521) for approximately eight (8) months to allow for installation of improvements required to meet state dam safety requirements during the months of September 2018 through April 2019.

Agenda Item No. 9. Biodiversity Action Plan (BAP) for Albemarle County.

The Executive Summary forwarded to the Board states that Strategy 4a in the Natural Resources Chapter of the Comprehensive Plan calls for "an Action Plan for Biodiversity to protect significant areas of biological importance in the County." The second objective of the Natural Resources Program for the County, endorsed by the Board on May 3, 2017, states: "Work as staff liaison with the Natural Heritage Committee on biodiversity issues. Help complete a Biodiversity Action Plan." Staff is reporting to the Board on reaching these two goals.

Discussion in the Comprehensive Plan following Strategy 4a (above) states that when completed, the “action plan should be presented to the Board of Supervisors for adoption into the Comprehensive Plan.” Staff is seeking approval to begin a process to amend the Comprehensive Plan to incorporate key aspects of the BAP.

In January 2017, the Natural Resources Manager began working with members of the Natural Heritage Committee (NHC) and other citizen volunteers on the BAP. Staff and the NHC presented an overview of the BAP to the Board on April 4, 2018. Work on the BAP was completed in early June, 2018.

As indicated during the April 4, 2018 presentation to the Board, staff and the NHC are providing the written BAP and related materials to the Board for its endorsement. The BAP was developed by staff in consultation with, under the advisement of, and with the full approval of the NHC. Board endorsement of the BAP should serve as the starting point for a Comprehensive Plan Amendment to incorporate salient information and recommendations from the BAP. The BAP’s format of providing goals and recommendations will need to be converted to objectives and strategies when amending the Comprehensive Plan.

No budget impact at this time. Future actions and decisions related to goals and recommendations included in the BAP could have budget impacts.

Staff recommends that the Board:

1. Endorse the BAP.
2. Approve staff beginning a process to work with the Planning Commission to amend the Comprehensive Plan. The process includes:
 - a. Review with the Planning Commission.
 - b. Develop a Comprehensive Plan Amendment.
 - c. Public process.
 - d. Public hearing with the Planning Commission.
 - e. Return to the Board within one year to complete the Comprehensive Plan Amendment.
3. Direct staff to proceed with selected BAP recommendations:
 - a. ACE and PRFA programs should consider biodiversity values in conservation easement criteria. Use the BAP data and information used in BAP when assessing biodiversity values.
 - b. Habitat and biodiversity values should be considered in developing strategies for improving water quality and stream buffers, including possible revisions to the Water Protection Ordinance.
4. Endorse NHC efforts to proceed with selected BAP recommendations:
 - a. Biodiversity education.
 - b. Outreach to property owners about biodiversity value of high priority Important Sites.
 - c. Outreach to County staff and officials about biodiversity value of high priority Important Sites that are 1) County-owned or 2) the County may have some influence related to land use or land management.

Mr. David Hannah, Natural Resources Manager, stated that the plan is complete and he will review its major themes prior to Board action. He presented a slide with staff recommendations of the following four actions and noted that they are in the executive summary:

- Board endorsement of BAP
- Board approval to work with Planning Commission to amend the Comprehensive Plan
- Board direction to staff to proceed with selected BAP recommendations
- Board endorsement for Natural Heritage Committee to proceed with selected BAP recommendations

Mr. Hannah reminded the Board that they had approved seven objectives a year ago for a natural resources plan, and completion of a Biodiversity Action Plan represents Objective 2. He acknowledged the contributions of staff, Natural Resources Committee members and former members, and volunteers. He next reviewed Objective 4: Protect the biological diversity and ecological integrity of the County in both the rural and development areas. He noted that this objective falls under the Natural Resources chapter of the Comprehensive Plan. He reviewed Strategy 4a: Develop an action plan for biodiversity to protect significant areas of biological importance in the County.

Mr. Hannah presented a 2009 color-coded landscape map of the County with areas of forest and tree cover and explained that the committee had analyzed and ranked forested blocks according to five categories. He said the areas in dark green have the highest conservation value followed by areas in light green, etc. He stated that the next map highlights areas of the County where the most conservation efforts should be dedicated in the near term, and the next slide lists five ecosystems to conserve: 1) Forests, 2) Outcrops, Bluffs, and other Xeric Habitats, 3) Relict Piedmont Prairies, Meadows, and Grasslands, 4) Rivers, Streams, and Riparian Areas, 5) Wetlands.

Mr. Hannah next presented a drawing from Page 4.20 of the Comprehensive Plan that depicts core concepts, including the importance of the size of habitat to preserving biodiversity, the difference between interior forest and edge habitat areas, the threat of habitat fragmentation, and the importance of

connectivity. He next reviewed examples of non-native invasive species that he said represents severe threats, including autumn olive, kudzu, and the emerald ash borer.

Mr. Hannah presented a slide with a summary of the BAP's key themes:

- Broad brush, landscape-level look at the County
- Update the plan every five years

Major Themes:

- Habitat fragmentation and connectivity
- Non-native invasive species and locally native vegetation
- Education
- Conservation targets
- Significant threats

Mr. Hannah noted that the plan includes 21 goals and 90+ recommendations, which have been reduced and prioritized in the executive summary in accordance with time sensitivity. He invited questions and comments.

Ms. Mallek observed that the maps are out of date and said they must continually update data. She said her home is on Jacobs Run and if they do not encourage property owners to allow grass to grow tall in the rear of a property, tremendous erosion arises during heavy rains. She suggested that they come up with ideas to engage homeowners' associations and neighbors to take measures to avoid soil runoff with higher grass cover.

Mr. Dill commented that the report is great and important. He emphasized the importance of soil microbes to biodiversity and noted the pluses and minuses of agricultural uses, some of which help biodiversity and some of which do not. He said he had recently read an article in *The New York Times* about the multiple reasons the insect population around the world is declining. He emphasized that efforts such as education, guidance, and awareness could be conducted without spending a lot of money and expressed his support for going forward with the plan.

Ms. McKeel described the report as great and said it had been developed at an appropriate time as the climate is changing, citing the closing of Chris Greene Lake twice due to algae levels as an example. She said this is an opportunity to educate the public and the County needs to up its game. She read an excerpt from Page 46 of the report: "If we wish to entice people to live in the urban areas, we should offer them some natural amenities." She said they should not forget about the urban areas, some of which look like deserts with concrete, and which could benefit from tree canopies and greenery. Ms. McKeel noted that a stormwater-created stream along Barracks Road had flooded the basements of homes, and this is an opportunity to look at how to do things differently. She suggested they consider ways to partner with the airport authority about using the facility as an educational tool for the community and used the example of an airport in New Zealand where incoming travelers had to have their shoes washed to prevent seeds from being brought in. She said that both local residents and visitors could benefit from an airport education campaign about how people could help the community. Ms. McKeel noted that a few years earlier, Sutherland Middle School had issued a report that mentioned local businesses selling invasive plants such as kudzu and while she does not believe they had bad intentions, they needed a lot more education. Additionally, she suggested the County keep data on temperature, drought, and flood trends in order to develop data points that could be referenced.

Ms. Palmer pointed out that they had rainfall data for the reservoirs.

Ms. McKeel responded that there is not an easy place to go to obtain this data.

Mr. Randolph referenced Page 28 and complimented Mr. Hannah and his team for putting together an Environmental Science 101 Natural Resources chapter, which he described as comprehensive and valuable. He referenced a recommendation under Goal 3 on Page 28, Investigate Changes to the Land Use Valuation Program to Encourage Conservation. He said the proposal was to reduce the minimum acreage requirement for open space use to five acres from the current 20-acre minimum. He noted that the existing land use program utilized \$17M of tax dollars and prevented them from being utilized in the community, and the financial implications of expanding this down to five acres might double the cost of the program, which would be extremely controversial. He next referenced Goal 14 on Page 44, Recommendation Upon Completing a Review of Current Stream Buffer Rules the County Should Strengthen Stream Buffer Requirements. He emphasized that the word "strengthen" was poetically chosen to "fudge the issue" of distance. Mr. Randolph next referenced a proposal on Page 40, Goal 11 to cull deer on County-owned properties with sharpshooters. He suggested that they substitute bow and arrow as the proposal to use sharpshooters would be very controversial. He next referenced Page 31, Point 4: Investigate a Route 29 Underpass in Southern Albemarle County. He said it would be helpful to furnish the Board with the proposed locations and cost options, as this could represent significant CIP costs and involve VDOT, since it is a state highway. He suggested that they also consider what routes would be best for migratory animals and amphibians.

Ms. Mallek commented that these points are good future work that will not be dealt with at this meeting and suggested the Board focus on the policy at the 30,000-foot level and not the granular stuff.

Mr. Hannah commented that many of the goals and recommendations are at a 30,000-foot level and used words such as investigate and research, calling for more information gathering and analysis.

Mr. Gallaway said that if they proceed to a Comprehensive Plan amendment, they are committing themselves to do these things, and he emphasized the importance of considering cost ramifications before putting items in the Comp Plan.

Ms. Mallek said she sees a distinction between the Comp Plan, which represents goals and aspirations, and the capital program, which addresses the costs. She added that there are many things in the Comp Plan that are too expensive to do, but they still have them in there because they are important items.

Mr. Gallaway responded that there are additional costs besides capital, such as staffing and research. He agreed with Mr. Randolph's observation that a change in land use policy would require additional funding.

Ms. Palmer emphasized that the Planning Commission would review the plan first and then send it to the Board of Supervisors before any Comprehensive Plan change.

Mr. Gallaway said he wants to be sure the cost ramifications are considered, as that better informs the Board on how they put the Comp Plan together, beyond it just being aspirational.

Ms. Mallek said that things in the Comprehensive Plan help inspire partners that often pay the entire cost of things, such as with stream restoration.

Mr. Hannah presented a slide with a list of the process to work with the Planning Commission to amend the Comprehensive Plan:

- Review with Planning Commission
- Develop Comprehensive Plan amendment
- Public process
- Public hearing with Planning Commission
- Return to Board within one year to complete Comprehensive Plan amendment

He said that should the Board approve the plan, he will go to the Planning Commission in August or September and present them with a timeline and schedule for the process, at which time the Planning Commission would pass a resolution of intent to amend the Comprehensive Plan. He said this would be followed by a public hearing, after which the Planning Commission will pass it on to the Board – with additional opportunity for public input at a second public hearing.

Mr. Gallaway commented that there are some things in the plan he likes, but he would like the opportunity to have a discussion about costs, which he thinks would occur at this point, but they are quickly moving towards endorsement of an action plan. He asked when they would have the opportunity for in-depth conversation about some of the items.

Mr. Randolph said the Planning Commission would not review the costs of building underpasses on Route 29 because they would say this is a Board of Supervisors matter to consider, and they will not touch the land valuation issue for the same reason.

Ms. Mallek suggested that Supervisors present their topics of concern to Mr. Hannah so he can address them now rather than waiting a year until things come back.

Mr. Hannah commented that for many of the goals and recommendations, there would be a necessary next step as they are items for research or investigation and do not yet call for direct action.

Ms. Mallek asked the Board if they wish to continue with the presentation, remove some items, or postpone a decision to another meeting and give Mr. Hannah the opportunity to address questions.

Ms. Palmer indicated that she has many questions that do not have to be answered now, and she is willing to approve the plan and send it to the Planning Commission. She said she has concerns with aspects of the land use issue and habitat size.

Ms. McKeel and Mr. Dill expressed a willingness to proceed.

Mr. Hannah stated that he is also seeking approval from the Board for staff to proceed with two recommendations:

- ACE and PRFA programs – consider biodiversity values in conservation easement criteria. Use BAP data and information when assessing biodiversity values.
- Developing strategies for improving water quality and stream buffers – habitat and biodiversity values should be considered.

He emphasized that they do not want to have to wait a year until a Comprehensive Plan amendment has been completed.

Ms. Mallek added that the ACE Committee has worked for many years to strengthen things, and this would be extra encouragement for putting natural heritage values in easement criteria, which would soon be coming before the Board for adoption.

Mr. Gallaway asked if they would look at the costs involved for the first recommendation. Mr. Hannah replied that a change should not affect costs because the ACE program already has criteria that in theory assessed biodiversity value, though he does not know of any ACE recipient that has actually been awarded points for biodiversity. He explained that by bringing biodiversity into the picture, it provides the opportunity for the ACE Committee to assess the value of a property and use biodiversity as a missing element. He said he cannot imagine that it will affect the dollar amount of easements.

Mr. Kamptner interjected that the ACE and PRFA Programs are voluntary conservation easements and, to the extent that the criteria are further refined and the landowner may consent to additional restrictions on property, the value of the easement could go up. He said in the ACE Program, the County purchases the easement and the cost of the easement might go up for the other donated easement and they may receive a larger tax deduction as the value of the easement and the restrictions are greater than they might otherwise be. Mr. Kamptner stated that what had been proposed in the Biodiversity Action Plan and the draft revisions to easements coming before the Board the following week are refining the ranking criteria in a way that will help the County obtain easements on properties with the highest value.

Ms. Mallek added that there would be higher performance standards for ACE applicants, as the 15 criteria determines which applications have the highest criteria to be paid for. She said she had argued for a couple of years that in addition to considering a whole property, if there was a particular critical resource area in a small part of a larger property and an owner wants to protect that resource, then the Board should be open to this possibility and help landowners do the best job they can.

Mr. Hannah presented the final recommendation in the plan:

- Biodiversity education
- Outreach to landowners about biodiversity value of high priority important sites
- Outreach to County staff and officials about biodiversity value of high priority important sites that are 1) County-owned or 2) the County may have some influence related to land use or land management

Ms. Mallek commented that mandatory buffers would be coming forward the following week, as the County is trying to raise performance standards.

Ms. Palmer asked if it is legal to require landowners to take continuing education classes at the time of land use renewal qualifications, as the biodiversity aspect would be very interesting for an education credit class if this is something they are able to do.

Ms. Mallek added that there are ongoing discussions with County Assessor, Peter Lynch, and the Soil and Water Conservation District about ways to enhance performance standards for open space land use to require other efforts for qualification.

Mr. Randolph said he would like to comment about developing strategies for improving water quality and stream buffers. He asked that they work very closely with Mr. Henry who will report to the Board in December with a recommendation for an alternative approach to the stormwater utility. He said part of the objective of the stormwater utility fee is to enhance water quality and stream buffers in rural areas, which is an issue that is very much before the Board. He said they can potentially undertake action, with the approval of the FY20 budget, to alleviate the inclusion of stormwater improvements in the County's existing operating budget, and seek an alternative way of funding. He said this would assure that no matter what the status of the economy they would have a dedicated source to address rural stormwater runoff. He added that there are many violations and failures to follow good land use stewardship practices.

Ms. Mallek said she has a different takeaway, that there is endorsement of the water quality program but they do not want to pay for it that way and they should hold them accountable for the fact that they support the endorsement of the water quality program.

Ms. Palmer **moved** that the Board endorse the Biodiversity Action Plan as set out in the recommendations. The motion was **seconded** by Ms. McKeel.

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

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

Mr. Hannah invited Supervisors to send him their questions and comments.

BIODIVERSITY ACTION PLAN STAFFS RECOMMENDATIONS

1. Endorse BAP
2. Approve staff beginning a process to work with the Planning Commission to amend the Comprehensive Plan. The process includes:
 - a. Review with the Planning Commission.

- b. Develop a Comprehensive Plan Amendment.
 - c. Public process.
 - d. Public hearing with the Planning Commission.
 - e. Return to the Board within one year to complete the Comprehensive Plan Amendment.
- 3. Direct staff to proceed with selected BAP recommendations:
 - a. ACE and PRFA programs should consider biodiversity values in conservation easement criteria.
Use the BAP data and information used in BAP when assessing biodiversity values.
 - b. Habitat and biodiversity values should be considered in developing strategies for improving water quality and stream buffers, including possible revisions to the Water Protection Ordinance.
- 4. Endorse NHC efforts to proceed with selected BAP recommendations:
 - a. Biodiversity education.
 - b. Outreach to property owners about biodiversity value of high priority Important Sites.
 - c. Outreach to County staff and officials about biodiversity value of high priority Important Sites that are 1) County-owned or 2) the County may have some influence related to land use or land management.

Agenda Item No. 10. **Work Session:** FY 19 – FY 23 Capital Improvement Plan and FY 19 Capital Budget.

The Executive Summary forwarded to the Board states that on March 1 and March 5, 2018, as part of the regular budget development process, the Board of Supervisors held work sessions on the Capital Improvement Program.

On March 27, 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, Center 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 Capacity and Improvement Project. The Board also reviewed five potential FY 19 - FY 23 CIP scenarios.

On April 10, the Board of Supervisors reviewed three additional CIP scenario models, 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 local government 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. The Capital Budget included funding for Center 1 of the High School Capacity and Improvement project.

On May 9, the Board of Supervisors identified a maximum amount of \$59 Million in bonds that could 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. The Board of Supervisors also discussed local government "quality of life" projects that could be included in a 2018 Referendum.

On June 6, the Board discussed the resolution requesting a bond referendum received from the School Board, considered potential local government CIP projects that may be included on a 2018 Bond Referendum, and reaffirmed the maximum dollar amount of bonds that could be issued in November 2018 as \$59 Million.

On June 14, the School Board met and determined that they would not adopt a Resolution to request 2018 Referendum funding and instead would request that the Board of Supervisors amend their FY19 CIP Budget to include planning, design and land acquisition to support future key projects. The School Board also determined that they would request funding from the Board of Supervisors in the spring of 2019 for the construction of these projects to begin in FY 20. The School Board's request is further detailed below:

High School Capacity and Improvements Project - High School Center #1: The School Board's request is to reduce the FY 19 Adopted Capital Budget in FY 19 to \$4.9 Million. This amount includes \$1.3 Million to complete the design development of the High School Center #1 by Fall 2019 and an additional \$3.6 Million for land acquisition.

High School Capacity and Improvements Project - Modernization of Albemarle and Western Albemarle High Schools: The School Board's request is for \$200,000 for planning and programming study for redesign work at Albemarle and Western Albemarle High Schools. This would include the completion of a pre- planning/programming study by May 2019. The funding

would support stakeholder engagement, the development of a master Plan, and a refined program and budget.

Scottsville Elementary School Project: The School Board's request is for \$300,000 to complete design development by Fall 2019 for the classroom addition and gym portion of their original request. The School Board's revised schedule for their funding request for Scottsville Elementary would be for a 2021/22 school year opening.

During the July 5 meeting, the Board will be asked to:

- 1) consider the June 14th request from the School Board to amend the FY 19 Capital Budget. If the Board directs staff to amend the FY 19 Capital Budget at the July 5th Board meeting, staff will bring back the amendment to the Board of Supervisors for its approval on August 1, 2019.
- 2) determine whether to a) proceed with a November 2018 Bond Referendum just for local government projects, b) delay this decision for a future Referendum that would potentially include School Division projects, or c) fund these quality of life projects utilizing other funding options.
- 3) provide final direction to staff on the FY 19 - FY 23 Capital Improvement Plan (CIP) so that staff can bring back a FY 19 - FY 23 CIP to the Board for its approval on August 1, 2019, and
- 4) consider staff's recommendation for an abbreviated CIP process for the next development cycle (FY 20 - FY 24 CIP.)

The size and scope of the FY 19 - FY 23 CIP impacts the amount of future debt that would be issued by the County.

Staff recommends the Board of Supervisors provide staff direction regarding: 1) the School Board's request for an amendment to the FY 19 Capital Budget, 2) a potential Referendum for \$12M in Local Government "quality of life" projects, 3) the finalization of the FY 19 - FY 23 CIP, and 4) the abbreviated process for the development of the next iteration of the CIP development process (FY 20 - FY 24).

Ms. Lori Allshouse, Director of the Office of Management and Budget, presented. She noted that Supervisors have a handout, and she presented a slide with the objective to Obtain Board Direction:

- 1) \$12 million in local government "quality of life" projects
- 2) School Board's request to amend FY19 Capital Budget
- 3) FY19–FY23 CIP
- 4) Staff's proposal to modify FY19–FY23 CIP/Capital Budget development process

Ms. Allshouse next presented a slide that listed important dates in the process and reminded the Board that when they began the CIP process, it was the start of a conversation. She summarized that there were several discussions held in March and on April 17, the Board approved the FY19 capital budget. She said on May 9, they discussed a potential bond referendum and approved a maximum amount of \$59 million to potentially include in a November 2018 referendum, with \$47 million for school projects and \$12 million for local government quality-of-life projects. She continued that on June 6, the Board reaffirmed that decision. Ms. Allshouse stated that the School Division had decided to not go forward with a referendum in November and had made other requests, but the Board could still move forward with a referendum for local government projects and Mr. Kamptner had prepared a resolution they could approve today. She said this conversation will review whether the Board would proceed with a November bond referendum for local government, delay this decision until it could be coupled with a referendum that includes the schools, or fund quality-of-life projects from other sources.

Ms. Allshouse reviewed the proposed local government projects and presented a map of the County with colored dots representing their locations. The first project she reviewed was \$6 million for bicycle/pedestrian projects and the remainder for Parks and Recreation projects. She said these enhancements had been identified in adopted plans and studies, reflected citizen desires through surveys and public input, and advanced and established a comprehensive, interconnected bike and pedestrian network, supports transit use, provides access to the Rivanna River and open space areas, provides additional fields and play areas, and supports economic development efforts.

Ms. Mallek asked if there is background information about relative costs and choices the Board may have for funding.

Mr. Bill Letteri, Chief Finance Officer, reminded the Board that in previous discussions, he had said the issuance of debt through general obligation bonds as part of a referendum would save interest costs, as they are backed by the full faith and credit of the community and payments are not subject to re-appropriation. He added that in the current low interest environment, the difference in the spread between general obligation and lease revenue bonds is relatively minimal at about .25%. He emphasized that the issuance of general obligation bonds requires staff and financial resources for the educational component, and there are also non-quantitative considerations with which the Board is familiar.

Mr. Randolph commented that the resolution prepared by Mr. Kamptner and sent to the Board the day before represents the original discussion of the Board to set aside \$12 million for general

government. He reminded Mr. Letteri of his previous comments that a larger issue might make the bonds more attractive to Wall Street investors and asked that they consider a figure up to \$20 million for non-educational CIP-related projects. Mr. Letteri replied that a larger issue would accentuate the difference in interest savings between the two forms of debt issuance, and the savings would be greater with a general obligation bond.

Ms. Mallek pointed out that up to 2016, the Board had directed the County Executive to include these items in capital projects and that this certainly is a way to carry forward.

Mr. Dill pointed out that they must take into consideration the possibility that the referendum could be voted down.

Ms. Mallek commented that the lesson is that you do not put items in a bond that you really want to do. She said there had been tremendous support across the community for doing something in the capital program that they have not done for 15 years.

Ms. Palmer said she sees both sides and noted that County communications staff is in flux and likely to be off and running in another year. She said it seems as if this is being rushed and might be difficult to pull off, though she believes they would receive support from the education community and it would be better to delay action.

Ms. Mallek asked Mr. Randolph if he has a list of local government items that did not make the cut this year that he would like to include in a referendum.

Mr. Randolph replied that he has items to add and would like to address the issue of timing. He said the School Board is backing away from seeking major funding in FY19 and deferring to FY20 or FY21, which means that three members of the Board of Supervisors, as well as some School Board members, would be up for reelection at the time of the earliest potential referendum. He said it is important to be mindful that each board member put a stake in the ground for a project that carries a consequent capital cost, which he estimates would be \$74.2 million and could be as high as \$80 million. Mr. Randolph cautioned that if they decide to defer a decision on local government projects, there may be no room to add general government items in a future referendum because of the accrued costs to the property tax rate and the school projects would eat the referendum. He stated that if they do not do this now then it is not going to get done.

Ms. Mallek interjected that she did not hear Ms. Palmer say that they should back off, but instead thought that she is comparing the two kinds of funding.

Ms. Palmer clarified that she was suggesting that local government projects be paid for from the CIP and that they not do a referendum.

Mr. Dill said he does not support a referendum this year, though he supports investments in bike paths.

Mr. Letteri commented that he thought the question before the Board was whether they finance the projects with a referendum or through lease revenue and that staff would suggest they utilize lease revenue.

Ms. McKeel said she would not support a referendum this year, though she anticipates this issue coming back, and she suggested that they use the CIP.

Mr. Gallaway added that he does not support a referendum for \$12 million.

Ms. Palmer **moved** that the Board not proceed with a bond referendum this year for local government "quality of life" projects, but that they be funded through the Capital Improvement Plan. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: Mr. Randolph.

Ms. Allshouse explained that the second item under consideration is to amend the FY19 budget to include planning, design, and land acquisition to support future key projects and to begin construction in FY20, as supported by the School Board. She said the three projects would cost \$5.4 million:

- High School Capacity Improvement Project: Design and Land Acquisition for High School Center I for 600 students (\$1.3 million design development, \$3.6 million land acquisition)
- High School Capacity Improvement Project: Modernization of Albemarle and Western Albemarle High Schools (pre-planning and programming of stakeholder engagement, development of a master plan, refine program and budget: \$200 thousand)
- Scottsville Elementary School Project: Design and Development of classroom addition to gym (\$300 thousand)

Ms. Allshouse pointed out that funding for this project is included in the FY19 capital budget, and the School Board is asking that they reduce funding in the FY19 budget to include only the design and land acquisition portion.

Ms. Allshouse said they anticipate the School Division will request additional funding of \$168 thousand for some project management costs.

Mr. Letteri said he would address timing and affordability considerations. He explained that the School Board intends to come back in the spring to request construction funds, which would be out of the normal budget cycle. He said a second timing consideration is that the School Board intends to come before the Board to request that a referendum be held in November 2019, which would be an off-cycle election for which there is typically less voter turnout. For the consideration of affordability, Mr. Letteri said the revised requests would exceed the \$47 million aggregate for schools that was previously discussed by a considerable amount as the revised amount would be approximately \$75-80 million.

Ms. McKeel commented that this figure is not unusual for a bond referendum if one looks at other communities and asked if the School Board had considered the timing of a referendum and the election cycle.

Ms. Rosalyn Schmitt, COO of Albemarle County Schools, stated that the School Board did discuss the timing of the election and was concerned with it being held during an off year when voter turnout is low. She said Mr. Dean Tistadt had advised them that there had not been differences in pass rates related to on or off-year election cycles. She said they chose the spring because this was the earliest time by which they felt they could produce new information.

Ms. Mallek commented that this put them back into the same trap they were in the past year whereby high school decisions are not available to the CIP Committee and the Board in the fall, which led to a last-minute scramble. She expressed support for delaying this by one year so that all the information could come forward during the right timeframe, which would likely make the referendum more successful.

Mr. Randolph said that Ms. Mallek's point is well taken and that there is a degree of oscillation on the part of the School Board in terms of what they are asking of the Board of Supervisors, and he is concerned about the timing of Spring 2019 to approve something of this magnitude. He commented that an \$80 million bond referendum is significant for this region and said they should have the School Board present this in the CIP in the fall and allow the Board of Supervisors to conduct its normal due diligence.

Ms. McKeel said she is not concerned with the amount but with the timing of the referendum during an off-year election cycle, and a majority of School Board members do not support this.

Ms. Schmitt clarified that one School Board member does not support the request before the Board of Supervisors as presented now, and it was the previous request that Ms. McKeel is referring to.

Mr. Dill said he is confused with the total amount and it seems as if they are putting money towards planning, after which the schools would seek a referendum. He asked if the total amount of money would be the same and expressed that he would not want to raise the tax rate over a short period of time. Ms. Schmitt responded that it is premature to determine the total dollars and that the point of this is to obtain further detail. She clarified that the estimated design cost for a high school center was based on a construction estimate of \$35 million total, which had not changed. She said they are hoping that in the next year they would have further detail regarding the location, whether it was a purchase or lease, financing options, etc. She said the Scottsville project cost is based on a construction estimate that removes improvements to the existing building and has been reduced. She explained that the high school modernization project is not tied to a construction budget and is a preliminary programming exercise, and things would be refined with the potential for phasing.

Ms. Mallek asked if the high school modernization project involves engineers and architects. Ms. Schmitt confirmed this, adding that stakeholder engagement would involve teachers, students, and community members in a collaborative approach to determine needs and priorities for the building.

Ms. Palmer commented that one of her concerns is that there needs to be more planning and information, and she is glad the School Board is addressing this and the new superintendent favors additional planning. She clarified that her concern with the timing of a referendum is not just with the pass rate but also with the public's participation. She said she would be concerned if the School Board were to come back and ask for an amount that would translate to a large tax increase within a short period of time, and she hopes they can plan for a logical way to phase these large infrastructure projects.

Mr. Randolph stated that the County's borrowing costs would be greater in November 2019 or 2020 than they would be this November, as the Federal Reserve had signaled that interest rates would continue to rise. He estimated the property tax would have to increase by 6.1 cents over five years if voters were to approve an \$86 million referendum for education. He emphasized that there would be an expectation, if not an obligation, that the Board would approve a referendum in the future to fund construction of these projects.

Ms. Mallek asked if there is a way to support items in the presentation up to a cost of \$47 million, as these fit in with what the Board had approved previously and this is the only way she would support it going forward.

Mr. Gallaway disagreed with Mr. Randolph's comment that the Board is obligated to support a referendum. He said the School Board is not naïve enough to think that any decisions are going to change next year that did not occur this past cycle. He said he has yet to hear the argument that would persuade three or four Supervisors who did not vote to support funding this spring to change their minds next spring. Mr. Gallaway emphasized that the County has some big needs to fund and the School Division also has big needs, and it would take continued conversation as well as a joint meeting so they would understand the County's debt capacity. He expressed support for an incremental approach such as first acquiring the land for the center, and he sees this approach as one that does not obligate him or any Board member to vote for anything.

Mr. Gallaway stated that he would like to do what makes the most sense in terms of the amount of money and the savings relative to the cost, and he is not as concerned with what year it is in. He said that maybe it should be in a year when there are more local offices so voters would have a direct way to talk to the candidate, have a direct voice on the referendum, and could see what the outcomes are. He indicated that the \$80 million requested by the School Board is not beyond actual need, and it is the Board of Supervisors' responsibility to figure out what they can afford to do, and they should figure out a way to do this incrementally in the most cost-effective manner. He emphasized the importance of the Board of Supervisors having a better understanding of the school system and the schools having an understanding of the County's debt capacity.

Ms. McKeel agreed with Mr. Gallaway's suggestions as it leaves options open that they could discuss again.

Mr. Randolph pointed out that they have a formal request from the School Board before them for funding to be approved in order to meet a desired timeline.

Ms. Mallek said she understands the timing should flow with the CIP process.

Mr. Gallaway commented that if the schools come back next year and request \$80M again, it would not succeed – so something has to change.

Ms. McKeel commented that this would give them time and they would see if something changed or where the votes are.

Ms. Palmer said she does not feel compelled to vote for an \$80 million project next year if they approve what they are approving today, and she wants to see the planning before going further. She said the Board had signaled clearly that at least four Supervisors were concerned about going higher than that, so the schools would have that information to work from.

Mr. Richardson asked the Board for guidance as to whether it would be helpful for staff to look at pre-planning for a fall School Board/Board of Supervisors work session to discuss what Mr. Gallaway raised in terms of capital needs for education and general government, with an eye to affordability and timing. He pointed out that in September, the Board will review their strategic plan – which dovetails with planning for schools.

Ms. Mallek, Mr. Dill, and Ms. McKeel agreed that a joint work session should be held.

Mr. Gallaway said that staff did a good job with explaining the full context of debt capacity, which he wants the School Board to understand.

Mr. Randolph added that the School Board should see the CIP and the full range of things the Board of Supervisors is factoring in as capital needs and requirements.

Ms. Mallek asked Ms. Schmitt if they would consider properties that have been offered, such as 70 acres at Brookhill. Ms. Schmitt confirmed this.

Ms. McKeel **moved** that the Board direct staff to return to the Board on August 1 to amend FY19 Capital Budget to reflect the School Board's request for an amendment to the FY19 Capital Budget. The motion was **seconded** by Ms. Palmer.

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

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

Ms. Allshouse said they would seek direction for the FY19–23 CIP at the August 1 meeting. She presented a slide with a list of CIP highlights and explained that the Board may add or subtract items during today's meeting. The highlights listed were as follows:

- Mandates, Obligations
- Maintenance/Replacement Projects
- Courts
- ACE Program – FY20–FY23
- Advancing Strategic Priorities
- Ivy Recycling Center
- Fire Rescue Volunteer Facilities Pilot

- Police Evidence Processing and Vehicle Storage
- \$35.2 million for High School Improvements Project – 600 student center (Center 1)
- \$12 million for local government bond referendum funded projects
- \$12 million for potential School Division bond referendum projects

Ms. McKeel **moved** to direct staff to return to the Board on August 1, with the FY19–FY23 CIP. The motion was **seconded** by Ms. Mallek.

Ms. Allshouse continued her presentation. She said they are proposing to modify the FY20–FY24 CIP/Capital Budget development process as the budget was just approved, and because the Board plans to have some policy discussions on stormwater and schools. She presented a slide with a flowchart of the process.

Mr. Randolph expressed his approval.

Ms. Mallek concurred and made two suggestions: more Board members should be present at future CIP meetings, and they should not re-rank items every year.

Ms. Allshouse reminded the Board that each year she holds a debriefing with them to review the process and obtain suggestions for the future. She asked that they schedule a meeting quickly so she can obtain the Board's suggestions.

Recess. The Board recessed the meeting at 3:27 p.m. and reconvened at 3:38 p.m.

Agenda Item No. 11. **Work Session:** Albemarle County Fire Rescue Standards of Response Coverage.

The Executive Summary forwarded to the Board states that in 2016, Albemarle County Fire Rescue (ACFR) contracted with Fitch & Associates (Fitch) to evaluate the fire department's operations, deployment, and staffing and develop a comprehensive deployment and staffing plan referred to as a Standards of Response Coverage (SOC). Fitch followed the standards set out by the Commission on Fire Accreditation International (CFAI) Standards of Cover process, which uses a systems approach for deployment rather than a "one-size-fits-all" prescriptive formula. This comprehensive approach allows agencies to match local community needs (risks and expectations) with the appropriate level of service to operate in a safe, efficient and effective manner. Utilizing that information, ACFR should be in a good position to assist the Board of Supervisors in adopting appropriate and affordable service levels.

Using national, state, and local standards, as well as information guidelines set forth by organizations such as the CFAI, the National Fire Protection Association (NFPA), and the Insurance Services Organization (ISO), Fitch evaluated the current response model, as well as the risk profile of Albemarle County to develop a risk- based, data-driven staffing and deployment plan for ACFR. Fitch used comprehensive data- based quantitative and geospatial analyses to objectively evaluate the historical demand for services by type and severity. Fitch also obtained occupancy level data from the ISO and the County's databases and used this data to assess occupancy level risk within the community. The report from this data is provided in Attachment A. Ultimately, over 600 occupancies were categorized as low, moderate, and high risks and geocoded to the respective existing district boundaries in an effort to establish an efficient and objective risk-based strategy for resource allocation.

ACFR is a system of numerous agencies that provide a full portfolio of services including fire suppression, fire prevention, technical rescue, hazardous materials mitigation, as well as emergency medical services (EMS) which includes transportation of patients to the hospital at both first responder basic life support (BLS) and advanced life support services (ALS). The fire and rescue services are provided by an administrative facility; five county-owned stations; seven non-profit fire company facilities; and three non-profit rescue squad facilities.

The current fire response time average is 10 minutes 36 seconds in the Rural Area and 6 minutes 18 seconds in the Development Area. The current EMS response time average is 11 minutes 36 seconds in the Rural Area and 6 minutes 12 seconds in the Development Area. The current rural response times are meeting or exceeding the County's Comprehensive Plan expectations in the Rural Area of 13 minutes or less on average. However, the Development Area responses will require some modifications to the current fire rescue response system in order to meet the expectations developed for an average response time of 5 minutes for fires and 4 minutes for rescue calls.

The distribution of risk and demand within Albemarle County is primarily focused in and around the identified Development Area of the County. The density of the Development Area is not as high as the City of Charlottesville creating challenges for ACFR to meet the same service level as the City with the current model and allocation of resources.

Several alternative staffing and deployment models were evaluated and presented. Additionally, a number of variations of deployment and response times were evaluated that include differentiated performance and service levels based on the Comprehensive Plan's designated Development Area and Rural Area. Additionally, several variations of collaboration with the City of Charlottesville were evaluated to determine the best service delivery models that balance the competing demands of each of the agencies.

The overall evaluation is the final component of the Standards of Cover (SOC) process. As a risk-based process that incorporates risk, mitigation, and outcome measures, both the Department and the County's leadership can more easily discuss service levels, outcomes, and the associated cost allocations based on community risk.

Priority recommendations were developed and are presented as follows:

1. Develop and adopt system performance measures that should provide accountable service levels regardless of employment status
2. Adopt a service level objective of a 6-minute travel time in the Development Area at the 90th percentile
3. Adopt a service level objective of a 15-minute travel time in the Rural Area at the 90th percentile

The specific recommendations will have no impact on the adopted FY19 operating budget and do not obligate the Board of Supervisors to appropriate funds. Rather, the recommended modifications, if and when adopted, will better enable the Board of Supervisors to consider objective performance measures, community risk, and appropriate service levels as part of future budget deliberations, beginning likely in FY20.

Staff recommends that the Board adopt the following response time standards, based on the recommendation of the attached Standard of Cover document (Attachment B):

1. Adopt a service level objective of a 6-minute travel time in the Development Area at the 90th percentile
2. Adopt a service level objective of a 15-minute travel time in the Rural Area at the 90th percentile.

Please note that adopted response time standards will be reflected in a future Comprehensive Plan amendment.

Mr. Dan Eggleston, Chief of Fire/Rescue, presented. He reminded the Board that over the years they have discussed the need to reevaluate response time goals and deploy resources to achieve the best and most economical service they can. He said that in 2016 with the Board's approval, they hired Fitch and Associates to develop a risk-based operational plan that they called "Standards of Cover." He noted that the system had evolved over the last 16–20 years and he would review the impact this has made to citizens.

Mr. Eggleston stated that major investments have been made in the system in terms of buildings and career firefighters, mainly in the urban areas, to keep pace with growth and address service gaps – and they continue to make investments in the volunteer system towards this important asset. He noted that they have increased operational funding to make the system as cost-neutral as possible; have consolidated the purchase of fuel, maintenance, and personal protective gear; and are working with the systemwide Recruitment and Retention Committee on a length of service award. He reminded the Board that he would address them the following week to review options for additional annual and capital maintenance financial assistance for volunteer-owned buildings. He noted that these initiatives would help them target and incentivize the volunteer system to allow the department to focus its efforts on Fire and EMS protection without having financial needs competing for their time. Mr. Eggleston said that while the Board would hear about the increasing demand for services as part of the standards of coverage presentation, ACFR views the volunteer system as a significant and important component for the long term and they will continue to work with the Board on investment. He introduced Dr. Steve Knight to report on standards of coverage.

Dr. Steven Knight, partner with Fitch and Associates, stated that they were privileged to partner with ACFR to evaluate deployment strategies and department challenges. He said they had developed a risk-based deployment plan that sought to validate existing operational assumptions and/or identify opportunities for improvement, recommend and adopt performance or level of service standards, and provide an adoptive framework to address future growth.

Mr. Knight explained that they had developed a risk-based deployment strategy that followed the accreditation model offered by the Commission on Fire Accreditation International and that looked at historical community service demands and community risks. He presented a pie chart that depicted the number of incidents by category in 2017, as collected by the 911 center. He noted that the majority of calls for service from the public were for emergency medical, with 20% being for fire related incidents. He explained that they projected emergency medical services to grow to 80–85% as the system continues to mature.

Mr. Knight said the risk-based approach differentiated fire station areas based according to low, moderate, and high risk levels, and he noted that Crozet, Seminole, and Pantops represented high risk. He presented a chart listing the risk level for all fire stations and commented that this is an excellent tool to help differentiate resource allocation decisions to mitigate risks and risk levels. He next presented graphs of the demand distribution based on the number of calls per day at various hours for EMS and Fire. He explained that the distribution is similar to a pattern they see across the country, with much less demand for services at night versus during the day. He said that EMS calls averaged 1.5 per hour, while calls for fire service averaged .5 per hour.

Mr. Knight noted that the County has a differentiated model for EMS through the rescue squad, as there is a different allotment of resources for night and weekend responses compared to weekday response. He presented a chart of dispatch, turnout, travel, and response times for six EMS units and pointed out that the average response time among the stations to citizens during weekends and nights was 19.5 minutes or less 90% of the time, compared to 17.5 minutes or less for weekday responses. He attributed the response time for weekdays to the allocation of resources made to address peak periods of demand.

Ms. Mallek asked if distance was factored into the response times. Mr. Knight confirmed this and that there was a GIS component to the model.

Mr. Knight next presented a graph of station demand zone reliability for Fire at each station, which indicated the percentage of time that resources from that station responded to a call, noting that they were all 85% or greater with most at over 90%. The next chart presented was of station demand zone reliability for EMS during weekdays, and he noted that this was more of a challenge than for Fire. The next chart depicted the probability of incidents overlapping, which represented a situation when EMS was actively responding to a call and received another call for service before they had finished addressing the first call. Mr. Knight noted that Seminole and Pantops stations experienced overlap about 20–35% of the time, which signifies a need for a second ambulance at Seminole. The next chart presented was of projected growth in the demand for services from 2012–2023, and he emphasized how the figures should be monitored on a five-year rolling average basis. The next chart presented was entitled “Unit Hour Utilization,” which Mr. Knight explained represents measures of every activity involved in a service call. He noted that some stations had extra capacity and could absorb new workloads, while some stations may approach their upper threshold of capacity sooner.

Mr. Knight stated that the County’s current Comprehensive Plan goal for Fire and EMS average response times is 13.5 minutes for both Fire and EMS in the rural areas, five minutes for Fire, and four minutes for EMS. He said the County has been able to meet the goal for rural areas but not for the development areas, and Fitch suggests they either adjust resource allocation or the actual Comprehensive Plan goal based on the realities. Mr. Knight said they also suggested moving from an average to a 90th percentile measure, which is considered to be a best practice in the industry and followed by the National Fire Protection Association as well as the Commission on Fire Accreditation International. He said they recommend a 15-minute travel time for rural areas and six minutes for the development areas, which was a slight adjustment from the current goals that included both turnout and travel time. Mr. Knight said it would give the department more flexibility to manage performance if they only focus on the travel aspect since the turnout is variable based on employment status. He summarized that the takeaway for designing a framework was to have a system of measures to monitor to ensure that citizens have the adopted level experience.

Mr. Knight reviewed operations and best practices, stating that they have found that the department is well situated in terms of the number of stations and that any gaps in coverage are related to the depth of resources at the stations and not due to the number of stations. He applauded the Board for setting reasonable and obtainable objectives instead of those that would be too difficult to implement. He said they have found that there is a high degree of department leadership for Fire and EMS collaboration and transparency, many best practices are followed, staffing strategies are optimized, cross-staffing among Fire and EMS apparatus within stations is appropriate and innovative and should be expanded to additional stations, recruitment and retention is a primary challenge and an opportunity, and the volunteer/paid staff combination is part of the system’s design and should be sustainable in the long term as the cost differential is exponentially more with a department of 100% paid staff.

Mr. Knight presented a list of recommendations:

- Develop and adopt system of performance measures that should provide accountable service levels regardless of employment status
- Adopt a service level objective of a 6-minute travel time in the development areas at 90th percentile
- Adopt a service level objective of a 15-minute travel time in the rural areas at 90th percentile
- Add a second 24-hour medic unit at Rescue Station 8
- Add a 24-hour engine at Pantops Station with the qualifications to cross-staff R16 during non-peak hours

He concluded and invited questions.

Ms. Mallek remarked that in looking at the percentile for the rural and growth areas, people might conclude that the growth area is not receiving the same level of service as the rural area since the percentile is lower; but in the country, if one happens to live within four miles of a fire station, they may be within 13–15 minutes, though most are within 30–40 minute response times due to geography. Ms. Mallek emphasized that she does not want those in the growth area to think that their 5-minute response time is worse than the 15–20 minute response time in the country. She explained this is sort of mixing and matching statistics, which could cause confusion. Mr. Knight responded that there is not a recommendation to reduce the number of stations, but to ensure a service level that is obtainable and to change the lens of how this is measured. He continued that the performance for citizens would not change, as they would just be setting a new standard of how to measure and codify performance.

Mr. Randolph said he was struck by the resources required to lessen response times, which would require significant staffing and operational changes in the future that would siphon critical resources from education, parks and recreation, and other departments. He pointed out that the question to consider is whether this is a necessity. He said that adding a Fire/Rescue truck to Station 16 would have a direct, immediate, and long-term effect on the viability of East Rivanna and Stony Point volunteer fire companies, as they would experience fewer calls – which would cause feelings of less involvement, value, and the role played in helping the community. He remarked that the analysis was biased towards the professional end of the spectrum and lacked cost-benefit analysis data per the fiscal consequences to the County's annual operating budget of reducing the volunteer participation rate for Station 16, without looking at other locations where they were reducing the incentive and the degree of feeling valued. He said as they embrace professionalism, the cost of not having the volunteer end would be dramatic – and although the long-term trends are clear, there are benefits to maintaining volunteer companies in operation and involved in the community for as long as possible. He pointed out that many professionals are recruited from the volunteer force and expressed concern that if the Board were to approve the recommendations presented, there would be a decline in the volunteer force.

Ms. Mallek remarked that Station 4 is a perfect example, as they were running more than 1,200 calls per year prior to the opening of Hollymead and are now down to 800 calls. She said in the past, paid staff were recommended for the station but this had been pulled as other locations were perceived to be more important. Ms. Mallek noted that in the six weeks since the program had begun, there had been dozens of days when there was no staff present and the community was left unprotected. She said they cannot remove staff from one of the oldest stations in the County that has an ambulance while also advocating for additional ambulances in rural stations.

Ms. Mallek agreed with Mr. Randolph and remarked that volunteers do not want to sit around but wish to assist the community. She said they have argued over how to provide meaningful incentives for volunteers since 2008, and some past ideas, such as offering participation in the health insurance program, were not implemented. She said this would have been inexpensive compared with the cost of hiring so many more staff since volunteers have to work second jobs to be able to afford health insurance and cannot devote as much time to their volunteer work. She remarked that citizens she spoke with at the parade had raised this issue. She asked what the FEMS Board had suggested about this.

Ms. McKeel asked if some of the questions and concerns expressed by Supervisors would be addressed at this meeting.

Mr. Dill asked Mr. Richardson to comment. Mr. Richardson replied that he had discussions with the Fire Chief and Deputy County Executive about the volunteer survey, and Chief Eggleston is prepared to address the Board on this either now or in the future.

Chief Eggleston offered to present a quick summary. He emphasized that the County had pumped a lot of money into the volunteer fire department for strategic reasons and had looked to make this cost neutral and to offer incentives. He said the results of the volunteer survey indicated that a length-of-service award was high on the list of desired incentives, and they had issued a request for information (RFI) and are currently engaged in conversations within the stations as to what this would look like. Chief Eggleston listed various measures taken, such as increased maintenance and reimbursement for previous maintenance; increased operational funding; and consolidation of fuel, maintenance, and personal protective gear purchases. He said they are trying to make it as easy as possible to volunteer and will present the Board with additional incentive options, though they have done more than the average county.

Chief Eggleston agreed that they should provide activity for volunteers but they also must provide service to citizens, and in the case of rural stations that could not meet response time objectives, such as Earlysville, they had to add stations such as Hollymead's. He acknowledged that this had reduced the number of calls to Earlysville and had added an ambulance to offer more activity and more service to citizens, which he described as a win-win situation. He emphasized that they must have adequate coverage and he would rather do this with a combination of volunteers and paid staff – and the recommendation would enable them to have a very relaxed and reasonable level of response times. He pointed out that a six-minute response time in the urban area includes a two-minute turnaround time, for a total of eight minutes, as compared with Charlottesville which had a five-minute response time.

Ms. McKeel acknowledged that Ms. Mallek had been shaking her head and asked what concerns her about Chief Eggleston's remarks.

Ms. Mallek noted that a lot of work went into the accreditation that Charlottesville had and wonders how much the County could invest to enact minimal changes. She said she has worried about the Comprehensive Plan goal for many years. She said she does not want any of the numbers to be turned around and used as a club to attribute to rural stations that they are sub-standard and not doing their job and so the County is allocating resources elsewhere. She said this is the perception and emphasized the importance of maintaining the volunteer culture that binds communities together in ways beyond cost savings.

Ms. McKeel asked Ms. Mallek for confirmation that she is concerned that a new best practice performance criteria would have a negative impact on volunteerism. Ms. Mallek replied that the change from the Comprehensive Plan to the 90th percentile does not concern her, but the rest of the body of work that places importance on some stations over others and pulling staff from stations is of great concern.

Ms. McKeel pointed out that this is how the schools operate, with staff allocated according to need, and to base staffing according to best practices seems appropriate. She asked Mr. Richardson if he has had experience with this performance standard.

Mr. Richardson replied that he has not had experience to this degree of analysis and the systems he is familiar with were fully paid systems in urban areas and a similar volunteer program in rural areas, with a strategic plan that talked about strategies to consider similar to what Chief Eggleston is talking about to determine benefits and enticements to slow the decline of volunteers. He said he had spoken with Mr. Knight about things they could look at to slow the decline in both urban and rural. He continued that Chief Eggleston had a list of things on the operational and capital sides that they have done to help stations and this would be at a more personal level. He suggested they work on this and return before the Board before the budget process. He said that some states offer a retirement plan and health insurance participation.

Mr. Doug Walker, Deputy County Executive, addressed the Board. He related that he has some experience with some other systems and they are all unique and must be managed in the way that best fits the needs of the community. He acknowledged that a new performance standard for response times from an average to a 90th percentile could be perceived as moving the goal post without a full understanding of it. Mr. Walker said he believes the 90th percentile is a better comparative measure than an average where half the time you make it and half the time you do not. He stated they would need to adequately and continually communicate this to both volunteers and to the citizens who support volunteers and receive services. He reiterated Mr. Knight's point of a system of measures and that there was not one point that defined whether they were successful or not. He said his takeaway was that the system is largely successful, though there are areas where there is an opportunity to make modifications to better serve the interests of the citizens through a combination of career and volunteer firefighters depending on where it makes the most sense. Mr. Knight remarked that this was not just about response time from the station to the location, and there were a number of areas where they should look to make improvements to improve the overall experience.

Ms. Palmer remarked that Mr. Richardson had nailed it with his comments that Chief Eggleston keeps an eye on the customer experience and the Board is considering that along with costs and the volunteer experience. She asked how this aligns with the recommendation whereby the Board has been asked to adopt a six-minute travel time in the development area at the 90th percentile. She asked if they adopt the proposal that they look at those other items at the same time.

Mr. Walker replied that his sense was that when and if the Board is comfortable, they could give direction to modify the performance standards from the average response time to the 90th percentile. He said this could be reflected in the Comprehensive Plan, which had current performance standards, though they would not take on a Comprehensive Plan amendment just to address this change. He pointed out they had just completed the FY19 budget with no recommendation to increase staffing, though this would give the Board some advanced notice about where they may see some requests in the future and why the requests would be coming forward.

Mr. Dill said it is not clear to him how the change in the performance standards would translate into a stricter standard with financial implications. He remarked that the reason for having faster response times is to save lives and improve medical care, and he asked how this compares to other things to prevent premature deaths such as child abuse and drug addiction. He asked for comment on his statements.

Mr. Knight replied that there is a unique element that has to do with the geography of the development areas and to some extent the rural areas. He said they selected a six-minute response time goal to meet benchmarks. He said NFPA 17-10 is for career areas in which the development area would fall and would have a four-minute travel time at the 90th percentile. He noted that this is extremely difficult to meet and largely unmet by the American Fire Service. He said the Commission on Fire Accreditation International had a 70th percentile subset of this, which equals five-minutes, twelve seconds for an urban/suburban area. He said the GIS analyses indicate they could meet a six-minute travel time with collaboration from the City of Charlottesville and the CARS ambulance program. He said what is interesting about the geography is that even if they went up to eight minutes, they would still need the same number of stations as are needed today and would be setting an eight-minute travel time mark versus a six-minute mark – but the resource allocation would not change.

Mr. Knight stated the other aspect is that the system of measures was designed to allow the County to make decisions when resources were not unlimited, which is how they manage growth and changes in volunteerism. He emphasized that it was not predicated on career versus volunteer, but measured rather on citizens' performance and trying to maintain long-term sustainability of the volunteer aspect. He said that adopting the performance standards in and of itself does not require massive reinvestment in the system and is really about the framework to measure. He explained that in other communities, the real strategy is to have an objective structure in place so they do not incrementally staff up a full, urban, career fire department in a rural area.

Mr. Dill remarked that much of East Rivanna goes into the development and rural areas and asked if they accounted for both when calculating response times.

Mr. Knight confirmed that they do. He added that in the development area alone they could respond within six minutes 80% of the time and within the rural areas respond within 15 minutes 80% of the time, which he described as a stable platform.

Mr. Randolph asked if they were to adopt the performance measures and a service level objective of six and fifteen minutes, if they would have to add a second 24-hour medic unit at Rescue Station 8 and a 24-hour engine at the Pantops Station and cross staff R16 during non-peak hours. Mr. Knight replied that this would be certain for Rescue Station 8 immediately, and they would have a longer planning horizon to address Pantops.

Mr. Dill thanked Mr. Knight for clarifying things and remarked that this would be more of a feedback system. Mr. Dill said this is pretty much what they are doing now so they could compare future results.

Mr. Knight said they are about 8.5 minutes at 90th percentile in the development area because they do not have the depth of resources, and as incremental resources are added, the station allotment would afford the six minutes so they would migrate from 8.5 back to 6.

Mr. Dill asked how much difference this would make in terms of results. Mr. Knight replied that this is outcome based and the research is showing that a four to five-minute response time is the window for positive change for patients with a high mortality risk. He emphasized that with a target of the 90th percentile, they would no longer be in the middle of the distribution, adding that there is a lot of good work under six minutes that would fall under this window. He emphasized that there would be some improvement within the development area as additional resources are added, regardless of how it comes about, though the station allotment is set and if there were a unit available, citizens would receive the same services they do today.

Ms. Mallek asked what the process is for the discussion by the FEMS Board and when the Board would hear back from them. Chief Eggleston responded that they were involved in two work sessions that included a data report to make sure they captured accurate information, and at the last work session they discussed the results of the standards of coverage. He said they understand the strains of the system, particularly with the EMS side, as resources are often depleted. He said that in general, the plan was well accepted. Chief Eggleston stated that they are in the middle of making a decision of dynamic staffing, which he described as a sensitive subject and something they do not want to do but must. He said it is a good decision to establish metrics and standards from which they could measure the system and make incremental improvements.

Mr. Gallaway remarked that the analytics of how to look at coverage and where the resource could be maximized is something citizens would appreciate, as coverage would improve and they would maximize dollars to achieve it. He remarked that there was not a recommendation to close a station and if they had, the baseline would have changed. He said he did not capture the moving around of resources and would want to be aware of this.

Ms. Mallek emphasized that Chief Eggleston had said there are two different questions and she is willing to separate the two, adding that they need to come back to the current operation of leaving a station with 300 calls per year untouched and taking away from one that had 800 calls.

Mr. Gallaway acknowledged that they would have to take the political nature of the customers into consideration and the subjectivity of what they expect, then have an above-board conversation about this.

Ms. McKeel added that they would have something they could really use to evaluate.

Mr. Gallaway added that the impact of dollars to the actual delivery of services would be clear.

Ms. McKeel reiterated that staff recommends they adopt response time standards.

Chief Eggleston commented that, based on the discussion, there is no immediate need to adopt this.

Ms. Mallek stated that she would love to hear back from each station and said that each Supervisor could contact their stations as it looks bad when they make a decision without contacting people. She encouraged Supervisors to contact stations, as an individual conversation is different than with a group dynamic. Ms. Mallek said the math makes sense to her and going from the old system to the new one does not look like punishment, though it is completely different from the other real issue which they could take up at another time.

Chief Eggleston asked Supervisors to engage with their respective station chiefs and he would be more than happy to provide additional information. Ms. Palmer indicated that she would like to be clear about what they will do in the future, stating that when they adopt the new service levels, this would be incorporated into the next Comprehensive Plan update.

Chief Eggleston confirmed this and the fact there is not a rush to put it in anytime soon. He said they want a much more comprehensive way to measure the performance of the system and to report to the Board and community on how they are doing.

Ms. McKeel said she would be very supportive of that.

Mr. Gallaway remarked that they could run the data based on any baseline at any time and he hopes that any formal decision they make will not lead to their hesitating to collect their own data.

Chief Eggleston replied that they collect their own data.

Mr. Knight clarified that this is related to the risk assessment piece and they used the ISOs available data to make a recommendation in the report that the department collect and determine its own variables moving forward that is sustainable.

Mr. Gallaway said this should be underway and he would not delay any formal action down the road.

Ms. Mallek asked that the Board be informed more about accreditation as this would have a huge administrative burden and she would like to know more about its real value. She said she does not expect an answer on this today.

Agenda Item No. 12. **Presentation:** Rivanna Water and Sewer Authority (RWSA) Quarterly Report.

Mr. Bill Mawyer, Executive Director of the Rivanna Water & Sewer Authority, presented. He said the Ivy Transfer Station is proceeding as planned and they hope to hold a grand opening in August. He addressed Mr. Randolph regarding a question he had posed in written comments about the pipeline from Ragged Mountain to Rivanna. Mr. Mawyer stated that he had an update on modeling conducted on the safe yield of putting in the pipe versus not having the pipe and updated the numbers when he presented before the Board in April. He said they would be going out in August to bid for renovation of the Crozet water treatment plant, which would increase capacity from 1 to 2 MGD.

Mr. Mawyer reported that Rivanna had met with the CAC and informed them of the proposed dam modifications to install a labyrinth spillway through Beaver Creek Dam to be able to manage up to 31 inches of water during a mega storm, which regulations require, to get water through the Beaver Creek Dam without damaging it. He provided an outline of the May 30–31 storm and informed the Board that rainfall was 8–20 inches and all the river heights jumped 11–16 feet. He presented a photo of the dam at South Rivanna taken during the storm and said that up to seven feet of water was spilling over the dam during the storm, as compared to the typical few inches. He said the RWSA had enacted emergency procedures that included 24-hour monitoring of the dam and evacuation of the inundation area if the spill appeared to be approaching a level of 18 feet.

Ms. Palmer said a question was posed during the meeting of the RWSA Board, and she believed the response was that it was when the spill reached 14 feet. Mr. Mawyer responded that it is 18 feet, though they could ask the Emergency Operations Center (EOC) to begin evacuations before that if they saw the level rising.

Ms. Mallek commented that people upstream would have to be evacuated at that point, as there are houses that would be under water at a level of 12–14 feet. Mr. Mawyer agreed.

Ms. McKeel asked how many people would have to be evacuated and who would implement an evacuation. Mr. Mawyer replied that he had heard it was 50,000 and that EOC implements the evacuation.

Mr. Mawyer next presented side-by-side photos of the dam at North Rivanna at a normal flow compared to after the storm. The next slide had photos of the area around the North Rivanna Pump Station after the storm, which showed the water level had almost reached its top. He said a pipe broke near the North Rivanna treatment plant and they had to pull out the temporary pump near Kohl's to hook in the southern part of the water system to the northern part to keep it active. Mr. Mawyer's next slide contained photos showing the water line break at North Rivanna, which he said was the cause of the outage in the northern zone and for which they had to issue a boil water notice; the next slide contained photos of the construction effort to repair the pipe; and the next slide contained photos of the Glenmore Wastewater Pump Station that showed water reaching a level of four to five feet after the storm. He summarized that the total cost of materials, labor, and repairs was around \$500K, though things went well – which was why they sought to have resiliency and redundancy in the system. He informed the Board that the granular activated carbon (GAC) project was recently completed as well as chemical treatment upgrades which enabled them to purify and clean water without slowing down or stopping the plant, which would not have been the case prior to the upgrades. He said the turbidity level was 2,100 NTU, whereas the highest they had experienced before was 300 NTU.

Ms. Palmer asked for how long this level of turbidity lasted. Mr. Mawyer responded that it was for a few days and they would have had to rely on the Observatory Treatment Plant if they had not been able to properly treat the water.

Ms. Palmer commented that when the granular activated carbon system was first proposed, she felt strongly that they did not need this for the actual chemistry of the system and she initially had a struggle to vote for the GAC system due to the cost. However, she said that as they moved through the process she realized there were other reasons to approve it, which the flood proved as it allowed them to treat water from the major treatment plant. She said the RWSA Board discussed that once the South Fork Rivanna to Ragged Mountain pipeline had been installed, they would not have to spend money treating this water, but could now take water from South Fork Rivanna, let the murky water go on down and take the settled, cleaner water from Ragged Mountain.

Mr. Mawyer confirmed Ms. Palmer's comment about not having to treat water once the pipeline has been installed. He said they could use this option at any time after a large rainfall when the water is turbid and benefit from operational savings.

Ms. Mallek emphasized the importance of water and commented that streams all over the County were drying up over the winter – and this was not a figment of somebody's imagination but was a really serious water shortage.

Mr. Mawyer invited questions. There were no questions posed.

(Note: With the vote taken to approve the final agenda, Item Nos. 13, 14 and 15 were moved to the consent agenda for information)

Agenda Item No. 13. Albemarle County Service Authority (ACSA) Quarterly Report, **was received for information.**

Agenda Item No. 14. Virginia Department of Transportation (VDOT) Quarterly Report, **was received for information.**

Agenda Item No. 15. County Transportation Planner Quarterly Report, **was received for information.**

Agenda Item No. 16. Closed Meeting.

At 4:57 p.m., Mr. Gallaway **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1):
 1. To consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and
 2. To discuss and consider the annual performance and salaries 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 (5), to discuss the expansion of an existing business where no previous announcement has been made of the business' interest in expanding its facilities in the community.
- 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.

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

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

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

Agenda Item No. 17. Certify Closed Meeting.

At 6:11 p.m., 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. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Randolph.
NAYS: None.

Agenda Item No. 18. Boards and Commissions: Vacancies and Appointments.

This item was discussed at the end of the meeting.

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

Mr. Jeff Hetmanski, a 17-year resident of Whippoorwill Hollow in the Samuel Miller District, addressed the Board. He said he would discuss the issue of transient lodging since the Board is contemplating zoning changes and he feels compelled to share his perspective. He said there was wisdom in the Planning Commission's recommendation and staff's support to prohibit whole-house rentals in a residential neighborhood. Mr. Hetmanski recounted that three weeks earlier, a neighbor rented their house for a weekend, and eight cars carrying 16 people showed up and held a pool party during the day and again late at night. He explained that his concern with the current draft zoning ordinance that allow 45 rental days per year and seven days a month is that his neighborhood would be at risk, as he may experience what he experienced three weeks ago up to two weekends per month. He emphasized that Whippoorwill Hollow is a residential neighborhood within the rural area and a planned subdivision, and his house is within 75 feet of his neighbor's house – with some houses within 50 feet of each other. He asked the Board to offer other rural neighborhoods the same protections that are recommended for all residential neighborhoods.

Agenda Item No. 20. **Presentation:** Equal Justice Initiative-Community Remembrance Project.

The Executive Summary forwarded to the Board states that Charlottesville's City Council created an ad-hoc blue ribbon commission on May 2, 2016, to address the questions and concerns brought before them regarding race, memorials and public spaces in Charlottesville. This commission brought forth a recommendation, endorsed by City Council in September 2017, to participate in the Equal Justice Initiative's Community Remembrance Project to acknowledge and memorialize the local lynching of Mr. John Henry James.

Through the work of local historians, community activists, and UVA's Geospatial Services Lab, the actual location of the lynching was determined as having taken place at what was formerly the Railroad Crossing at Woods Station-now property owned by the Farmington Country Club within Albemarle County.

The initiative to partner with the Equal Justice Initiative (EJI) Community Remembrance Project in the memorialization is being led by the Jefferson School African American Heritage Center Director, Andrea Douglas and UVA Religious Studies professor, Jalane Schmidt.

Drs. Douglas and Schmidt are presenting to the Board:

- Background and historical information on the lynching of Mr. John Henry James
- An overview of associated commemorative activities including the soil gathering and pilgrimage

There is no budget impact associated with this presentation.

Staff recommends:

1. That the Board of Supervisors accept the information provided in the presentation.
2. Adopt the attached Resolution of Support for the EJI's Community Remembrance Project.

Mr. Dill **moved** to adopt the proposed resolution. The motion was **seconded** by Mr. Randolph.

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

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

NAYS: None.

Proclamation

Resolution of Support for Equal Justice Initiative's Community Remembrance Project

WHEREAS, the Equal Justice Initiative's Community Remembrance Project was founded to recognize victims of lynching by collecting soil from lynching sites, erecting historical markers, and creating memorials that recognize racial injustice.; and

WHEREAS, the lynching of Mr. John Henry James on July 12, 1898 was determined to have taken place at Wood's Crossing in the County of Albemarle; his body shot 70 times and his corpse hanging for hours; and

WHEREAS, local organizers are using the Equal Justice Initiative's Community Remembrance Project to bring awareness of this traumatic history, to foster a community dialogue, and to forge bonds of empathy and community healing through the memorialization of the lynching of Mr. James; and

WHEREAS, the Board of Supervisors supports the sentiment of the Equal Justice Initiative that a history of racial injustice must be acknowledged and mass atrocities and abuse must be recognized and remembered before a society can recover from mass violence; and

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors do hereby recognize and support the memorialization of the lynching of Mr. John Henry James in remembrance of our shared community history so that we may all ensure that these kinds of tragedies will be neither forgotten nor repeated.

Agenda Item No. 20a. Discussion: Resolution to Recognize July 12th, 2018 as John Henry James Day.

Ms. Siri Russell, Management and Policy Analyst for the Office of the County Executive, presented. She said it is her pleasure and privilege to introduce Dr. Andrea Douglas and Dr. Jalane Schmidt, who will share additional details on the Equal Justice Initiative's community remembrance project and the work they have led in the community with several partners to memorialize the 1898 lynching of Mr. John Henry James. She said the Board had demonstrated its commitment by participating in the upcoming community civil rights pilgrimage and the commemorating events to take place on Saturday, July 7. She said County staff is excited to continue collaborating to bring programming and events around community remembrance in the future. She extended a personal thanks to the doctors for their leadership and gracious and sincere motivations in working tirelessly on the project for almost two years.

Ms. Andrea Douglas, Executive Director of Jefferson School African-American Heritage Center, addressed the Board and stated that they have been working on the project in earnest since March and had learned a lot about the actual event they would commemorate. She explained that the project has several goals, with the first being to uncover information surrounding the death of John Henry James. She said they have worked with teachers to consider what it would look like to create a culture in which they investigate the history of this community, Virginia as a whole, and how this all operates within the nation.

Ms. Douglas stated that it is also an opportunity to create a process that galvanizes people around a conversation that contemplates objects in public spaces and the impact of those objects. She explained that the long-term goal is not just about the trip, but is a year-long attempt to ask hard questions and think about a series of conversations that allows all members of the community to work together towards a common set of defining values. She said it is particularly important to do this kind of work within the period we live in now and to work to a shared identity for the community in Charlottesville and Albemarle. She introduced Dr. Jalane Schmidt to review some accomplishments and project status.

Dr. Jalane Schmidt, Associate Professor of Religious Studies at the University of Virginia and co-planner of the civil rights pilgrimage, presented. She explained that Charlottesville City Council had charged them with undertaking the requisite steps outlined in the Equal Justice Initiative to acquire the memorial module and plaques for Mr. John Henry James. She acknowledged the assistance of supervisors Mallek and McKeel as well as Ms. Russell of the Office of the County Executive. She said the pilgrimage is the most visible of many events taking place, and she acknowledged that some supervisors will participate in the trip to Montgomery to commemorate the 120th anniversary of the lynching. She reminded the Board that on June 11, they held a teacher professional development day at Jefferson School, the first of many events, and had a good turnout. She said that Kevin Levin, who taught at St. Anne's Belfield School for many years and is an expert on the Civil War, led the seminar. She said they hope to have an additional teacher education day in August or September and hope to create a cadre of teachers who will have updated tools for teaching and could serve as judges of an essay contest during Black History Month in 2019.

Ms. Schmidt reviewed the itinerary for the trip, which would involve winding their way through the south for six days to visit sites of the civil rights movement, including the Equal Justice Initiative Museum of Peace and Justice which has documents on over 400 lynchings from 1877–1950. She emphasized that this memorial was recommended in 2016 by the Charlottesville Blue Ribbon Commission, though this was overshadowed by the controversy over statues. She played a video clip from a 60 Minutes episode that featured a story about the National Memorial for Peace and Justice and noted that news outlets including *The New York Times*, *The Guardian*, the *Washington Post*, and many others have featured stories on this matter. She pointed out that the departure of the pilgrimage will fall on the one-year anniversary of the Klan rally on July 8, with participants arriving in Montgomery, Alabama on the 120th anniversary of Mr. Henry's murder.

Ms. Schmidt presented a slide that listed sponsors and supporters of the pilgrimage: Board of Supervisors, Jefferson School African American Heritage Center, Charlottesville City Schools, UVA Office for Diversity and Equity, UVA Vice Provost for Academic Outreach, University & Community Action for Racial Equity, CACF, Red Light Management, Virginia Humanities, Hilton Hotels International, and other private donations. She presented a photo of the official t-shirt to be worn by participants which has the John Henry James memorial module emblazoned on the front. She noted that 100 travelers have signed up to participate including Charlottesville Mayor, Nikuyah Walker, Susan Bro, Charlottesville High School students and teachers, UVA students, faculty and staff, Rabbi Tom Gutherz of Congregation Beth Israel, Rev. Susan Minasian of Sojourners United Church of Christ, Rev. Brenda Brown-Grooms of New Beginnings Christian Community, Frank and Linda Dukes of the Blue Ribbon Commission, Don Gathers. Co-Chair of Blue Ribbon Commission, community members, and members of the press.

Ms. Schmidt remarked that they had received sufficient donations to fund full travel scholarships for those of low income as well as students and teachers, and about half the participants would receive the scholarships. She said that Fluvanna County had also initiated a process to obtain an Equal Justice Initiative memorial and she presented a photo of a soil gathering ceremony that included a descendant of

a Fluvanna lynching victim. She next presented a slide with a map that listed the locations of the pilgrimage's site visits; a slide of a photo of the soil collections, which were contained in jars with the victims' names on them and placed on shelves, which she said had the effect of a columbarium; and a steel memorial module that would be brought back to each community and placed in a public space that reflected common values.

Ms. Schmidt's next slide was of a photo of a historical plaque that would mark the place where a racial terror lynching occurred, for which Ms. Russell was in discussions with VDOT to determine a location. She said there would be two plaques, with one at the actual site of the lynching and the other in town. The next slide was of a *Daily Progress* account of the lynching. She emphasized that Mr. James was not afforded the constitutional right of a fair trial and that the Equal Justice Initiative recognizes terror lynchings as a mechanism of social control and the imposition of white supremacy, which drove black people out of the south and into the urban north. She noted that until 1890, the percentage of African-Americans in the local population was 50%, followed by a decline to the point where today they represented 9% of the County's population and 19% of the City's. She explained that a refugee crisis known as "the great migration occurred." She next presented maps of the area of the lynching at Woods Crossing and pointed out the location of a blacksmith shop.

Ms. Palmer asked what they had found at the location of the blacksmith shop. Ms. Schmidt replied that it was of a more flat grade and had less vegetation than the surrounding ground and had a rusty boiler. She said they captured metadata and overlaid photos taken with maps to confirm the location. She presented a slide with two letters written by eyewitnesses that described the event. Ms. Schmidt explained that they were trying to have a public acknowledgement of history and the pain of it. She invited questions.

Mr. Dill asked if there were any relatives. Ms. Schmidt replied that Mr. James had been a resident of Charlottesville for only about five years and they had not been able to find any relatives. She noted that his pauper's grave burial was paid for by the County, undertaken by an African-American funeral director, and it would be a worthwhile project to dig into County archives to find the receipts.

Mr. Randolph asked if they know of the burial location. Ms. Schmidt replied that they have surmised it was in a pauper's grave in a section of Oakwood, though they cannot determine this definitively.

Ms. Mallek thanked Ms. Schmidt and others involved for their work.

Ms. McKeel described the presentation as excellent and hoped they could get the word and facts about lynchings to the community.

Ms. Douglas interjected that the Equal Justice Initiative believes there were more lynchings than it quoted, but they have not yet been able to record them. She said the Jefferson Center has a current exhibition with a work of art that discussed a lynching that occurred in the 1930s, which she feels provides "a sense of the truth of American history." She emphasized the educational aspect and the question of how they could bring together the largest group of people who could move out and educate the community.

Ms. McKeel expressed that it would be wonderful to have County school teachers participate.

Ms. Douglas noted that 280 attendees are expected at the ceremony to be held at the heritage center and it will be livestreamed to another 100 people. She said they will present a film by Hannah Ayers and Lance Warren entitled *Outrage: A History of Lynching in Southern Virginia*.

She noted that an ancestor of Ms. Russell's appears in the film.

Ms. Schmidt offered to distribute relevant documents to the Board for the record.

Agenda Item No. 21. **PUBLIC HEARING: FY 2019 Budget Amendment and Appropriations.**
(Advertised in the *Daily Progress* on June 24, 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 \$20,948,338.31. 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 \$20,948,338.31. The estimated expenses and revenues included in the proposed amendment are shown below:

PROPOSED FY 2018-19 BUDGET AMENDMENT

ESTIMATED REVENUES

Local Revenues	\$ 9,797,598.89
Federal Revenues	\$ 489,591.71
Other Fund Balances	<u>\$ 10,661,147.71</u>
TOTAL ESTIMATED REVENUES	<u>\$ 20,948,338.31</u>

ESTIMATED EXPENDITURES

General Fund	\$ 9,050.33
Special Revenue Funds	\$ 481,141.71
Emergency Communications Center	<u>\$ 20,458,146.27</u>
TOTAL ESTIMATED EXPENDITURES	<u>\$ 20,948,338.31</u>

The budget amendment is comprised of five (5) separate appropriations: #2019006, #2019007, #2019008, #2019009, and #2019010.

After the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations for local government and school projects and programs as described in Attachment A.

Appropriation #2019006

\$20,458,146.27

Source:	Local - Recovered costs from ECC regional partners	\$ 9,797,598.89
	CIP Fund Balance	\$10,042,902.23
	ECC Fund Balances	\$ 617,645.15

The Emergency Communication Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate and re-appropriate funding for the following projects and activities:

- 1) The re-appropriation of funding for ECC capital projects. Capital Improvements Program (CIP) fund balance will fund the County portion for these projects.
 - Re-appropriate \$17,561,404.85 in various local revenue including \$8,973,877.88 in County funds and \$8,587,526.97 recovered from the project partners for the ECC 800 MHz Regional Communications System Replacement Project. This supports the replacement and upgrade of the infrastructure for the regional 800 MHZ Public Safety Radio System. The project partner shares are: City of Charlottesville – 25.2%, County of Albemarle 51.1%, University of Virginia – 15.9%, Charlottesville/Albemarle Airport – 2.4%, RWSA – 2.4%, ACSA – 2.0%, and ACRJ – 1.0%;
 - Re-appropriate \$2,179,096.27 in local revenue including \$1,026,354.35 in County funds and \$1,152,741.92 recovered from the project partners for the Regional Computer Aided Dispatch (CAD)/Technology Project. This supports the replacement of multiple outdated computer systems for all public safety agencies within the City, County and University. The project partner shares are: City of Charlottesville – 39.77%, County of Albemarle* – 47.10%, and University of Virginia – 13.13%;
 - Re-appropriate \$462,398.76 in project fund balance to complete the 800 MHz radio system augmentation project which improves system coverage and upkeep of equipment such as circuits boards, equipment no longer under warranty, generators, uninterrupted power supplies and recorders for 800 MHz radio system users.
 - Re-appropriate \$100,000.00 in local revenue including \$42,670.00 in County funds and \$57,330.00 recovered from the project partners for the 911 Emergency Telephone System. This supports the replacement of the telephone system at the ECC and the back-up facility at Albemarle County Office Building on 5th Street, which is near completion, with the system being in use since February 2016. This funding is for the purchase and installation of software for completing the Text to 911 part of the Emergency Telephone System. The project partner shares are: City of Charlottesville – 40.58%, County of Albemarle – 42.67%, and University of Virginia – 16.75%; and
- 2) The remainder of the ECC's requests are for appropriations and re-appropriations, which are funded by \$155,246.39 in ECC fund balance:
 - Re-appropriate \$77,603.00 to replace system backup and recovery hardware and software;
 - Re-appropriate \$20,000.00 to complete scheduled HVAC equipment replacement;
 - Re-appropriate \$17,078.67 for emergency equipment for a replacement vehicle;
 - Re-appropriate \$16,373.04 to repair and replace bi-directional antenna (BDA) equipment when needed. These units provide in-building radio coverage for the public safety providers when they are within these buildings;
 - Re-appropriate \$12,196.68 to complete a facility needs study for relocation planning for the regional ECC and development of a standalone and fully operational Emergency Operations Center; and
 - Appropriate \$8,000.00 and re-appropriate an additional \$3,995.00 for a total of \$11,995.00 for employee training.

Appropriation #2019007

\$0.00

Source: Reserve for Contingencies* \$ 50,000.00

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

This request is to appropriate \$50,000.00 from the Reserve for Contingencies to fund the Tax Relief for the Elderly and Disabled program. It is anticipated that the FY 19 budget will need additional funding based on actual payments made in FY 18. The increase in this program is due to new program participants, applicants qualifying for a higher percentage of relief, and increases in property assessments.

After approval, the FY 19 General Fund Reserve for Contingencies balance will be \$730,893.00. Of that amount, \$430,893.00 is for unanticipated expenses that may require ongoing funding and \$300,000.00 is for expenses that may require one-time funding.

Appropriation #2019008 **\$600.33**

Source: Sheriff Contribution Fund fund balance \$ 600.33

This request is to re-appropriate \$600.33 in donations received in FY 18 that were not yet expended in FY 18 to support the Sheriff's volunteer reserve programs. These contributions will support the various reserve programs such as Project Lifesaver, TRIAD, Search and Rescue, child fingerprinting, and any other community programs and activities in which the Reserves are involved.

Appropriation #2019009 **\$8,450.00**

Source: Federal Revenue \$ 8,450.00

This request is to appropriate \$8,450.00 in Federal revenue to the Department of Social Services. This funding will support services related to one-time emergency Adult Protective Services situations.

Appropriation #2019010 **\$481,141.71**

Source: Federal Revenue \$ 481,141.71

This request is to re-appropriate funding for the following grants from FY 18 to FY 19:

- This request is to re-appropriate \$441,141.71 in Federal revenue provided to the County through the Commonwealth of Virginia Department of Housing and Community Development's Community Development Block Grant (CDBG) program. This grant will be used in partnership with Albemarle Housing Improvement Program to rehabilitate approximately 29 homes with critical repair needs over a two-year period.
- This request is to re-appropriate \$40,000.00 in Federal revenue provided to the County through the Commonwealth of Virginia Department of Housing and Community Development's Community Development Block Grant (CDBG) program. This grant will be used for planning comprehensive neighborhood improvements include housing and the infrastructure needs as part of the Southwood Phase 1 Redevelopment project.

Ms. Lori Allshouse, Director of the Office of Management and Budget, stated that the Code of Virginia requires a public hearing when amending the budget and the total amount of funds exceeds 1% of expenditures in the current appropriated budget. She said the proposed FY19 budget amendment totals \$20.9 million and includes five appropriations detailed in Attachment A. She said the majority of the appropriations are ECC carry-forward funding related to capital projects. She said that staff recommends adoption of the resolution to approve the appropriations and to amend the FY19 budget as described in Attachment B, after the public hearing.

Ms. Mallek opened the public hearing.

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

Mr. Dill **moved** that the Board adopt the proposed resolution to approve Appropriations #2019006, #2019007, #2019008, #2019009 and #2019010 for local government and school projects and programs. The motion was **seconded** by Mr. Randolph.

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

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 19 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY19 Budget is amended to increase it by \$20,948,338.31;
- 2) That Appropriations #2019006, #2019007, #2019008, #2019009 and #2019010 are approved; and
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2019.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2019006	3-4100-51000-351000-510100-9999	155,246.39	SA2019006 ECC FB: July 5 Re-apps
2019006	4-4100-31040-435600-312500-1003	12,196.68	SA2019006 Re-app: location study, fac. Needs Assessment
2019006	4-4100-31040-435600-800500-1003	17,078.67	SA2019006 Re-app: vehicle extra equip
2019006	4-4100-31040-435600-800700-1003	93,976.04	SA2019006 Re-app: BDA repair/repl, system hardware/software
2019006	4-4100-31040-435600-550100-1003	11,995.00	SA2019006 Training: app and re-app
2019006	4-4100-31040-435600-331800-1003	20,000.00	SA2019006 Re-app: HVAC equip repl
2019006	3-4117-19000-319000-160502-9999	866,626.58	SA2019006 City of Charlottesville -Public Safety CAD/Technology Project
2019006	3-4117-19000-319000-160503-9999	1,026,354.35	SA2019006 County of Albemarle -Public Safety CAD/Technology Project
2019006	3-4117-19000-319000-160512-9999	286,115.34	SA2019006 UVA -Public Safety CAD/Technology Project
2019006	4-9010-31055-435600-800306-9999	1,026,354.35	SA2019006 transfer from CIP to ECC
2019006	4-4117-31061-435600-310000-1003	214,116.00	SA2019006 Professional Services -Public Safety CAD/Technology Project
2019006	4-4117-31061-435600-312710-1003	141,577.58	SA2019006 Computer Support -Public Safety CAD/Technology Project
2019006	4-4117-31061-435600-332100-1003	1,360,922.52	SA2019006 Maintenance Contracts -Public Safety CAD/Technology Project
2019006	4-4117-31061-435600-550100-1003	7,069.75	SA2019006 Travel Expenses -Public Safety CAD/Technology Project
2019006	4-4117-31061-435600-800150-1003	100,000.00	SA2019006 Labor & Installation -Public Safety CAD/Technology Project
2019006	4-4117-31061-435600-800700-1003	197,050.51	SA2019006 Technology Equipment -Public Safety CAD/Technology Project
2019006	4-4117-31061-435600-999999-1003	158,359.91	SA2019006 Contingency -Public Safety CAD/Technology Project
2019006	3-4105-19000-319000-160502-9999	40,580.00	SA2019006 City of Charlottesville– Text to 911 Project
2019006	3-4105-19000-319000-160503-9999	42,670.00	SA2019006 County of Albemarle– Text to 911 Project
2019006	3-4105-19000-319000-160512-9999	16,750.00	SA2019006 UVA– Text to 911 Project
2019006	4-9010-31055-435600-800715-9999	42,670.00	SA2019006 transfer from CIP to ECC
2019006	3-9010-51000-351000-510100-9999	10,042,902.23	SA2019006 Use of CIP Fund Balance (ECC 800 MHz Reg. Comm. Sys., Text to 911, Public Safety CAD)
2019006	4-4105-31059-435600-800715-1003	100,000.00	SA2019006 911 Emergency Telephone System – Text to 911 Project
2019006	3-4110-19000-319000-160502-9999	4,425,474.01	SA2019006 City of Charlottesville - ECC 800 MHz Regional Communications System
2019006	3-4110-19000-319000-160503-9999	8,973,877.88	SA2019006 County of Albemarle- ECC 800 MHz Regional Communications System
2019006	3-4110-19000-319000-160512-9999	2,792,263.37	SA2019006 University of Virginia- ECC 800 MHz Regional Communications System
2019006	3-4110-19000-319000-160534-9999	421,473.72	SA2019006 Charlottesville/Albemarle Airport- ECC 800 MHz Regional Communications System
2019006	3-4110-19000-319000-160627-9999	421,473.72	SA2019006 RWSA- ECC 800 MHz Regional Communications System
2019006	3-4110-19000-319000-160633-9999	351,228.10	SA2019006 ACSA- ECC 800 MHz Regional Communications System
2019006	3-4110-19000-319000-181314-9999	175,614.05	SA2019006 ACRJ- ECC 800 MHz Regional Communications System
2019006	4-9010-31055-435600-800305-9999	8,973,877.88	SA2019006 transfer from CIP to ECC
2019006	4-4110-31058-435600-950185-1003	17,561,404.85	SA2019006 ECC 800 MHz Regional Communications System
2019006	3-4110-51000-351000-510100-9999	462,398.76	SA2019006 Fund Balance - 800 MHz Radio Augmentation Project
2019006	4-4110-31060-435600-300204-1003	800.00	SA2019006 FCC Licenses - 800 MHz Radio Augmentation
2019006	4-4110-31060-435600-312105-1003	3,096.43	SA2019006 Consultant Services - 800 MHz Radio Augmentation
2019006	4-4110-31060-435600-312351-1003	6,500.00	SA2019006 Permit Fees - 800 MHz Radio Augmentation

2019006	4-4110-31060-435600-331601-1003	9,791.00	SA2019006 R & M Equipment - 800 MHz Radio Augmentation
2019006	4-4110-31060-435600-540000-1003	2,434.13	SA2019006 Leases & Rentals- 800 MHz Radio Augmentation
2019006	4-4110-31060-435600-800150-1003	234,760.82	SA2019006 Labor and Installation - 800 MHz Radio Augmentation
2019006	4-4110-31060-435600-800305-1003	195,145.81	SA2019006 Radio System Equipment- 800 MHz Radio Augmentation
2019006	4-4110-31060-435600-999999-1003	9,870.57	SA2019006 Contingency - 800 MHz Radio Augmentation
2019007	4-1000-59000-459000-579100-1005	50,000.00	SA2019007 Increase based on FY18
2019007	4-1000-99900-499000-999990-9999	-50,000.00	SA2019007 Tax Relief for the Elderly and Disabled
2019008	4-8408-93010-493010-930009-9999	600.33	SA2019008 Donations received in FY18
2019008	3-8408-51000-351000-510100-9999	600.33	SA2019008 Donations received in FY18
2019008	4-1000-21070-421070-301230-1002	600.33	SA2019008 Donations received in FY18
2019008	3-1000-51000-351000-512020-9999	600.33	SA2019008 Donations received in FY18
2019009	3-1000-33000-333000-330022-1005	8,450.00	SA2019009 Federal Funding - APS Direct Assistance
2019009	4-1000-53013-453010-571025-1005	8,450.00	SA2019009 Federal Funding - APS Direct Assistance
2019010	3-1224-33000-333000-330009-1008	441,141.71	SA2019010 CDBG Federal Grant Revenues - Alberene
2019010	4-1224-81032-481030-300205-1008	76,031.96	SA2019010 Administrative Services - Alberene
2019010	4-1224-81032-481030-563100-1008	365,109.75	SA2019010 AHIP - Alberene Project
2019010	3-1222-33000-333000-330009-1008	40,000.00	SA2019010 CDBG Federal Grant Revenues - Southwood Development
2019010	4-1222-81030-481030-300205-1008	40,000.00	SA2019010 Southwood CDBG Planning Grant
TOTAL		61,983,681.74	

Agenda Item No. 22. **PUBLIC HEARING: SP201700020 Restore'n Station.**
PROJECT: SP 201700020 Re-Store'N Station Amendment (amendment of SP 200900034)
MAGISTERIAL DISTRICT: White Hall.
TAX MAP/PARCEL: 055B0000000100.
LOCATION: 6115 Rockfish Gap Turnpike.
PROPOSAL: Amend fuel dispensing conditions, hours of operation and update condition to reflect compliance with approved site plan. No change in permitted water use is proposed.
PETITION: Amend the existing conditions of SP200900034 which was a request to permit water consumption exceeding four hundred (400) gallons per site acre per day as permitted under Section 24.2.2(13) of the zoning ordinance. The site contains 4.06 acres. ZONING: HC, Highway Commercial– retail sales and service; residential by special use permit (15 units/acre).
OVERLAY DISTRICT: EC- Entrance Corridor.
PROFFERS: No COMPREHENSIVE PLAN: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/residential density 0.5 unit/acre in development lots.
(Advertised in the Daily Progress on June 18 and June 25, 2018.)

The Executive Summary forwarded to the Board states that this property was issued a special use permit in 2010 to allow water use in excess of 400 gallons per site acre per day. The current request does not propose to increase the permitted amount of water that may be used. No changes in impervious cover or building size are proposed.

- The proposal does include requests to:
- Change the permitted hours of operation for the store from 16 hours a day to 20 hours a day. Operation would not be permitted between 12:30 a.m and 4:30 a.m.
 - Change the permitted hours of fuel sales from 16 hours a day to 24 hours a day.
 - Increase the number of pump stations from seven (7) to nine (9). This would increase the number of pump stations for gasoline, or equivalent fuel from four (4) to six (6). No increase or change in on-road diesel, off-road diesel or kerosene fueling stations is proposed.

The Planning Commission held a public hearing on December 5, 2017 and by a 3:2 vote recommended denial of the application. The Commission noted that the proposed use was inconsistent with the Comprehensive Plan, the original conditions were reasonable, and the applicant had reasonable use of the land.

Staff is recommending approval of the application with conditions. The Planning Commission recommended denial.

Mr. Bill Fritz, Development Process Manager, reported that after the preparation of the Board's packet, additional information had been provided, including meter readings for the period of August– November 2017 and an update on the water use summary showing that it had remained below the permitted levels. He acknowledged that the Board had also received the resolution and minutes from the

Crozet Community Advisory Council meeting of November 2017 and that the CCAC did not support the application. He noted that several emails in opposition to this request had been sent to the Board. He presented an aerial photograph of the property, which he explained is located on Route 250 near Crozet and close to Yancey Lumber and Western Albemarle High School. Mr. Fritz pointed out Freetown Lane, which provides access to houses to the south and west of the property, noting that commercial activities are occurring west, north, and east of the site.

Mr. Fritz stated that a similar request had been submitted in 2015 and denied by the Board, and it had called for expanded building in impervious areas that also expanded the store's hours of operation, allowed for 24-hour fuel sales, and allowed additional fueling stations. He emphasized that the request did not change water use and monitoring requirements or the conditions that limited building and paved areas. He stated that the issue before the Board is how expanded hours of operation or increases in the types of fueling stations impact water resources. He noted that the existing permitted water use is 1,625 GPD and a review of the meter indicated that water consumption did not exceed 400 GPD – and although expanded hours may increase water consumption, it is not expected to exceed 30% of permitted consumption.

Mr. Fritz stated that no change in impervious area is proposed and no change in recharge would occur. He said staff is very aware that commercial development of the site is not in keeping with the Comprehensive Plan's goal to direct development into the development areas, and the designation of the property as highway/commercial is inconsistent with the intent of the highway/commercial district. He said the property is zoned and the decision to grant the original special use permit to allow for the use of up to 1,625 GPD had been made. Mr. Fritz emphasized that the expected water consumption is below the permitted levels, conditions requiring meter flow restrictions would remain in place, and staff recommends approval. He said the Planning Commission held a public hearing on December 5, 2017 and recommended denial by a 3-2 vote. He explained that the Commission felt the proposed use was inconsistent with the Comprehensive Plan, the original conditions were reasonable, and the applicant had reasonable use of the land. Mr. Fritz invited questions.

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

Ms. Jo Higgins, a consultant representing Jeffrey Sprouse, addressed the Board. She presented a timeline beginning in 2008 when the site plan process began, followed by approval of a special use permit in 2010, site plan approval in March 2013, and store opening in 2014. She said that water usage data had been collected since then and staff had concerns about fluctuations in water usage between the seven-day meter readings, though this was an average and the readings were now conducted daily with almost one year of data collected. She presented a drawing of the approved site plan and pointed to various features, noting that there were currently four pumps under the front canopy, a diesel pump, and a diesel off road pump used by farm vehicles. Ms. Higgins next presented a photo of the front of the building taken from across the street, as well as photos taken from the east and west. She next presented several additional photos taken of the site and surrounding area from various perspectives, stating that the proposed amendment dwelled on Conditions #5 and #6. She noted that the applicant had supplied records of daily and weekly water use.

Ms. Higgins presented slides with the specific amendment proposals:

Amend Condition #5

- A) To allow the store to operate for four additional hours per day.
- B) Hours of customer parking (Condition #8) to agree with #5 (This was a condition imposed that was not related to water use in any way.)

Based upon proven daily water usage – There was no risk that the water allowed would be exceeded as the peak usage was only 26% of the 1,624 GPD

The store was not required to operate the entire time. (This was to allow flexibility to stay open as market demands – Extra hours on weekends – Stay open like other stores in the vicinity.) As Crozet population grows – The services provided need flexibility to serve customers.

- C) Provide clarification that pumps could stay operational: After two years of operation – Based upon a zoning's reliance on the store requirement to limit operations – We were directed to turn off pumps when the store was closed, even though not one drop of water was used when the pumps were left operational. All other convenience stores with gas sales leave pumps operational.

Therefore, if the language was not amended this condition, as interpreted by Zoning, did not reasonably relate to the impacts related to water use and was not proportional. This was clearly spelled out in the Albemarle County Land Use Handbook. Kamptner/June 2017 – Chapter 12

Comparison of the fuel quantity sold – The pump sales lost approximately 900 GPD, which was \$900/day or \$328,500 in lost revenue.

Amend Condition #6

Purpose of Amended Wording:

- A) To remove “nozzle” wording to allow two hoses so that various types of fuel could be dispensed, per industry standard requirements (if a pump had 2 or 10 nozzles – a pump could only serve two vehicles at any time.
- B) Change quantity of pumps from 7 to 9. This was an addition of 2 pumps. No change to site plan. 2 pumps to be installed under the front canopy

Based upon proven daily water usage – There was no risk that the water allowed would be exceeded as the peak usage was only 26% of the 1,624 GPD.

The limit imposed on the number of pumps was not reasonably related to the impacts to be addressed by the water use and it was not proportional to the impacts. See Albemarle County Land Use Law Handbook – Kamptner/2017 – Chapter 12

Ms. Higgins presented a side-by-side comparison of the pump requested under Amendment #6 with a typical pump installation. She next presented an architectural map of the property and pointed out the location of the proposed pumps. She next presented excerpts from the Albemarle County Land Use Law Handbook regarding water use and quoted one as, “That it must reasonably relate to the impacts to be addressed,” contending that there were no impacts as they were at ¼ the amount allowed by right. Ms. Higgins read another as, “The extent of the conditions must be roughly proportional to the impacts,” emphasizing that there were no impacts. She next presented a photo taken across the street from the station during the day, noting that the property is set back from the road and has a deceleration lane commercial entrance.

Ms. Higgins next presented photos of two adjacent properties taken at night, noted that lighting at all locations along the road meet the County’s requirements, and she presented photos taken of Restore ‘N Station at night, which she said also meet the requirements. She noted its full cutoff fixtures and lumens, and she pointed out that there is no overflow in the right of way or adjacent properties. She showed two photos of the station at night with the pole lights on and off, pointing out that the applicant has listened to the concerns of the Planning Commission and neighbors and the store voluntarily cut the pole lights off without being required to, which was done in a good faith effort. She presented photos taken of the back of the property from Freetown Lane during the day, as well as at night, and contrasted photos of the pole lights. Ms. Higgins emphasized that there had been complaints about dumpster noise and that dumpster pick up occurs twice per week from 10:00 a.m.–2:00 p.m., while a neighboring business has pick up occurring at 5:00 a.m. She summarized that the applicant hopes the Board will provide relief from the stringent conditions, in view of the water use that was 26% of peak.

Mr. Bruce Kirtley, a resident living across the street from Restore ‘N Station, addressed the Board. He drew the Board’s attention to a letter written by his friend, Mary Rice, in which she had posited the case for denial of the request in a “grand eloquent way” which he believes is wholly consistent with the views of the immediate community and of the Crozet community, writ large. He described the process as “dizzying and informative” and said he had learned that words have different meanings when they are interpreted for different purposes. Mr. Kirtley noted that the applicant had originally asked that the convenience store include over 1,000 square feet of upstairs office space and that this was the purpose of the special use permit. He emphasized that shortly after the construction was completed, the applicant applied for an ABC on-premises license. Mr. Kirtley stated that he was told by the County planning office that the approval was for the square footage described above and that the applicant could do what was permitted by zoning right with the space. He said that now they are being told that the applicant wants to increase the hours of operation to 20 hours per day and expects they will remain open until 2:00 a.m., which happens to be the ABC’s alcohol sales cutoff point. He said the notion that they need to stay open to accommodate the gas needs during high school football games or of patrons of Pro Re Nata is more likely the intent – to have partygoers fill up on something other than gas. Mr. Kirtley emphasized that he feels this is a subterfuge and that approval of the request would create a gathering place from which nothing good will happen. He emphasized that the issue is not about water, as the applicant would lead them to believe, but of quality of life. He noted that the Crozet Community Advisory Committee had rejected the request by a unanimous vote, and the Planning Commission had done likewise by a majority vote. He strongly encourages the Board to do the same.

Mr. Fred Williamson, resident of The Whitehall District since 1988, addressed the Board. He expressed his opposition to expansion of the special use permit, noting that when Mr. Sprouse sold the Brownsville Market he had signed a non-compete – but immediately began plans for this much larger, competitive enterprise. Mr. Williamson said that the 2010 permit was intentionally scaled down from the initial request to keep it in proportion to the scale of the neighborhood. He said the focus of the Crozet Master Plan was to make downtown Crozet a commercial and business center and not to make the I-64/250 Interchange a large commercial center. He related a recent experience when he was working at the Arbor Life log station obtaining maple logs and wearing hearing protection, explaining that he was amazed at the noise and rumble of idling diesel engines and delivery trucks and wondered what it was like for neighbors down the hill. Mr. Williamson expressed appreciation for the work done to take the concerns of the neighborhood into account, but he said that increasing the hours of operation would have a negative impact on residents and represents a step away from the intent of the master plan towards the encouragement of commercial sprawl in the I-64/250 Exchange. He asked the Board to look at the bigger picture that affects all in the rural neighborhood.

Ms. Sandra Mears, resident of Freetown, addressed the Board. She said that this “over and over repetitive running back and forth” had been disheartening. She said the lights would not affect her as

much as the noise and that they only have a few hours to sleep in peace, as there is always some kind of construction truck in the parking lot. Ms. Mears expressed that residents need some down time and opposes an expansion of the hours of operation.

Mr. Jason Crutchfield, resident of 6133 Rockfish Gap, addressed the Board. He emphasized that if the issue was about water, it was about those coming off I-64 using the water and not the residents of the community. He remarked that in six years, he had not seen one Crozet resident speak out in support of the applicant and there is no passion in the community for this. He expressed that he does not have a problem with the increase in the number of pumps or with allowing pumps to operate all night, but does have concerns with the proposal to expand the hours of operation. He said that area residents go to bed at 10:00 p.m. and do not want to have to worry about what is going on overnight. Mr. Crutchfield expressed concern that the applicant would continue to press the issue and hopes that something can be worked out, although he is not sure exactly how.

Ms. Jo Higgins addressed the Board. She confirmed that this seems to not be about water, which is a disturbing misunderstanding; the zoning of the convenience store was by-right; and she emphasized that the applicant has played by the rules. She urged the Board to consider and understand that by-right use is not in question and that in reviewing the land use handbook and comparing the conditions to the use – which is water use and not lighting, trucks, or sale of fuel – they must be reasonably related and proportional to the impact. She emphasized that the water use has never exceeded 26% of what was allowed by right and there was no impact. She acknowledged that it is a problem for the neighbors but legally the conditions are not fair, equitable, proportional, or reasonable and the applicant is seeking a little bit of relief.

Ms. Higgins stated that she hopes Mr. Kamptner can advise the Board about this. She said the applicant has reviewed the handbook, feels they are on sure footing, and has taken steps to mitigate the lighting. She acknowledged that there were some noise issues, including that the area was near the interstate, noting that the Arbor Life diesel trucks start up early in the morning and are not present late at night. Ms. Higgins asked that they be sensitive to the compromise over lighting as less lighting presents a safety issue. She emphasized that the allowance of expanded hours of operation for the store does not mean it would always be open late, but only when customer demand justifies this. She reiterated that this is a request for flexibility, pointing out that the store cannot be market competitive if it has to close at 10:00 p.m. She said they have a way to mitigate some of the noise towards the rear of the parking area and have written words that can be added – though if they are not approved, they will probably appeal as they believe they are on firm legal footing.

Ms. Mallek closed the public hearing.

Ms. Mallek asked Mr. Kamptner to clarify the condition of the existing permit. Mr. Kamptner responded that the existing permit was approved in 2010 and the conditions were final. He said the standard referred to by Ms. Higgins, that there must be a nexus in rough proportion, did apply when conditions were imposed – but this is not what the applicant is requesting, as the request is for a relaxing of conditions imposed by the Board in 2010. He said the analysis Ms. Higgins referred to does not apply in this case because the reasonableness of those conditions was final as a matter of law.

Mr. Randolph said he thought the controlling document when looking at this application was B, the November 12, 2010 letter written by Summer Frederick, which provided an indication of approval of SP 2008-00056. He noted that the fifth point addressed in the letter said the hours of operation shall not exceed 16 per day, whereas the applicant has asked to add four additional hours per day. Mr. Randolph emphasized that the applicant has proposed automatic pumps, which he feels should fall under the hours of business operation. He addressed issue #6: "There shall not be more than seven pump stations and 12 nozzle dispensers." He said the applicant wants nine. He addressed issue #8: overnight customer parking onsite shall not be permitted between the hours of 12:30 a.m.–4:30 a.m." He said the applicant would like to extend the hours of operation by two more hours.

Mr. Randolph emphasized that the applicant is seeking to have three aspects of the special use permit waived and has argued that this is a by-right use. He said it is not a by-right use, as it is a special use permit provided by the Board to operate in this location, and the Board was well aware of the context and character of the community in 2010 when the agreement was made to permit this business. He stated that what was proposed was inconsistent with what was in the previous special use permit and was a constellation of uses, which is inconsistent with the Comprehensive Plan and the Crozet Master Plan. Mr. Randolph stated that for these reasons, he opposes the application.

Mr. Gallaway said he has questions about the issue of nozzles and pumps. He acknowledged changes that have happened at gas stations wherein the pumps allow for different nozzles, and he asked if the applicant cannot do so – even if they want to use the most updated fuel technology available.

Mr. Fritz confirmed this as the number of fueling stations they could have is limited.

Mr. Gallaway asked if a nozzle is a fueling station. Mr. Fritz replied that the proposal currently talks about nozzles.

Mr. Gallaway remarked that to put in new pump stations that have both gasoline and alternative fuel would require more nozzles that are in the special use permit – even if they do not go beyond the pump station. He said there is a conflict that he cannot sort out, and he can understand their limiting

pumps, but feels the applicant cannot change to pumps that allows different types of fuels because they would then exceed the nozzle allocation.

Mr. Fritz confirmed this, stating that the Board cannot increase the number of pumps or nozzles above the number listed under the conditions.

Ms. Palmer remarked that she does not have much of a problem with the number of pumps or nozzles and what they are really asking for is a significant change in operations to being open all night long, with an accompanying change in the noise and character of the neighborhood. She said the Crozet Master Plan stated what was expected in the fringe areas around the development area around 250 West, that any approved special use permit should improve the form of development in the fringe area, and that they need to look at the Comprehensive Plan. She remarked that to her, this request does not do this at all. She summarized her opinion that she is not concerned with the number of pumps, and a change in the hours amounts to a requirement that should have led to an evaluation of the Comprehensive Plan.

Mr. Gallaway asked Ms. Palmer if she is okay with both the number of pumps and 24-hour access to the pumps with a credit card. Ms. Palmer replied that her concern is with the number of hours and said that a new application should be submitted that takes the Comprehensive Plan into consideration. She pointed out that the station is in a unique area that falls within a master plan that specifically states what is expected there. She remarked that people have to sleep and there will be significant noise from tractor trailers.

Mr. Dill asked for comment about a concern expressed by one of the speakers that the upstairs room could be used by those celebrating, or by overflow from the brewery next door. Mr. Kamptner replied that there would need to be a by-right use that existed upstairs.

Mr. Dill remarked that there was not.

Mr. Fritz said he had heard this as a general concern about people consuming alcohol onsite, though he clarified that even with the proposed condition, the convenience store would not be open at 2:00 a.m. – although pump sales would be permitted.

Ms. Palmer said her understanding is that trucks could park all night.

Mr. Fritz corrected her, explaining that Condition 8 limits parking.

Mr. Randolph remarked that there is signage, but no enforcement.

Ms. Mallek stated that bars are not by-right uses in the Rural Area.

Mr. Gallaway asked if they could consider each individual item separately. Mr. Kamptner replied that the Board could authorize less than the total requested by the applicant.

Ms. Mallek remarked that this would not jeopardize the rest of the conditions such as those in the existing permit, to her understanding.

Mr. Gallaway addressed the applicant and said he presumes the diesel station in the back has a credit card apparatus and would remain open for 24 hours.

Ms. Mallek said her understanding is that the pump could be closed when the store is closed if the stations are set up under the existing canopy, which means the diesel pump in the back that is closest to the neighborhood would be closed, though she has not heard this presented tonight and does not know if this is still the situation.

Mr. Dill remarked that it seems as if they are kind of close to an agreement and that as a small businessman, he recognizes the potential to be open for a few more hours is important. He emphasized that he is also extremely sympathetic to the neighborhood and the noise, and this is a tough decision and he would like to find a compromise.

Mr. Gallaway asked if the kerosene pump is one with a credit card machine. Ms. McKeel noted that she is the daughter of a small business owner and a business that cannot adapt to changes in technology, such as the updating of pumps, may not be competitive, which is very concerning to her.

Mr. Randolph commented that she would be right if this were a by-right use, but it is a special use permit with conditions imposed from the outset. He emphasized that this business goes into a Rural Area and the conditions impose constraints on the rights they would normally exercise because of the location's unique nature. He cited Summer Frederick's letter that he read earlier, which spelled out the conditions that must be followed as part of the special use permit.

Mr. Gallaway said he finds it problematic that they legislate pumps and nozzles and asked what the reason is for nozzles.

Mr. Randolph replied that they wanted to limit the scale, hours, and impact of the operation to the surrounding community.

Ms. Mallek remarked that for her, the controlling effect of the original permit and throughout had been the number of customers and the impact it generated. She indicated her understanding was that with a restriction on the number of nozzles, they were trying to limit things to one customer at a time. She added that she is open to changing this number and to having the existing population under the canopy happen because it is 12 customers maximum, with the affirmation that during nighttime hours the portion of the station in the south end, which is closest to the neighborhood, would be shut down. Ms. Mallek acknowledged that this has been incredibly wearing for neighbors as the applicant keeps coming back, and she noted the historic nature of the neighborhood and the right of residents to have a life. She said the restaurant at Mechums and the Shadwell Store were used as comparables, but they did not have neighborhoods close in around them and were not a good comparison in terms of having the same rules. She stated that the original reliance on the master and comprehensive plans were incredibly powerful because the citizenry as a whole was represented – rather than one particular use. Ms. Mallek expressed interest in learning about the option to use the original special use permit with one change to allow for the realignment of pumps into pump stations.

Mr. Kamptner replied that this is certainly possible and they could put this together once the Board reaches a consensus.

Mr. Gallaway remarked that he does not think a vote would be all yes or all no and that it would be a difficult decision to make. He said the pump issue seems to stay within the realm of what was already being addressed, stating that it could increase business and profitability and the general impacts are still within the same general nature of what is currently happening. Mr. Gallaway expressed that the Board could play a role in trying to work things out between the applicant and residents – but this is between neighbors. He said the four-hour opening piece and how they looked at the Crozet Master and Comprehensive Plan were different issues and he agrees with that approach, whereas the 24-hour credit card pump was “interesting.” He said the diesel piece in the back would be problematic as he sees it as going outside of the existing impacts. He added that it seems to make sense to allow for the pumps and the latest fueling apparatus within the normal business hours.

Mr. Randolph suggested that someone make a motion.

Mr. Kamptner suggested they reach a consensus on the three specific issues. He said that one is whether the convenience store should be allowed to be open for 20 hours per day from 12:30–4:30 a.m. He said the second issue is if fuel pumps should be allowed to remain operational for 24 hours and whether they should distinguish among pumps that are under the canopy and those that are not. He said the third issue is Condition #6, which pertains to adjusting the number of pump stations and dealing with the issue of nozzles.

Mr. Dill expressed support to allow the credit card pump for 24 hours, but to exclude diesel due to the noise from trucks.

Ms. Palmer said they ought to let people sleep at night.

Ms. Mallek asked Supervisors if they agree with Mr. Dill's proposal.

Ms. McKeel asked if they could deal with one condition at a time and if Supervisors could agree to take pumps that address upgrades in technology off the table. She also asked Mr. Kamptner if it would be appropriate to make a motion. Mr. Kamptner suggested that they reach consensus then make a motion.

Mr. Randolph asked if they could legally put in a time period, such as 10 years, whereby the new conditions of the special use permit would continue to be operational – as he does not want the applicant to come back and push for more and change the terms and conditions. Mr. Kamptner said he would discourage that.

Ms. Palmer expressed her opposition to allowing the pumps to operate for 24 hours.

Ms. Mallek and Mr. Dill expressed support to allow pumps under the canopy to operate for 24 hours.

Mr. Gallaway indicated that he would lean towards accepting this if it could be limited to what is under the canopy, though he is still pondering Ms. Palmer's point about the master plan.

Ms. McKeel said she would like to reduce noise in the back as much as possible.

Mr. Randolph said he does not agree to 24-hour pumps.

Ms. Mallek noted that three Supervisors oppose the 24-hour pumps. She said she heard the Board to have a consensus on Condition 5, #1, with no change to the store hours; Condition 5, #2, no 24-hour pumps; and Condition 6, to rewrite the condition that described nozzles to establish pump stations that more clearly identified the number of vehicles that were being served as opposed to the number of nozzles.

Mr. Fritz asked if the language proposed is acceptable, and he read the condition: “There shall be not more than nine pump stations, with six pump stations for gasoline or equivalent fuel, one pump station

for diesel or equivalent fuel, one pump station for off road diesel fuel, and one pump station for kerosene fuel.”

Ms. Mallek asked Ms. Higgins to review the big diesel pump at the property’s southern end. Ms. Higgins said they added a few words to modify so that the convenience store and the rear canopy pump shall not operate between 12:30–4:30, except all the other fuel pumps may remain operational. She said it is apparent that no one had read the minutes of the 2010 meeting, which she had attended when Larry Davis was the county attorney. She said the underlying use was by-right and Mr. Randolph had made several statements that the special use permit was for the convenience store. Ms. Higgins stated that they had a by-right site plan and use, and the only reason there was any condition before the Board was for water use. She said the attorney had said the underlying uses were by-right at least five times during that meeting, and she offered to hand out the revised wording to Supervisors. She stated that they wanted to agree that if they got the pumps in the front and could stay operational longer, they would agree to cut off the pole lights and totally cut off the lights at the small, rear canopy that contained diesel and off-road diesel. Ms. Higgins noted that the off-road and kerosene pumps do not offer credit card sales and emphasized that the front canopy is at least 120 feet further away from neighbors.

Mr. Dill asked Mr. Kamptner to address the issue of by-right. Mr. Kamptner remarked that he is well aware of what was discussed in 2010 and that all the conditions were designed to control the intensity of the use and minimize water consumption. He said a special use permit was in place and the scope of the conditions under discussion are the same conditions that deal with hours of operation and the number of pumps.

Ms. Palmer suggested they discuss factors unfavorable in the staff report. She read an excerpt from the staff report: “If the Board of Supervisors disagrees with the staff interpretation of the meaning and intent of the Comprehensive Plan this application may be considered inconsistent with the Comprehensive Plan.” She asked Mr. Kamptner to discuss this.

Mr. Kamptner said there are provisions in the Crozet Master Plan that address fringe areas of Crozet and discouraging further commercial and industrial development in these areas. He emphasized that this is an existing use but in the Board’s discretion in interpreting the Master Plan, they could consider whether or not further intensification of an existing use is consistent or inconsistent with the plan.

Ms. Palmer remarked that this is what she has been relying on because it very clearly said special uses require Board of Supervisors’ approval, as they represent a potentially more intensive development that could have negative impacts on an area. She said that when requested for approval, the only special uses that should be approved are those that have minimal impacts on Rural Areas, environmental resources, transportation systems, and that improve the form of development in the fringe area or better achieves the goals of the Comprehensive Plan than uses that are allowed by right. She said when the Planning Commission discussed this, Jenny More, the White Hall District representative, relied on this aspect of the master plan. Ms. Palmer noted that this was what she was relying on and she did understand the water issues, though to her this was an intensification of a use that is not compatible with the area.

Mr. Kamptner attempted to clarify the Board’s consensus, stating that it is to leave intact Condition 5 regarding the hours of operation and to amend Condition 6 as proposed. He asked if Supervisors have reviewed the revised language in Condition 5 dealing with the hours of operation for fuel pumps, although he said he has not heard the Board’s desire to extend them.

Ms. McKeel read the revised language: “The convenience store and rear canopy pump station shall not operate between 12:30–4:30 a.m. except all other fuel pumps may remain operational.”

Ms. Mallek remarked that this is different from what they talked about for leaving Condition 5 alone and asked if anyone had changed their mind. No Supervisors indicated that they had.

Ms. Mallek indicated they have agreed that Condition 6 would be modified, which would return it back to the applicant’s original request for nine pump stations, which had been reduced by the set of conditions in 2009 by taking two away.

Mr. Fritz said that Condition 6 is what the applicant had requested, and he has heard there is consensus that this is acceptable to the Board.

Ms. Mallek remarked that high ethanol fuel is a gasoline or equivalent that has to have its own pump. Mr. Fritz replied that it essentially allows six and they could sort out the nozzles based on fuel changes.

Ms. Mallek asked for Board consensus and if anyone has questions. Mr. Kamptner summarized that Condition 5 would stay as it is and Condition 6 would be amended, as proposed by the applicant. He asked the Board to consider a resolution which he would need to prepare for later that afternoon or for the July 9 or 11 meetings.

Ms. Mallek said she would like to give Mr. Kamptner time to do it properly.

Ms. Palmer suggested that they do this the following Wednesday.

Ms. McKeel said they need to do this quickly.

It was agreed that Mr. Kamptner would present the resolution at the July 9 meeting.

Ms. Mallek apologized for skipping over Item 18-353 to consider a resolution proclaiming July 12 as John Henry James Day and asked for Board consensus to proceed with a draft of the resolution.

Mr. Dill said he does not think this is necessary as they are participating and should do everything with the enthusiasm of everyone involved. He said he supports the resolution only if they plan to do something in recognition of this.

Mr. Gallaway remarked that having this on the official County calendar ensures that it will be brought up for conversation in years to come.

Ms. Mallek asked Mr. Richardson to confer with Siri Russell to draft a proclamation recognizing July 12 as John Henry James Day for Board consideration at next week's meeting. Mr. Richardson agreed to do so.

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

There were none.

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

Mr. Richardson said the Board received information about the vacant Director of Communications and Community Engagement position and was asked for feedback. He said the feedback had been very helpful towards recruitment strategies and that recruitment would begin next week.

Mr. Richardson informed the Board that he and Doug Walker, the Director of Economic Development, and other staff had participated in a conference call about a convention center feasibility study consultant. He said they have been asked for input regarding various sites, and the feasibility study is in its final stages and will come back through the Convention and Visitors Bureau to the new executive board within the next several months. He described the study as "very positive" with lots of good data.

Mr. Richardson informed the Board that Lorna Gerome of Human Resources is working with the schools to schedule a half-day team building retreat with school leadership staff on August 3.

Mr. Richardson said he had participated in an in-depth tour of the Crutchfield plant near the airport and was blown away at the sophistication of the plant and call center. He emphasized that they are a significant employer and said the owner of 43 years was gracious with his time. He said the County has invited Mr. Crutchfield to address their leadership team about the company's culture, values, and commitment to customer service.

Ms. Mallek remarked that the owner of Crutchfield has a wonderful story to tell about his original \$12 investment. She praised the quality of their call center staff in aiding customers.

Ms. Mallek invited Mr. Richardson to update the Board on the Convention and Visitors Bureau management team when he is ready.

Ms. McKeel remarked that fireworks debris left in trash cans had caused two house fires in Chesterfield.

Ms. Palmer noted that Fire Marshals inspect fireworks and the surrounding area prior to displays.

Ms. Mallek added that a permit of \$500 to \$700 is required for fireworks displays in order to pay for two onsite fire officials.

Mr. Randolph noted that many communities are not allowing fireworks this year due to the dry weather. He said he learned from reading a recent *Washington Post* article that one Chinese company manufactures 90% of the fireworks available and the owner also controls the transportation of the fireworks through his own transportation company. He noted the irony that when celebrating American independence, they are deepening U.S. dependence on China and making China great again.

Agenda Item No. 25. Closed Meeting.

At 8:14 p.m., Mr. Gallaway **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711A of the Code of Virginia:

- under Subsection (1), to consider appointments to boards, committees, and commissions in which there were pending vacancies or requests for reappointments,
- 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, and

- 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.

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, Ms. McKeel, Ms. Palmer and Mr. Randolph.
NAYS: None.

At 8:37 p.m., 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. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Randolph.
NAYS: None.

Mr. Dill **moved** that the Board make the following appointment:

- **appoint** Mr. Charles Werner as an alternate member to the Fire Prevention Board of Appeals Local Board of Building Code Appeals.

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, Ms. McKeel, Ms. Palmer and Mr. Randolph.
NAYS: None.

Agenda Item No. 26. Adjourn to July 9, 2018, 3:00 p.m., Lane Auditorium.

At 8:39 p.m., Ms. Mallek adjourned the Board meeting until July 9, 2018, 3:00 p.m., Lane Auditorium.

Chairman

Approved by Board
Date: 10/10/2018
Initials: CKB