

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 12, 2018, at 2:30 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. This meeting was adjourned from December 5, 2018. The regular night meeting was held at 6:00 p.m.

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

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 2:34 p.m., by the Chair, Ms. Mallek.

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Agenda Item No. 1a. Discussion: Board Meeting Schedule.

Mr. Richardson stated that Ms. Emily Kilroy, Director of Community and Public Engagement, would assist with the presentation. He said that each year at the first January meeting, the Board sets its schedule of regular meetings for the upcoming year. He remarked that since the mid-2018, there have been discussions about the length of the meetings and the challenge to fit all the agenda items into the regular and work session meetings. He said some Board members have asked staff to look at changing the regular meeting schedule from the first and second Wednesdays of the month to the first and third Wednesdays, with an additional Wednesday each month for a work session or closed meeting. He suggested that if the Board choose to make a change, they try it for a period of time to see if it works better or if it creates unintended problems.

Ms. Mallek asked if any of the options would give staff more time to do its work outside the room to prepare for the next meeting. Mr. Richardson said he would summarize that there are several issues embedded with the calendar. The Board has discussed informally about the length of the meetings and the time it takes to discuss complex issues, as well as the occurrence of meetings during the first and second Wednesdays of the month. He pointed out that one advantage of such a schedule was that it provides a gap later in the month, which allows staff time to work on other operational things, professional travel, vacation, etc., while an advantage of spacing out the meetings to the first and third Wednesdays is that it would allow staff more time to prepare for the second meeting. He said staff was willing to try a new schedule with regular meetings the first and third Wednesdays and a second week Wednesday work session; however, the Clerk's office has indicated that this would deteriorate its downtime during the second half of the month, during which they attend to additional duties. It may be a little easier for operational departments because of the extra week in between meetings. He acknowledged the concerns expressed to him by some Board members about adding a third meeting. He said staff was having a difficult time controlling the length of meetings, some of which has to do with volume and complexity.

Ms. McKeel asked when work sessions occur. Mr. Richardson responded that they occur in the afternoon of the meetings.

Ms. McKeel proposed an option to hold meetings the first and third Wednesdays, with the work session to be held after one of these regular meetings. Mr. Richardson said staff recommends to start one of the regular meetings in the afternoon, with the second or third Wednesday for an afternoon or morning work session or closed meeting. He added that whatever they decide, they stay consistent with the start time for the meeting.

Ms. McKeel asked if the intent was to not schedule a work session on the same day as a regular meeting in order to shorten the day for everyone. Mr. Richardson confirmed this.

Ms. Kilroy added that the other thought was to have a third meeting to be used as needed, which would allow both the Board and staff an additional opportunity to hold a work session or closed meeting, if necessary. She explained that the initial pilot would probably include work sessions for all meetings, with the third extra meeting of the month reserved only for work sessions and not action items.

Ms. Mallek pointed to a potential downside to a first and third Wednesday schedule as being the end of the month new filings made and documents and agenda are lined up, which may affect the work of the Clerk's office.

Ms. Palmer said this would be hard on the Clerk's office. She expressed her concern about the viability of the Supervisor position considering that they have three meetings each month, plus additional meetings during budget time and this change would be adding another, which would make it harder for working people and reduce the number of likely candidates. She said she uses the second half of the month to work on other things. She said she is also concerned that they would fill up this time if it was there, and expressed concern that it would affect staff. She remarked that the Board could be more efficient in its meetings. She said she sees a benefit in the two-on-two meetings with staff to address complex issues. She added that he would like them find a way to be more efficient before adding another a day and taking up the time of staff and the Board.

Mr. Dill said that if a third meeting time was made available, they would fill it up with items and end up regularly having three meetings. He recalled that at the retreat, they decided to allow staff to do more and have the Board focus on policy, although he feels they are tilting towards a situation where Supervisors act more as managers in trying to control the staff. He said their goal should be to minimize Board interference, with the Board focusing on policy, the setting of values, and the future of the County.

Mr. Gallaway remarked that he was not having strong feelings in any direction. He said he appreciates those who have shown concern for members like him and who work full-time, but said that when one was interested in serving, one must figure out a way to make it work. He said that this does restrict people from stepping up to do the job. He noted that he served on the School Board, which met the second and fourth weeks, and this rhythm offered positive continuity. He remarked that he does not necessarily interact with other members after the second Wednesday meeting until the beginning of the following month and this break, while useful for focusing on other things, was an interesting pattern to get used to. Mr. Gallaway commented that the rhythm of meeting every other week was helpful for productivity, though he acknowledges he does not have a sense of how this might affect staff, and suggested they hear from the Clerk and staff. He said he agrees with Ms. Palmer that if they were to program in a third meeting, it would get used. He said he arranges his own personal schedule to have off on Wednesdays so an additional meeting on Wednesdays would work for him, though he acknowledges this could impact the meetings of committees and with constituents.

Ms. McKeel agreed with Mr. Gallaway that meeting the first and third Wednesdays would be a more productive cycle for staff and for the Board, as it would give staff a lot more time to get ready for the next meeting. She noted that it has at times been obvious that staff has been rushed, as there was not a lot of time for them to work between the first and second weeks. She suggested that the Board conduct meetings more efficiently and said she had not contemplated the addition of a third meeting, which she believes would fill up. She added that additional meetings are added all the time so there is not much change here, but it makes logical sense to identify the need for the meetings in advance.

Mr. Randolph said he welcomes this discussion and the Board has not taken up the issue of time management. He said the level of expectation of outputs should determine their meeting schedule, adding that the Board's productivity has declined over the past several months as a result of marathon meetings, with compromised quality in sustained decision making over an eight to nine-hour period, as fatigue affects decision making. He said that groupthink begins to settle in and there was an aspect of expediency in order to get things over with. He said the work requirements of the Board are not what they were 10 or 20 years ago and they are more intensive now. Mr. Randolph said that in Albemarle, they deal with much a more complex and sophisticated range of issues as compared to some other localities. He said this Board has 9 strategic priorities as well as another 9-10 other important issues they deal with. He said that no one who takes the job as a Supervisor wants to begin a meeting at 1:00 p.m. and not go home until 9:30 p.m. or 10:00 p.m. He said the Board has a grueling schedule and suggests that they portion it out over the next six months to see how it works and whether they feel comfortable that the quality of their decisions and discussions have been improved and enhanced.

Ms. McKeel said that the long meetings affect staff who may have to return to the office in the early morning after a late night meeting. She said the School Board moved its meetings from Tuesdays to Thursdays during her time of service, as this gave staff the weekend to recover. She remarked that if the Board were to move meetings to Thursdays, it would give staff the most relief and the first and third Wednesdays would give the best space for staff to prepare for meetings.

Ms. Palmer emphasized that she was a morning person and preferred not to meet late. She suggested that they have a hard cut-off time and said they do not have to get everything done at once. She said that considering they have not been willing to increase their salaries and that it was difficult to get people to serve on the Board, they need to pay attention to the time. She said she was opposed to the addition of a third meeting, although she was willing to look at the schedule and at ways to be more efficient. She asked Mr. Kamptner if there was a limit as to how many meetings a Supervisor may miss. Mr. Kamptner responded that he does not think there was a limit.

Ms. Mallek suggested that they schedule a third meeting each month but that it only be for closed meetings and not for run over meetings or for those which staff would be expected to prepare information. She noted that this has been a very busy year and speculated that perhaps next year would not be as busy or need to have as many closed meetings.

Mr. Randolph **moved** that the Board adopt Option B for its meeting schedule for a period of six months and poll the Board in June as to whether to continue this schedule. The motion was **seconded** by Ms. Mallek.

Ms. McKeel said she would vote "no" because this option would not help staff. She said that she believes that what helps staff was spreading out the workload. She suggested they try a pilot and meet the first and third Wednesdays to see how it works for staff and the Board.

Mr. Randolph asked Ms. Mallek if she was willing to try Ms. McKeel's idea. Ms. Mallek expressed concern with all the interactive to-do dates and how this would affect the Clerk's office.

Mr. Randolph **withdrew** his motion and offered Option C. Ms. Mallek agreed to **withdraw** her second to the motion.

Mr. Dill asked for clarification as to which schedule was better for staff; meeting consecutively or meeting every other week.

Ms. McKeel remarked that if they move the dates then the Clerk's dates would change and adjust and they could work out something that would work better for the Clerks.

Ms. Kilroy acknowledged that there would be an adjustment and the overall workload would shift by a week, which was not a very big impact.

Ms. McKeel emphasized that they are dealing with a lot of things that were coming in late because staff does not have the time.

Mr. Richardson said he would give an example of what he thought Ms. McKeel was trying to clarify on the operational side. He recalled that the previous week they had a 1.5-hour work session to review the five-year long-range budget planning, and they knew they would be back at this meeting. He said Supervisors were asked if they would like to see some things prior to this meeting, and they agreed they would like to see documentation in advance, which they all received from Ms. Allshouse on late Sunday evening.

Ms. McKeel emphasized that should they make the change, it should be a pilot and Ms. Borgersen and Mr. Morris should be able to change some of their deadlines and work.

Ms. Palmer commented that it was unusual for the Board to have back-to-back meetings, although it does happen during the budget season.

Mr. Randolph remarked that the Board has strategic priorities and a five-year CIP, for which the Oversight Committee has been having discussion about moving earlier in the year. He said there was a lot more financial information getting frontloaded earlier in the year than it traditionally has been. He reminded the Board that last year they talked about trying to get more of the CIP up front rather than doing the overall general government budget first. He said that Ms. Allshouse has been a good steward of the direction of the Board. He said the Board now has a greater expectation to be able to go from one meeting to the next and have information updates, which they could not do without driving staff extremely hard.

Ms. Palmer invited Ms. Borgersen to address the Board.

Ms. Borgersen stated that if they hold meetings the first and third Wednesdays, the cycle would be Board meeting and Board packet, with no time in between for projects, and the Clerks would spend more time managing the agenda and the agenda packet.

Mr. Gallaway stated that it was difficult for him to assess the operational and Clerk side to this. He said he wants to be empathetic to this, but the work the Board needs to do has to override the operational and Clerk side and whatever was needed on both fronts must happen.

Ms. McKeel agreed, adding that if the Clerks needed more help, they would have to figure out a way to get them more help.

Mr. Gallaway asked Mr. Richardson if he believes this to be a fair assessment, since he has experience working with other boards. Mr. Richardson responded that he should have prefaced what he said by saying that staff would mold around the Board, recognizing that they are part-time elected policymakers, all with competing needs and interests. He said he was sorry they are not able to bring a top recommendation that aligns perfectly with the operations inside the departments and the administration, although they would respond and mold around whatever was best for the Board. He expressed appreciation to the Board for its discussion and sensitivity.

Mr. Kamptner pointed out that, as one department involved in the process, preparation of the executive summary was a month-long process and they could adjust this cycle.

Ms. Kilroy explained that in their discussions to come up with the three options, there was not a strong recommendation for one option nor was there a strong nonstarter and all options are things they feel they could support.

Mr. Gallaway emphasized that the real change would be to the first and third Wednesdays, and it does not look like anyone was thrilled to have a third meeting.

Mr. Kamptner suggested that the Board have a consistent start time of 2:00 p.m., as recommended by staff. He remarked that closed meetings could be stressful because they are really constrained by time unless it was the day meeting and there was nothing coming up, and they are forced some very complex information. He stated that with an earlier start time, they might be able to end the afternoon session around 4:30 p.m. and have a bit of extra time to get through the closed meeting.

Ms. McKeel remarked that if they move to the first and third and have a consistent start time at 2:00 p.m., she would not have a problem with holding the closed meeting from 1:00 p.m.–2:00 p.m. She said this should help them from having to have a third meeting.

Ms. Palmer said she would prefer to start closed meetings at 1:00.

Ms. McKeel acknowledged that they would still have long meetings, though the Chair needs to be the timekeeper and they need to not talk so much, including herself. She said they should look at whether some reports are needed every month and if some could go on the consent agenda.

Mr. Randolph **moved** that the Board adopt Option C as presented, with regular meetings to be held on the first and third Wednesday of the month, to start at 2:00 p.m. He proposed that they reserve the second Wednesday for optional closed meeting or work session meetings as needed. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: Mr. Dill and Ms. Palmer.

Ms. Kilroy asked if they would pilot this for six months. Board members concurred.

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Agenda Item No. 2. CVEC Broadband Support Agreement.

The Executive Summary forwarded to the Board states that the Albemarle Broadband Authority (ABBA) was incorporated on August 21, 2017. ABBA continues to investigate and work on projects to expand access to broadband for County residents in the unserved and underserved rural areas. Central Virginia Electric Cooperative (CVEC) and Central Virginia Services, Inc. (CVSI, which is CVEC's wholly-owned subsidiary), is working to provide broadband access to its entire membership, including approximately 3,600 sites in Albemarle County (the Project). Areas to be served include Schuyler, Afton, Greenwood, White Hall, Boonesville, Cash's Corner, Keswick, Red Hill, and Covesville.

CVEC estimated the Project would take five years to complete and requested grants equal to five years of the County's public service taxes for improvements related to this Project. Following direction from the Board of Supervisors and the Economic Development Authority, ABBA negotiated an accelerated Project timeline which incentivizes completion of the Albemarle County portion in 2022. CVEC also agreed to a total grant cap of \$550,000, with an annual cap of \$105,000. Also following Board of Supervisors and Economic Development Authority direction, ABBA negotiated a Broadband Grant Support Agreement with CVEC. This negotiation was completed on November 30, 2018.

On November 30, 2018, ABBA proposed an accelerated schedule and grant cap to CVEC and CVSI's CEO. CVEC/CVSI accepted the grant cap, accepted an acceleration incentive, and agreed to sign the attached Agreement (Attachment: A). The Agreement provides for the following:

- Albemarle County will appropriate annually a grant to the EDA for tax years 2019 through 2026 equal to the County's public service taxes attributable to each year of the Project's construction costs, subject
- Total grant payments are capped at \$550,000 and annual payments will not exceed \$105,000;
- The grant for each year's construction costs incurred between 2019 and 2022 will be appropriated for five years;
- To incentivize the Project's completion by December 31, 2022, grants for construction costs incurred after 2022 are subject to reduced grant eligibility;
- Construction costs incurred after 2026 are ineligible for grant coverage, meaning that the County's and the EDA's grant obligations end in 2027; and
- The EDA would receive the County's grants and provide grants to CVSI semi-annually contingent upon the County receiving CVEC's and CVSI's timely public service tax payments.

Pursuant to Virginia Code § 15.2-953, "[a] locality may make like gifts, donations and appropriations of money to industrial development authorities for the purposes of promoting economic development."

After Central Virginia Electric Cooperative and/or Central Virginia Services, Inc. submit payment for their public services taxes for tax years 2109 through 2026, the County will appropriate to the EDA annual grants equal to the amount of those taxes that is attributable to the construction costs related to the expansion of broadband for those tax years, with the annual appropriations not to exceed \$105,000, and the total appropriations over the period not to exceed \$550,000.

Staff recommends that the Board: 1) adopt the attached Resolution approving the Agreement (Attachment B), and 2) direct the County Executive's Office through ABBA to finalize the arrangements by working with the Economic Development Authority, the Finance Department, CVEC, and CVSI.

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Mr. Mike Culp, Director of Information Technology, addressed the Board. He introduced Mr. Bucky Walsh, Chairman of the Albemarle Broadband Authority. Mr. Culp stated that the Authority was continuing its' meeting from the previous night.

Mr. Bucky Walsh addressed the Board and opened the meeting of the Albemarle Broadband Authority, stating that the Central Virginia Electric Cooperative and Albemarle Broadband Authority has



agreed that the County would provide support to CVEC's plans to bring fiber to 3,600 homes in Albemarle. He announced that Mr. Gary Wood of CVEC was present in the audience. He said the Authority was excited to bring state-of-the-art broadband to rural areas of the County at very reasonable prices. He described CVEC as "a leader" among rural electric cooperatives in looking to expand the services available to its membership. He explained that CVEC has requested \$2.2 million from the County to assist with a plan development and an additional \$550,000 in tax revenue support the County would grant through the Economic Development Authority. He said the ABBA wants to make sure this gets done as quickly as possible, as there are many people working from home for which they would like to provide opportunity. He added that they have come up with a tax grant plan under which, if the build out was not conducted expeditiously, CVEC would not receive all of the tax grant funds.

Mr. Walsh presented an agreement timeline and remarked that this was the second to last of the action items, as they have already presented to the EDA and negotiated with CVEC. He asked the Board to approve the motion so they could move to the next step of speaking with representatives from the EDA. He emphasized that ABBA would submit applications to the Virginia Assistive Technologies Initiative, and the grant support agreement would demonstrate that the County has money in the game, which would make its proposals more attractive in obtaining state grants. He remarked that Mr. Culp and his team have been very successful in the past in obtaining grants for broadband, and he was optimistic they would have success again, especially with a demonstration that the County was providing financial support.

Ms. Palmer remarked on how exciting this was and that it would reach some of the most difficult to reach places in the County.

Ms. Mallek thanked CVEC for its partnership.

Mr. Randolph characterized this as a significant step in ABA's maturation and said it would position the Board to look at other applications with VATI in the coming years that would have significant impact. He noted that this would only benefit 3.3% of County residents, although when considering that there are residents living in residential developments that already have fiber, the impact on the rural areas jumps up dramatically to 8-10% and represents a game-changer.

Ms. Palmer remarked on the benefit this would have for school children.

Ms. Palmer **moved** that the Board adopt the proposed resolution approving an agreement between the County of Albemarle, the Albemarle County Economic Development Authority, Central Virginia Electric Cooperative and Central Virginia Services, Inc. The motion was **seconded** by Mr. Randolph.

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

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

Ms. Mallek asked if the Board needs to adopt a second motion to direct the County Executive's Office through ABBA to finalize the arrangements by working with the Economic Development Authority, the Finance Department, CVEC, and CVSI. Mr. Kamptner responded that that direction was implied through adoption of the resolution.

At 3:34 p.m., Mr. Walsh adjourned the meeting of the ABBA.

**RESOLUTION APPROVING AN AGREEMENT BETWEEN  
THE COUNTY OF ALBEMARLE, THE ALBEMARLE COUNTY ECONOMIC DEVELOPMENT  
AUTHORITY, CENTRAL VIRGINIA ELECTRIC COOPERATIVE, AND CENTRAL VIRGINIA  
SERVICES, INC.**

**WHEREAS**, the Board finds it is in the best interest of the County to enter into an Agreement with the Albemarle County Economic Development Authority, Central Virginia Electric Cooperative, and Central Virginia Services, Inc., to support the expansion of broadband service to the member customers of Central Virginia Electric Cooperative in the County by providing a grant in a sum equal to the County's public service taxes attributable to each year's construction costs of the broadband expansion project in the County, with the grant being limited in time and amount as set forth in the Agreement.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the Agreement between the County of Albemarle, the Albemarle County Economic Development Authority, Central Virginia Electric Cooperative, and Central Virginia Services, Inc., to support the expansion of broadband service in the County as described above, and authorizes the County Executive to execute the Agreement on behalf of the County once the Agreement has been approved as to substance and form by the County Attorney.

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**AGREEMENT**

**THIS AGREEMENT**, made this 14<sup>th</sup> day of December, 2018, by and between the **COUNTY OF ALBEMARLE, VIRGINIA** (the "COUNTY"), a political subdivision of the Commonwealth of Virginia, the **ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY** (the "EDA"), a political subdivision established by the ALBEMARLE COUNTY BOARD OF SUPERVISORS, **CENTRAL VIRGINIA ELECTRIC COOPERATIVE** ("CVEC"), a Virginia utility consumer services cooperative, and **CENTRAL VIRGINIA SERVICES, INC.** ("CVSI"), a Virginia corporation.

**WITNESSETH:**

**WHEREAS**, the EDA has been created to promote the economic development of Albemarle County, Virginia, pursuant to enabling legislation under Section 15.2-4900 *et seq.* of the Code of Virginia and has authority to make grants of money or property to encourage economic development pursuant to Section 15.2-4905;

**WHEREAS**, CVEC has embarked on a project throughout its fourteen-county service area to install fiber optic cable to avail broadband to its rural residential and commercial customers. This project will include improvements to CVEC's distribution system needed to support the fiber optic cable, cable installation, service drops to individual customers, and supporting new equipment (the "Project");

**WHEREAS**, the system installed through the Project shall be operated by CVSI, a wholly owned subsidiary of CVEC;

**WHEREAS**, Firefly Fiber Broadband, a division of CVSI, will provide internet services to subscribing customers;

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**WHEREAS**, CVEC desires certain financial assistance in order to pursue its undertaking;

**WHEREAS**, expanding broadband affordable access to the underserved, rural communities is identified as a priority area requiring further development in the County's 2017-2019 Strategic Plan and is consistent with the long-term strategic goals of investing in infrastructure, fostering economic prosperity, improving access to educational opportunities, and preserving rural area characteristics.

**WHEREAS**, it is in the public interest of County citizens for the EDA to assist with improving the availability of broadband residents and businesses in the County's rural areas as such improvement is consistent with the Albemarle County Economic Development Mission to support critical infrastructure and will benefit Albemarle County through an increase in the tax base and the availability of additional communication, education, and employment opportunities for its citizens, thereby promoting the health, safety, welfare, convenience, and prosperity of the citizens of the County;

**WHEREAS**, the COUNTY is willing to provide funds (the "County Grant") to appropriate annually to the EDA sums described hereinafter to be paid to CVSI as an incentive for it to pursue the Project in the County so long as CVEC meets its performance obligations; and

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**WHEREAS**, the COUNTY, EDA, CVEC and CVSI desire to enter into this Agreement to memorialize the understandings and conditions under which financial incentives will be provided to CVSI by the EDA for the Project, and to set forth the obligations and responsibilities of the parties in connection therewith.

**WHEREFORE**, in consideration of the mutual promises of the parties and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. Undertaking. CVEC will begin the Project in Albemarle County in 2019 at an estimated cost of \$11,000,000 and with an estimated completion date being five years from the beginning of work. CVEC will build a fiber-optic communications network throughout its electric distribution system in Albemarle County to provide broadband internet access to approximately 3600 residences and businesses served by CVEC. Please see “Albemarle County Proposal and Request for Support,” “Project Overview,” and “Albemarle County Map” attached and incorporated herein. CVSI intends to contribute to the Project by building additional fiber plant outside of CVEC’s electric system at an estimated cost of \$1,500,000.

2. Grant. To incentivize the completion of the Project by December 31, 2022, the COUNTY agrees to appropriate annually a Grant to the EDA for tax years 2019 through 2026 a sum equal to the COUNTY’s public service taxes attributable to each year’s construction costs of the Project in the County, as calculated according to law, subject to these limits: i. the annual Grant sum shall not exceed \$105,000.00; ii. total Grant appropriations shall not exceed \$550,000.00; and iii. a given year’s construction costs shall be eligible for a Grant payment for no more than five years. The Grant eligibility schedule is defined below:

<u>Year Construction Costs Incurred</u>	<u>Years Eligible for Grant</u>
2019	2020, 2021, 2022, 2023, 2024
2020	2021, 2022, 2023, 2024, 2025
2021	2022, 2023, 2024, 2025, 2026
3	
2022	2023, 2024, 2025, 2026, 2027
2023	2024, 2025, 2026, 2027
2024	2025, 2026, 2027
2025	2026, 2027
2026	2027

Project construction costs occurring in 2027 or later shall not be eligible for the Grant.

3. Payments. The EDA shall pay the County Grant to CVSI within sixty days of each semi-annual tax due date provided that CVEC shall have paid all local taxes to the COUNTY as they fall due. There will be no grant for the taxes attributable to CVEC’s currently existing real property, improvements, machinery and tools, personal property values, and public service values.

4. Schedule. CVEC or CVSI, as the case may be, shall take all reasonable steps and exercise due diligence in completing the Project related to particular substations in the following order:

- Martin’s Store
- Zion
- Cash Corner
- Midway
- White Hall
- Schuyler
- Red Hill.

5. Reporting. CVEC and CVSI shall report, document, and verify to the EDA at CVEC’s expense the construction cost and the price of its related new equipment and personal property for the Project installed in the County by no later than January 31st

for the preceding year. Upon the COUNTY's or EDA's request for additional information, CVEC and CVSI shall provide such additional information reasonably satisfactory to the COUNTY or EDA within thirty (30) days. No County Grant payment shall be made until the COUNTY or the EDA receives adequate documentation and verification.

6. Third-Party Grants. Grants secured by CVEC or CVSI either independently or jointly with the COUNTY, the EDA, or the Albemarle County Broadband Authority shall not setoff any of the County Grant; grants, gifts, or other funds secured by the COUNTY, the EDA, or the Albemarle County Broadband Authority independently of CVEC or CVSI may be used to pay the County Grant.

7. Appropriation. While the COUNTY has made clear its commitment to the undertaking in this Agreement, it is understood that funding must be appropriated by future Boards of Supervisors and thus no EDA funds are obligated to be paid under this Agreement should the EDA fail to receive the necessary funding from the COUNTY.

8. Termination.

(a) If at any time during the term of this Agreement, CVEC or CVSI fails to meet its obligations, the COUNTY or the EDA may terminate the Agreement. Upon termination, neither the COUNTY nor the EDA will be required to provide County Grant payments under Sections 2 and 3.

(b) If at any time during the Agreement term, CVEC or CVSI fails to pay any taxes due to the COUNTY, the COUNTY shall notify CVEC or CVSI of the overdue tax liability. The COUNTY shall provide CVEC or CVSI thirty (30) days from receipt of notice to pay any overdue taxes to the COUNTY. If CVEC or CVSI does not pay the overdue taxes to the COUNTY at the expiration of the 30-day

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curative period, this Agreement shall automatically terminate and no further grant payments shall be due under Sections 2 and 3 of the Agreement.

9. Governing Law. This Agreement shall be construed in accordance with the laws of the Commonwealth of Virginia without regard to choice of law principles. The venue for any legal dispute arising from this Agreement shall be exclusively in Albemarle County, either before the Albemarle County Circuit Court or the United States District Court, Western District of Virginia, Charlottesville Division.

10. Indemnification. CVEC and CVSI shall indemnify and hold harmless the COUNTY and the EDA, their supervisors, officers, directors, agents, and employees from any and all liability, loss, damage, claims, causes of action, and expenses (including without limitation reasonable attorneys' fees), caused or asserted to have been caused, directly or indirectly, in connection with the performance of this Agreement and/or any act or omission of CVEC or CVSI or an employee, agent, or contractor of either or both, to the extent that such liability or damage is caused in whole or in part, by such party's negligence or intentional misconduct. The provisions of this section shall survive termination of this Agreement as to acts or omissions occurring prior to the effective date of termination.

This agreement shall not be construed to limit the COUNTY's or the EDA's rights, claims, or defenses which arise as a matter of law pursuant to any provisions of this agreement. This agreement shall not be construed to limit the sovereign immunity of the COUNTY or the EDA.

11. Entire Agreement. This Agreement constitutes the full agreement among the parties and no party shall be bound by any terms, conditions, or representations not contained herein. This Agreement may be modified only by written agreement signed

by the parties hereto with the same formality. This Agreement may be executed in one or more counterparts, each of which shall be an original.

12. Severability. If any provision of this Agreement is determined to be unenforceable, invalid, or illegal, then the enforceability, validity, and legality of the remaining provisions will not in any way be affected or impaired, and the unenforceable provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with law.

13. Term. This Agreement shall run until 31 December 2026, when all obligations under this Agreement shall end.

14. Notices. Any notices required or permitted under this Agreement shall be given in writing and shall be deemed received upon actual receipt or refusal to accept after mailing such notice in the United States by certified mail, postage fully prepaid or by overnight courier. Refusal to accept means return of certified mail or non-acceptance of overnight courier delivery by the addressee.

If to CVEC or CVSI, to:

With a copy to:

Gary Wood, CEO  
CVEC/CVSI  
Post Office Box 247  
Lovingston, Virginia 22949

If to the COUNTY, to:

Jeffrey Richardson, County Executive  
Albemarle County Executive's Office  
401 McIntire Road  
Charlottesville, Virginia 22902

William M. Letteri, Director  
Department of Finance  
401 McIntire Road  
Charlottesville, Virginia 22902

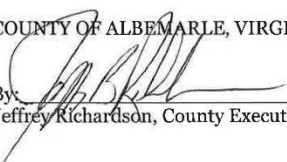
If to the EDA, to:

W. Rod Gentry, Chairman  
Economic Development Authority  
Albemarle County  
401 McIntire Road  
Charlottesville, Virginia 22902

Roger Johnson, Director  
Economic Development Office  
Albemarle County  
401 McIntire Road  
Charlottesville, Virginia 22902

IN WITNESS WHEREOF, the parties hereto set their signatures and seals by their respective duly authorized representatives.

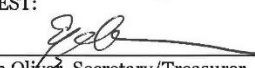
COUNTY OF ALBEMARLE, VIRGINIA

By:   
Jeffrey Richardson, County Executive

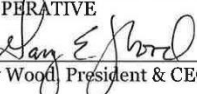
ECONOMIC DEVELOPMENT  
AUTHORITY OF ALBEMARLE COUNTY

By:   
W. Rod Gentry, Chairman

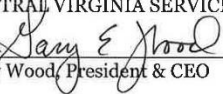
ATTEST:

  
Elton Oliver, Secretary/Treasurer

CENTRAL VIRGINIA ELECTRIC  
COOPERATIVE

By:   
Gary Wood, President & CEO

CENTRAL VIRGINIA SERVICES, INC.

By:   
Gary Wood, President & CEO

Approved as to form only:

  
Greg Kampfrer, County Attorney



**Rural Fiber-Optic High Speed Broadband Internet Access**

**Albemarle County**

**Project Proposal and Request for Support**

Central Virginia Electric Cooperative (CVEC) proposes to build a fiber-optic communications network through-out its electric distribution system. The communications system will provide benefits to the electric system operation but not pay for itself through electric system benefits alone. CVEC plans to lease the fiber-optic system to its wholly-owned subsidiary, Central Virginia Services, Inc. to provide broadband internet and communications services to residences and businesses. To accelerate the deployment of fiber and help overcome the digital divide in rural central Virginia, CVEC seeks support to help offset a small portion of the significant capital costs and/or to provide CVS I dependable cashflow in the first years of the new business.

The project will provide access to 3600 homes and businesses in rural Albemarle County. These members are served from six different CVEC substations (Cash's Corner, Martin's Store, Midway, Red Hill, White Hall, and Zion). The total investment for the fiber-optic network in Albemarle is estimated to be \$11 million.

CVEC requests combined capital and cash flow support [REDACTED] from Albemarle County to help offset costs and assure timely completion and success for the project. With this support, about two-thirds of the Albemarle accounts will be served within the first half of the project timeline, with the final one-third coming in the second half of the five year project.

The following are some potential funding options for Albemarle County:

1. Grant to offset capital costs
2. Economic Development Authority commitment to provide the equivalent of annual tax revenue from new plant investment for the first five years after each substation area is completed.
3. Contracts for broadband internet or communications services to public facilities such as schools, radio towers, libraries, etc.

This request will help our Board of Directors to see their way to committing to the full five-year build out contemplated in our feasibility study. Final decisions on the schedule for each substation will be based on overall density and cost of service to provide the best cash flows into the new subsidiary business as it develops enough to create positive annual cashflow.

The project will provide clear benefits to the accounts served with world-class, high-speed broadband internet service at very competitive rates. It will also provide benefits by expanding fiber availability into the most rural areas for further broadband expansion by companies wishing to extend the fiber further outside CVEC territory or for wireless internet providers. It will also expand options for cell phone providers and for other companies and groups needing high speed connections to rural tower sites for coverage. There will be a better platform for home businesses or telecommuting, reducing traffic and improving public safety. Home values will increase.

There are many, many positive outcomes from having a fiber-optic network deployed across the rural countryside in Albemarle County. CVEC is planning the project based on the benefits over the thirty year life of the fiber. Albemarle County will also see positive paybacks that justify a contribution to support timely construction of a virtually future-proof infrastructure to deliver communications and broadband services in the rural areas.

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Post Office Box 247 • Lovingson, VA 22949 • Telephone: 434/263-8336 • Fax: 434/263-8339  
Toll Free: 800/FOR-CVEC (800/367-2832) • Internet: [www.mycvec.com](http://www.mycvec.com)



**Project Overview**

Central Virginia Electric Cooperative (CVEC) has a growing need for high-speed communications to many points on its electric distribution system. The Cooperative needs to improve communications speeds and bandwidth to its substations to allow for better equipment control and monitoring as well as for improved security. Downline equipment, including reclosers, regulators, capacitor banks, automatic switches, and voltage meters, all will provide better and more timely information through broadband connections. The immediate benefits for the CVEC members will be improved reliability and reduced power costs. In the longer term, a system-wide broadband network will provide the platform for next generation electric distribution smart grid applications, including integration of distributed generation resources and battery storage.

As a not-for-profit electric cooperative, CVEC is focused on its members' needs. Given the dearth of true high-speed broadband access throughout the CVEC service territory, the Cooperative plans to leverage the new fiber-optic network to help members overcome the digital divide that separates them from their more urban neighbors and from the world. CVEC plans to extend more than 4,500 miles of fiber-optic cable across parts of 14 central Virginia counties within five years to offer broadband connections to all 36,000 home and business accounts held by the CVEC membership. The total investment in infrastructure will be \$110 million.

CVEC is uniquely situated to provide this service in this area. The new cable will be installed on and adjacent to existing overhead and underground electric distribution lines. Utilizing the existing infrastructure, also paid for by the members, will make economical installation much more possible. CVEC has access to very low-cost financing through the Rural Utilities Service and several private cooperative banks serving the industry. CVEC is focused on service instead of profits, and can be patient to wait through a long breakeven period for the fiber investment.

CVEC sees the need for broadband for homes and businesses. Many recent studies and articles have explored rural broadband access and its impact on business, education and healthcare. It is easier to attract new businesses into an area when their potential employees can have a high quality of life including broadband access. Home values are enhanced, increasing personal wealth as well as providing local governments with growth in their real estate bases during an era of low growth. The utility investment will also provide tax revenue from the higher payments to local governments due to higher utility plant value. The benefits of this project touch members, businesses, schools, and local governments.

Having fiber-optic service to 36,000 points across central Virginia will also facilitate expansion of other communications networks. Cell towers, fixed wireless towers, private radio networks and 911 systems can benefit from fiber being available all across the rural CVEC service territory.

Given the many benefits to diverse parties, CVEC has committed to making the fiber-optic network a reality. The 11-year payback period is marginal for the level of investment, even for a not-for-profit. A 5% increase in costs extends the payback to year 13, and if take rates fall 5%, the payback period is extended to year 19. The CVEC Board of Directors has committed to the first year of the five-year buildout to allow staff to show proof of concept, to confirm construction estimates and revenue projections, and to look for support to reduce risks.

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Business Organization and Services: CVEC will own the fiber-optic cable on its poles, and be responsible for its installation and maintenance. Under present Virginia code, the Cooperative is not allowed to provide broadband internet service. CVEC will operate its wholly owned subsidiary, Central Virginia Service Inc, which will lease the fiber from CVEC and provide retail services to internet customers.

Basic residential service will be 100 mbps internet with a target price of \$49.99 per month, with an optional service with 1 gigabit speed for \$79.99 per month. Neither service will have data limits. There will also be a voice over IP offering for telephone service, with a target price of \$29.99 per month for unlimited local and long distance calling. The other service will be a managed router service (\$5 per month) for customers who prefer not to own and maintain their own routers in their homes or businesses.

There will be a class of business offerings and there will be options for businesses who require bulk lit service or backhaul to the internet.

To operate the business and offer these services, the subsidiary will be staffed with 20 to 25 new jobs, including a general manager, fiber line technicians, service personnel for work in homes, customer service representatives in the call center, and network engineers.

Financing: CVEC will be responsible for the financing of the fiber plant and associated capital costs. Support to offset the capital costs will go to CVEC and be used to reduce the loans and associated interest payments. CVEC will lease the fiber plant to the subsidiary to allow CVSI to sell internet service through the fiber. CVSI will be responsible for leased fiber payments as well as all other internet and voice service costs, the capital investment for the electronics to operate the business, and all operational expenses.

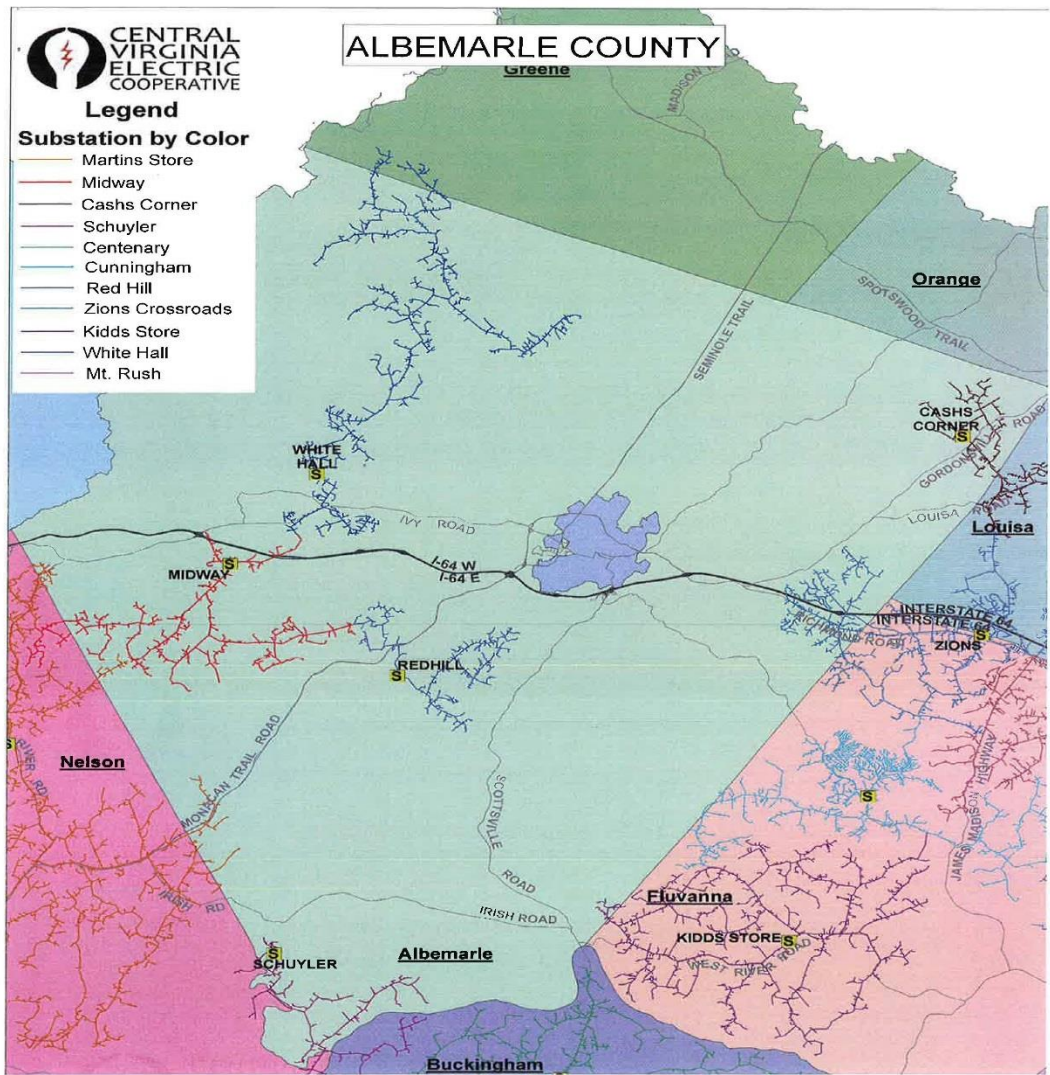
Any cash flow incentives will be directed to CVSI which is projected to lose money the first six years of the business plan and reach breakeven in year 11.

In addition to the capital investment CVEC and CVSI will make in the project, they will seek support from federal, state and local governments and agencies. Their goal is to obtain \$20 to \$25 million in support through a combination of one-time capital support and ongoing cash flow support for the first five years of the project.

CVEC plans to participate in the Federal Communications Commission Connect America Fund Auction, Phase II and seek other federal grants that will total \$5 to \$10 million. It will seek support from the Tobacco Commission Last Mile program and grants from state government agencies to provide \$5 to \$8 million in support. CVEC will ask counties to provide economic development support, including consideration of grants equivalent to the first five years of taxes on the new investment in each county. These local programs will hopefully provide \$3 to \$5 million in support. CVEC will also seek local grants, matching funds, in-kind services (fiber swaps, use of conduit or easements, etc.), and guaranteed contracts for broadband internet and communications services to government buildings and facilities such as schools, towers, and libraries, to provide an additional \$4 to \$7 million in support.

This level of support will provide for an approximate 80-20 match with CVEC and its affiliate organization, providing 80% of the cost to solve the broadband problems for large portions of the central Virginia countryside. This level of support will allow the Board of Directors of CVEC to feel more comfortable making the decision to commit to the full \$110 million project.

Scheduling and Priority: The intent is to begin construction in the third quarter of 2017 and continue building for five years. The areas to be built each year will be decided based on creating maximum positive cash flows for the new organization. Priority will be given to higher density areas and those with a lower cost to serve. Consideration will be given to how contributions impact cost, and these considerations will influence scheduling each year. CVEC's goal is to complete the project and make service available to all CVEC members in five years.



Agenda Item No. 3. Long Range Financial Planning Guidance.

The Executive Summary forwarded to the Board states that each fall, the Board of Supervisors conducts long-range financial planning prior to the annual budget development process. On November 5, 2018, the Board of Supervisors and the School Board began this process and held a work session in which they gained an understanding of the County's compensation market analysis, compensation initiatives, and a long-term outlook of the County's health insurance plan. They also received a brief introduction to the Five-year Plan Revenue Assumptions and an overview of the School Division's Five-Year Financial Plan.

On December 5, 2018, the Board of Supervisors received information on five-year revenue projections and a Balanced Two-Year Fiscal Plan which included recommended operational and capital expenditure priorities for General Government.

Long-range financial planning is an important component of the County's fiscal processes. It brings together three major components of the County's budget: Schools, General Government, and Capital. It also provides a venue for discussion regarding important longer-term priorities and creates a framework within which the next fiscal year's budget development will take place. During this work session, the Board will continue its long-range financial planning discussion and will provide guidance for the annual budget development process.

Long-range financial planning connects long-range fiscal planning with strategic plans and provides an important context for the annual budget process.

Staff recommends that the Board of Supervisors and School Board provide direction to staff that will inform the upcoming budget processes.

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Ms. Lori Allshouse, Director of the Office of Management and Budget, said she and Mr. Andy Bowman, Budget Manager, were present to talk about long range financial planning and to obtain guidance from the Board as they head into the budget development process. She then presented a slide that listed the three long-range planning meetings held during the fall and their purpose:

November 5: Compensation/Benefits, School Division's Five-Year Forecast  
December 5: Revenues, General Fund, CIP  
December 12: Guidance for FY20 annual budget process

She next presented an agenda for today's the discussion:

- Two-Year Fiscal Plan – Recap and updates
- Broad Review: proposed uses of available year end FY18 funding
- Board Discussion: How well does the plan support: high quality services, high quality community strategic priorities. What if revenue growth was better than currently projected?
- Next Steps

Ms. Allshouse reviewed the two-year fiscal plan, noting that it was part of a longer-range five-year plan and emphasizing that assumptions were preliminary. The revenues would likely change, and this creates the framework for the budget process. She presented a graph that compared revenues to expenses for FY20–FY24, noting that they balance it for the first two years. She presented a slide with preliminary funding proposals for several items. She reviewed the first item, Funding by Formula for Schools, \$3.8 million, which could partially fill the school's funding gap. The second item, Meet Obligations, was \$1.3 million and includes revenue sharing with the City, debt, CIP, and other obligations. The third item was Maintain Competitive Job Market position at \$2.2 million. She said this includes increases for public safety salaries. The fourth item was Focusing on Optimizing Business Processes at \$900,000.

Ms. McKeel asked if Ms. Allshouse was referring to internal business processes. Ms. Allshouse confirmed this.

Ms. Allshouse stated that this funding would provide support to the new Office of Equity and Inclusion. She reviewed the next item, Supports Existing Services and Agency Partners, \$1.8 million. The next item was Begins Facility Master Plan and Improves Building Security of County Office Building, \$300,000. She noted that the items she just reviewed were internal or service-focused items and next reviewed capital strategies that support community, which she described as more outward-facing activities.

She said the first item assumes a CIP-dedicated tax rate increase of 1.5 cents in CY19. She emphasized that the CIP was outward focused and has more in it this year for parks, bike/pedestrian, and schools. She said that as they go into the outyears and build Center One and parks, there would be additional costs, along with the courts and associated costs resulting from CIP projects, which may require tax rate increases. She next reviewed one-time cash funding for the CIP of \$1.9 million for both end-of-year and ongoing money, and said staff recommends some equity pay-as-you go funding to go towards capital in accordance with associated formulas.



Ms. Allshouse stated that the next item would provide additional capacity for the School Division through the Center. She reminded the Board that a pilot tech center at Seminole Place was begun last year, which she learned from the School Division that they are now calling Center One and that the one they talked about as Center One would now be referred to as Center Two. She reviewed the next item, to build and open new parks, and reminded the Board that last year it put a \$6 million placeholder for parks in the CIP as well as \$6 million for an interconnected bike/pedestrian network. She said this would also include operating money to hire support staff for existing parks as well as \$4 million for Biscuit Run coming from the state program. She stated that funding of \$3.2 million was provided to the Economic Development Fund and \$1.5 million was provided for proffers and affordable housing.

Ms. Palmer asked for confirmation that the \$6 million for Parks does not include the \$4 million for Biscuit Run, and the funding for Biscuit Run does not include funding from the state. Ms. Allshouse clarified that the total was \$10 million if Biscuit Run were added. She said the \$4 million for Biscuit Run was part of the \$5 million from the state. She explained that an additional \$1 million would go towards Biscuit Run operating costs.

Ms. Palmer asked if the state would pay the County back through the grant after the County has built the park. Ms. Allshouse responded that she was not sure how the mechanism works.

Mr. Kamptner explained that the agreement CACF has with the state provides that they would disburse funds to the County upon receipt of joint written confirmation of the expenditures from the County and DCR.

Ms. McKeel asked for confirmation that a tax increase to support \$1.5 million in the CIP resulting from a school bond referendum never occurred. Ms. Allshouse responded that the tax increase was delayed.

Ms. McKeel remarked that many people thought the tax rate was increased.

Mr. Randolph asked Ms. Allshouse to explain why her presentation shows the 1.5-cent tax increase in CY19 and not FY19. Ms. Allshouse pointed out that tax rates are on a calendar year yet staff budget on a fiscal year, and should the Board approve a tax increase, it would provide additional funding in the current year as well as the following year for FY20. She emphasized that their assumption was that all this revenue would go to the capital program.

Ms. McKeel stated that this practice was not unusual and they are being more transparent in talking about it now.

Ms. Mallek pointed out that the tax bill residents paid in June, that was based on whatever decision was made in April, would cover from January 1–July 1, 2019. Ms. Allshouse confirmed this.

Ms. Allshouse presented a slide with the nine priorities of the strategic plan and explained that those listed in blue were being discussed as potential recipients of additional revenue, while those in gray does not have any revenues currently associated with them. She said she would point out several areas that have been updated: Center One would now be called Center Two; the amount of additional one-time funding for Economic Development has been reduced to \$3.2 million from \$3.8 million; and the difference has been moved to one-time funding for broadband.

Ms. Allshouse reviewed what was not in the two-year fiscal plan, stating that there would be no additional funding to address growing service demands related to population or workload increases, and the financial support for existing services has been reduced in FY21 in order to have the budget balance.

Ms. Mallek asked for an explanation of reductions in financial support for existing services and wondered if it refers to not replacing staff through attrition. Mr. Andy Bowman, Budget Manager, Office of Management and Budget, responded that it could be a combination of things and was actually an overall increase, though it may not be as much as provided. He said it could be the agencies, support to operations, or a whole host of other things.

Ms. Palmer asked if the Police Department requested additional positions that were not included. Mr. Bowman confirmed this.

Ms. McKeel commented that those discussions would occur later during the budget work session. Mr. Bowman responded that this was preliminary information; they are currently reviewing agency requests and would receive a revenue update in January, and all of this would factor in to the budget.

Ms. Allshouse stated that there was no additional funding for implementation of the Climate Action Plan, although they knew there was something coming as the Board was completing a plan. She said there was no additional funding for the Rio29 redevelopment in the CIP or operating budget, no additional funding to support the stormwater program after FY20, and no ongoing contributions to the EDA and housing funds. She noted that the Board had been presented with the Comprehensive Annual Financial Report (CAFR) the previous week. She began with the audited fund balance of June 30, 2017 and reviewed how revenues and expenditures resulted in the net change in fund balance of \$-2.8 million. She said the net audited general fund balance as of June 30 was \$53.5 million. She next reviewed reserves and noted that the unassigned fund balance reserve was 10% of the general fund and school fund minus the transfer between the two. Ms. Allshouse said that the 10% reserve held by the County was \$34.8 million. She explained that the schools could reserve up to 2% of its budget, which totals \$3.2

million. She said the next column with \$157.766 million represents inventory and prepaids, and the bottom figure represents a new policy for a stabilization reserve, approved by the Board in November 2017. She explained that this \$2.9 million was a 1% set aside in the event of revenue fluctuations or emergencies. She said the column total for policy-related reserves was around \$41 million.

Mr. Randolph asked what the 1% Stabilization Reserve set aside was drawn from. Ms. Allshouse clarified that it was 1% of the FY19 General Fund.

Ms. Allshouse stated that this was a fund balance the Board had already appropriated and that the FY19 adopted budget included \$2.4 million of fund balance. She said that another \$1.2 million of General Fund fund balance has been appropriated for a total of \$3.6 million that has been put in places to potentially be spent. She stated that the Board has established policies to have cash or “pay-you-go” in its capital program, although the policies are not specific. She presented a slide with excerpts of three of these policies and noted that some items for which there was not a useful life of a certain amount of time were those they wanted to pay cash for. She recommended that the Board set aside \$1.9 million to support the CIP in accordance with these policies, and this would leave \$7 million for discretionary spending.

Ms. Allshouse presented a slide with recommended policy-related uses of the \$7 million General Fund fund balance:

Facilities Master Plan	\$150,000
Police Storage	\$250,000
Economic Development Fund	\$3,200,000
Housing Fund	\$700,000
Broadband	\$800,000
Water Resources	\$200,000
Other One-Time Uses	\$1,700,000

She added that the Board could decide to spend these funds or hold them for FY20.

Ms. Mallek said that each of these items would come back for the Board to discuss. Ms. Allshouse confirmed this and asked for feedback from the Board.

Mr. Dill asked how figures for Economic Development Fund, Housing Fund, and Water Resources were established. Ms. Allshouse asked Mr. Bowman to address this question.

Mr. Bowman explained that the Water Resources Fund identified \$200,000 that would be billed for next year and identified with the plan of currently appropriated funding to complete initial work to extend to a total of \$1.6 million over funds appropriated this year and next year. He said this would finish a bridge year that began this year through FY20, while a discussion on long term stormwater funding was taking place. He continued that the Economic Development Fund was set aside as a currently appropriated source for projects such as Woolen Mills, Willow Tree, and Perrone Robotics, or other state-matching grant programs. He said the current balance of the fund was \$1 million, with a number of projects under development and consideration that would exceed this amount, if approved by the Board. He said the set aside of \$3.2 million would be enough to fund current projects and leave the Board another \$1.6 million for future projects. Addressing the Housing Fund, he recalled how the Board in its November 14 meeting talked about restoring a level of what was originally identified for the Housing Fund for the five-year plan, of about \$1 million. He said this was reduced to \$700,000 to allocate some of the funds to broadband, recognizing that there was proffer money available to bring the total amount to \$1.5 million.

Mr. Randolph remarked that the ABBA Board met the previous day and recommended \$800,000.

Ms. McKeel said she was getting questions from her CAC and wanted to make sure that the Board would have a discussion to decide whether to fund NIFI again, as they had not identified this funding yet. Ms. Allshouse responded that it was her understanding that these projects were all underway and that this did not add any funding. Ms. Mallek remarked that some NIFI items may be incorporated in the bike/pedestrian list.

Mr. Gallaway said he has no problem with the recommendation made but would like to see the larger list from which these seven items were selected, so he could be aware of what was not included and NIFI could be one of those items. Mr. Bowman responded that NIFI would not be included but when he thought of department requests that would, anything could be covered as part of the \$1.7 million or be identified in the current year to address through current savings, contingencies, or other options. He said that if there were another police request that was not on this page, staff’s approach would be to address it through another reserve or the \$1.7 million on the bottom of the slide.

Ms. Allshouse added that they could also send additional funds to the CIP and emphasized that these have to be one-time uses.

Mr. Gallaway asked if there were any items beyond the 10 that were considered. Mr. Bowman responded that they have a request process for year-end funds by departments, which are reflected through this plan or through current funding and are being analyzed. He said that if there was something that was not on the page, such as NIFI or a higher level of support for the Economic Development or Housing Funds, these can be decisions of the Board as well.

Ms. Allshouse added that another option was other strategic planning items the Board believes one-time funding would help support.

Ms. McKeel said she would eventually like to have more information about the \$1.7 million. Ms. Allshouse agreed to provide these details at a later date.

Mr. Dill asked about items on the page that were not included in the Two-Year Fiscal Plan: no additional funding for climate action, additional funding to support the CIP, the stormwater program, and economic development. Ms. Allshouse responded that they are still completing the climate action plan and have not yet requested funding, although the Board could establish a placeholder.

Mr. Lance Stewart, Director of the Department of Facilities and Environmental Services, added that they are formulating the climate action plan and hope to have a joint meeting of the steering and coordination teams in January, and if they do not have a fully authorized plan by next fall, they would at least have enough information to have conversations and make budget submissions for next year's CIP process.

Ms. Mallek pointed out that they have an investment in LEAP, which she said was a great first step forward for the first time in eight years. Mr. Stewart pointed out that this was continued in next year's operating budget.

Mr. Dill asked what other items besides LEAP might be considered. Mr. Stewart offered to conduct a brainstorming session at the next Board meeting.

Ms. Palmer recalled that she had previously brought up the idea of setting aside \$300,000+ funds for a potential RWSA facility on Route 29 North for CY20, although this would not cover land acquisition.

Ms. Mallek remarked that this amount seems large if land acquisition was not included, and she looks forward to learning the details.

Ms. Allshouse asked Mr. Bowman if economic development may need an appropriation before FY20. She said that they may bring some of the items back for consideration sooner than the FY20 budget. Mr. Bowman responded that this would depend on the timing of the project. He said that once the budget has been adopted, they could make one-time appropriations in April for the Housing Fund and others.

Mr. Trevor Henry, Assistant County Executive, addressed the Board and said that there are at least two items they have anticipated to move to current year funding as soon as possible. He said that one item was a facilities master plan, which he said would take some time as they need to really get their hands around programming and capacity, and he hopes this would inform the CIP going into next year. He said the second was for police storage, which they could execute as soon as funding was obtained. He recommended that appropriations for these two items be brought forward as quickly as possible.

Mr. Dill asked if they wanted to do this tonight. Ms. Allshouse responded that staff has to put the appropriation information together for the Board, although it could make a decision to have staff bring it back to them in January or February on the consent agenda. She pointed out Mr. Bowman's suggestion that they could make some changes after the budget was adopted in April, before July 1.

Ms. Allshouse said that staff was working hard to put together the FY20 budget and presented a slide with a summary of the Two-Year Fiscal Plan:

- Local economy healthy, however, potential headwinds
- Plan focuses County resources to support high quality services and high quality community
- Plan provides placeholders for use of available fund balance
- Plan includes 1.5-cent real estate tax rate increase in CY 19 dedicated to CIP
- CIP projected to include additional tax rate increases dedicated to the CIP and its associated operating costs in out years
- Plan does not fully address strategic plan, growing service demands, CIP, department/agency requests, School Division's potential gap

On the slide entitled Services, she presented the following questions to the Board:

- Which of the following areas do you expect to be included in the Recommended FY20 budget?
- What areas require additional information?
- What may be missing?

Ms. McKeel said she was interested in seeing what the school gap looked like and noted that Mr. Matt Haas, Superintendent, would present his budget on January 17.

Mr. Gallaway said the Governor has proposed \$269 million, a 5% increase for teachers, with \$35 million of this to address the per-pupil piece. He said he imagines that any match for the salary increase would wipe out any per-pupil increase. He noted that they are also putting some money towards specialized programs.

Ms. McKeel pointed out that this was only the Governor's request and they do not know what the General Assembly would decide to do.

Mr. Gallaway said his point was that the Board has to continue to put the pressure on them and back up what they have asked the schools to do.

Ms. McKeel inquired as to whether there has been follow up with the School Division regarding whether the calculation of the per-pupil funding gap since 2008 was adjusted for inflation.

Ms. Allshouse responded that after Mr. Gallaway brought this up, she has followed up with Mr. Jackson Zimmerman, of Fiscal Service, who offered to share information with the School Board and Board of Supervisors the following week.

Ms. McKeel pointed out that Focus on Equity and Inclusion does not list a dollar figure. Ms. Allshouse responded that it was listed at \$40,000 for a several projects as well as for the office itself, and they were still working this out because Ms. Siri Russell has changed positions.

Mr. Gallaway recalled that the Board approved \$50,000 at a prior meeting and proposed that it be a line item for ongoing operations that addresses the history of Albemarle.

Ms. Mallek remarked that she thought the markers were funded at \$5,000 for the first year with additional amounts ongoing into the future.

Mr. Bowman clarified that in November the Board directed staff to make an appropriation for the Community Remembrance Project, a figure of \$50,000 would be presented for the Board's consideration in January, and if the Board desires, it can authorize an amount for ongoing support of the Office of Equity and Inclusion.

Mr. Randolph said he assumed that now that the Office of Equity and Inclusion has been established, there would be a separate line item in the budget to support it.

Ms. Allshouse continued the presentation with a focus on Community. She presented a slide that listed questions for the Board:

- Which of the following areas do you expect to be included in the Recommended FY20 operating and capital budgets?
- What areas require additional information?
- What may be missing?

Ms. Mallek commented that the reason people forgot the Board did not have a 2016 increase was due to the growth in natural revenue, which paid the bills and thus the first question was still an unknown until they learn what the numbers are.

Ms. McKeel pointed out that they delayed the 1.6 cents in 2018.

Mr. Richardson stated that the last two budgets have not had the CIP-related tax rate increase tied to the 2016 referendum, as there have been better than expected revenue growth, and the Board decided to delay the tax increase. He added that he believes it was understood that if the economy were to slow or expenses increased, the tax rate increase would have to be executed in order to meet the debt obligation.

Ms. Palmer added that an increase in assessments was also a contributing factor.

The next slide presented by Ms. Allshouse provided a list of potential options should FY20 revenue growth be better than currently projected:

1. Contribute additional revenue growth per formula to the School Division and CIP/debt service.
2. Address department and agency operational needs related to populations and workload growth.
3. Dedicate ongoing funding to the Economic Development Fund and Housing Fund.
4. Accelerate implementation of Parks and Recreation Needs Assessment

Ms. Allshouse requested feedback from Supervisors regarding these proposals.

Ms. Mallek pointed out that capital was for local government and schools and asked if Option 1 would not direct funds to local government operations.

Mr. Gallaway stated that last December, when projected revenues were better than expected, it freed up \$1 million, of which \$600,000 went to schools, \$100,000 to CIP, and \$300,000 went to local government. He noted that they paid for a police position and decided that in the future that higher than expected revenues should be programmed as ongoing money. He said that if the reverse happens, they would have to make some decisions and cut some things. He said that to him, the vote to do it by the formula was almost a policy decision, which he supports.

Ms. Mallek said there was no category that put it all into CIP because that was another challenge they have always had as they have never had enough to put cash in, even though there used to be a category to put it into the CIP.

Ms. Allshouse explained that the formula started with 10% to CIP and debt. She said that Ms. Mallek made a correct statement that the 10% was probably not giving enough cash to CIP to meet some of their other policies and they need to think about how to get enough cash into the CIP. She said this was probably something they would like to revisit with Mr. Bill Letteri.

Ms. McKeel commented that it should not be at the expense of the schools.

Mr. Gallaway commented that it should not be at the expense of the way they have been doing the budget year in and year out, just basing the formula on the most accurate and latest up-to-date revenue forecast, which was no different from what they did in December that Mr. Richardson built his budget on. He added that while those three months of data came in, they were going to update it and make the changes based on that. He said that if you played around with the formula, you were basically saying that what you did in December should be reopened for consideration.

Ms. Mallek said she made the mistake of confusing this with the year-end variance.

Mr. Richardson explained that staff put #1 first because they were building off last year's discussions and then refreshed revenue estimates. Staff built this in as a best practice to give the Board the best revenue estimates as late as possible for Supervisors to know exactly how much money they have to work with. He said that #2 would be a challenge for the County to balance where they are looking at customer service expectations, workload, and volume across the departments, and recognizing that right now they do not see operational budgetary capacity to add the number of positions they have added over the past two years. He recalled that they discussed the County's enforcement capacity across a number of departments this year, including animal control, police, zoning enforcement, and a number of other areas. He stated that they would have to pay close attention to this to make sure their capacity aligns with Board expectations of what they could and could not do going into next year.

Ms. Mallek added that they have to strengthen procedures so they can get things done with one visit instead of sixteen.

Mr. Gallaway said he thought the vote to do the revenue projection update by formula was a vote on policy so it did not become a year in and year out political discussion. He said that if they have not already taken a vote to entrench this, he would be interested in doing so this year.

Ms. Palmer stated she was under the impression that it was.

Ms. Mallek expressed a willingness to make this a policy right now.

Mr. Gallaway noted that they are using a different process with nonprofit funding and suggested they have a conversation on how these are being funded with the potential to program funding beyond the recommended numbers.

Mr. Dill asked what the status of the internal ABRT review was. Ms. Allshouse responded that the community and staff group should finish up its work on Monday. She said they are also conducting an internal review of exemplary programs with recommendations to come out of the committee. She added that Ms. Kathy Ralston was chairing the committee.

Ms. Allshouse presented a slide with next steps for both the School Division and County Government, adding that they were very connected:

School Board Budget Development Process:

January 17: Presented to School Board  
January 22: School's Work Sessions begin  
January 29: School Board Public Hearing  
February 7: School Board adopts School Budget request  
March: During the BOS work session the School Division presents its budget request  
April 25: School Board adopts its budget

County Budget Development Process:

February 15: Presented to BOS  
February 19: Public Hearing on Recommended Budget  
February 21: Work Sessions begin  
February 28: Revenue Update  
March 4: Finalize tax rate for advertisement  
April 9: Public Hearing on Proposed Budget  
April 16: Set tax rate and approve budget

Ms. Allshouse thanked the Board for its attention and guidance.

Mr. Bowman stated that on January 9 staff would bring to the Board an appropriation for the facility master plan, the police storage facility, and any other items that need to be determined in the budget process.

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Agenda Item No. 4. Closed Meeting.

At 4:48 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 (3), to discuss the disposition of County-owned property in the Scottsville Magisterial District, and the subsequent acquisition of real property in the same area for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and
- Under Subsection (6), to discuss and consider the investment of public funds for public facilities improvements in the Scottsville Magisterial District, where bargaining was involved where, if made public initially, it would adversely affect the financial interest of the County.

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

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

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Agenda Item No. 5. Certify Closed Meeting.

At 6:13 p.m., the Board reconvened, and Mr. Gallaway **moved** that the Board certify by recorded vote that, to the best of each Supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Palmer.

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

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

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Agenda Item No. 6. Call back to Order. Ms. Mallek called the regular night meeting to order.

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Agenda Item No. 7. Pledge of Allegiance.  
Agenda Item No. 8. Moment of Silence.

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Agenda Item No. 9. Adoption of Final Agenda.

Mr. Richardson asked the Board to move Agenda Item 19a, Year-End Review, prior to the public hearings. He said this would give members of the public an opportunity to hear the presentation.

Ms. McKeel **moved** that the Board adopt the final agenda, as amended. The motion was **seconded** by Mr. Randolph.

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

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

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Agenda Item No. 10. Brief Announcements by Board Members.

Ms. Mallek introduced the presiding security officers, Officer Dana Reeves and Officer Kelly Goforth, and County staff on the dais.

Ms. Mallek said she had received several phone calls recently asking why sidewalks have not been shoveled and would like to know how the Board's policy could be enforced. Mr. Kamptner remarked that an ordinance would be required.

Ms. McKeel commented that the County has permission from the General Assembly, but the Board has not considered an ordinance.

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Ms. McKeel announced the death of Ms. Dyan Aretakis, who helped found the Teen Health Center at the University of Virginia that serve teenagers and young adults. She said that Ms. Aretakis was a wonderful health provider for young people in the community and worked very closely with her.

Ms. Mallek remarked that they would all remember her.

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Agenda Item No. 11. Proclamations and Recognitions:

Mr. Mark Graham, Director of Community Development, addressed the Board. He stated that during the previous fall, the Board learned that Mr. Ron White was retiring. Mr. Graham said he was asked to over-hire for a housing position to ensure continuity of service to maintain programs. He said he was pleased to introduce Ms. Stacy Pethia, who came to the County after working for Charlottesville for two years. Ms. Pethia has a Master of Urban Policy and a PhD in Urban Regeneration. He stated that Ms. Pethia would be critical to maintaining the alliance with partners such as AHIP, PHA, the Planning Commission, and others.

Ms. Pethia introduced herself to the Board and said she was excited to be at the County and to help move affordable housing issues and housing in general forward.

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Agenda Item No. 12. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Laura Mellusi, resident of Scottsville and a member of the Scottsville Town Council, addressed the Board. She announced the closure of the Scottsville Volunteer Rescue Squad on Monday and noted that it serves 127 square miles of the County, the second largest service area in the County. She said the squad also serves residents of Nelson, Buckingham, and Fluvanna Counties. She said the Board provided funding in its 2018–2019 budget to cover limited personnel at Station 7; however, this provided support for only one person to work 12 hours, two days per week and left five days completely uncovered and two days with only partial coverage. She said the strain on Monticello Station 11 was not sustainable over the long term and service response time has increased from 5 minutes to 25 minutes for the closest residents and even longer for far away neighbors. She asked the Board to fund temporary staffing and to partner with the Town of Scottsville to address a statewide need as volunteer-only rescue services are no longer viable to health, equity, and access for County citizens and taxpayers.

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Mr. Gary Grant, resident of Rio District, addressed the Board. He reminded Supervisors that he addressed them the previous week about a male juvenile who escaped police custody at the local airport and knocked on the doors of some of his neighbors, located six miles from the airport. He said that his sources within the Earlysville community, local media, and law enforcement continue to indicate that someone put out a gag order about the most basic information as to what took place on November 30, 2018. He stated that there was no law that forbid law enforcement from talking about such incidents, other than to protect the identity of the juvenile, and he expressed his belief that law enforcement leaders have chosen not to talk about what took place. He said he learned that a limited area alert was sent to Supervisors' districts and he expects the Board to help get answers. He referenced his Virginia Freedom of Information Act request and said the Board has five business days to provide answers, that the clock was ticking and there would be no yellow caution light at thirty seconds, and no red light when to stop.

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Agenda Item No. 13. Consent Agenda.

Ms. McKeel **moved** that the Board approve the Consent Agenda. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

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Item No. 13.1. CLE201800220 Decipher Brewing 1740 Broadway Special Exception to Increase 25% Subordinate Retail Sales to 40%.

The Executive Summary forwarded to the Board states that a special exception request has been submitted by Burton Ventures, LLC, the owner of Decipher Brewing, associated with a zoning clearance application to open a brewery at 1740 Broadway Street. The owner of the property, VAS of Virginia Inc, has also signed the special exception application pursuant to County Code § 18-33.44.

County Code § 18-26.2(a) allows uses within industrial districts by right, by special use permit, and by special exception as provided in the chapter. The applicant has requested a special exception to allow subordinate retail sales use for his proposed new brewery operation, which is permitted by right, to exceed 25% of the gross floor area of the primary industrial use.

Staff analysis of the requests is provided as Attachment A.

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception, subject to the condition attached thereto.





Item No. 13.2. Dunlora Temporary Truck Restriction.

The Executive Summary forwarded to the Board states that this action asks the Board to approve a resolution requesting VDOT to temporarily restrict through trucks in the Dunlora neighborhood. Construction in the adjoining Belvedere neighborhood has resulted in trucks using the Dunlora neighborhood as a short-cut back to Rio Road. This is compounded by the fact that parts of Dunlora Drive require pedestrians to walk in the street. Staff has discussed this with VDOT and understands a temporary truck restriction can be placed on Dunlora Drive and Loring Run with a Board resolution supporting this restriction. Additionally, as a temporary restriction, staff understands this does not require the same public process required for a permanent restriction.

Upon receiving complaints about truck traffic through the Dunlora neighborhood staff asked VDOT if a simplified process could be used for a temporary truck restriction. VDOT staff performed a simplified analysis (Attachment B) and agreed they could support such a restriction provided it was supported by a Board Resolution (Attachment A). Staff believes this request will not impact development in Belvedere, as Belvedere Boulevard still provides an improved ingress-egress from that development. Also, staff notes that Belvedere Boulevard has a paved pedestrian walkway along its frontage, separating pedestrians from this truck traffic, eliminating one of the concerns with cut-through traffic in Dunlora.

This is anticipated to require minimal staff time to assure compliance is maintained.

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

**By the above-recorded vote, the Board adopted the following Resolution:**

**RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND  
COMMONWEALTH TRANSPORTATION BOARD (CTB)  
TEMPORARILY RESTRICT THROUGH TRUCK TRAFFIC ON LORING RUN AND DUNLORA DRIVE**

**WHEREAS**, Virginia Code § 46.2-809 provides that a locality may formally request that the Commonwealth Transportation Board or its designee restrict through trucks on certain segments of primary and secondary routes in the limited number of cases where doing so will promote the health, safety, and welfare of the public without creating an undue hardship on any transportation users; and

**WHEREAS**, complaints have been received by residents of the Dunlora neighborhood that an excessive number of construction related trucks are using local streets as a cut-through, creating a safety concern for residents; and

**WHEREAS**, the local residential streets are not served by sidewalks, requiring residents to walk in the streets; and

**WHEREAS**, VDOT has completed an analysis showing these Secondary Streets as impacted by nearby construction; and

**WHEREAS**, Belvedere Boulevard provides an improved access that allows construction traffic to avoid the Dunlora neighborhood that is fully served by sidewalks; and

**WHEREAS**, the proposed through truck restriction would be limited to the duration of construction in the development of the adjoining Belvedere neighborhood.

**NOW, THEREFORE BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby requests that the Virginia Department of Transportation prohibit through trucks with a licensed weight of 12,001 pounds or greater on Dunlora Drive and Loring Run until the Resident Engineer determines the adjoining Belvedere development is substantially complete.

**BE IT FURTHER RESOLVED** that the Albemarle County Board of Supervisors supports this request and states its intent that it will use its good offices for enforcement of the proposed restriction by the Albemarle County Police Department and any other appropriate law enforcement agency.

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Item No. 13.3. VDOT Monthly Report (December) 2018, ***was received for information.***

Agenda Item No. 19a. From the County Executive: Report on Matters Not Listed on the Agenda: Year-In Review.

Ms. Emily Kilroy, Director of Communications and Community Engagement, presented. She stated that the announcement of Biscuit Run was made in January and tonight the Board would consider adoption of the master plan, remarking that this was a huge achievement in such a short period of time.

She then presented a video to reflect on achievements and to appreciate the hard work. Highlights of the video included Brook Hill River Park, Biscuit Run Park, Community Trails/Parks Enhancements Projects, Community Recreation Needs Assessment, Adoption by the Board of the Biodiversity Action Plan and Implementation, Record Year for Residential Construction Permitted, Rio Road Small Area Plan Completed With Broad Community Support, Drainage Infrastructure Mapping, Hydraulic and Barracks Road Sidewalk Project, Pantops Station 16, Woodbrook Elementary School,

Bright Stars, Yancey School Community Center, Community Remembrance Project, Quality Organization, New Faces and New Roles (Trevor Henry, Barry Neulen, Lance Stewart, Emily Kilroy, Kristy Shifflett, Roger Johnson, William Letteri, Siri Russell), Reorganization of Housing, Awards, Project ENABLE, Co-construct, Woolen Mills/Willow Tree, Project Knight Rider, and Agreement on Downtown Court Complex.

Ms. Mallek announced that the video could be viewed online and shared with friends.

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Agenda Item No. 14. **Public Hearing: Virginia Community Development Block Grant (CDBG).**  
To solicit public input on local community development and housing needs in relation to Community Development Block Grant (CDBG) funding for potential projects in the locality. Information on the amount of funding available, the requirements on benefit to low- and moderate-income persons, eligible activities, and plans to minimize displacement and provide displacement assistance as necessary will be available. Citizens will also be given the opportunity to comment on the County's past use of CDBG funds.  
(Advertised in the Daily Progress on November 26 and December 3, 2018.)

The Executive Summary forwarded to the Board states that the Virginia Community Development Block Grant (VCDBG) is a federally-funded grant program administered by the Virginia Department of Housing and Community Development (DHCD). Since 1982, the DHCD has provided funding to eligible units of local government (non-entitlement communities only) for projects that address critical community needs including housing, infrastructure and economic development. Albemarle County has received numerous grants in previous years to support housing and community improvement initiatives. The VCDBG application process requires that two local public hearings be conducted. The purpose of the first public hearing is to provide information on eligible activities that may be funded by CDBG, the amount of funding estimated to be available, and past activities undertaken with CDBG funds, and to receive public comment on this information and potential community development and housing needs. The follow-up public hearing is held in order to consider proposed project applications and must take place prior to the DHCD application due date in March 2019. Applications must be submitted by the County to the DHCD; however, the proposed activities may be undertaken by partner agencies.

Albemarle County, as a non-entitlement community, is eligible to apply to the DHCD for up to approximately \$1.5 million in CDBG funding for projects that benefit low- and moderate-income persons, prevent slums and blight, or address urgent community needs. Eligible activities include economic development, housing rehabilitation, housing production, community facilities and community service facilities. Community development projects can receive varying levels of funding, depending on the nature of the activity, or by combining multiple activities. The DHCD has not released estimates for 2019. Previous years' funding was \$9.8 million for competitive grants and \$5,550,000 for open submission applications.

Over the years, Albemarle County has been successful in receiving a number of CDBG grant awards. The most recent grant was awarded in 2016 to improve 29 owner-occupied homes in the Alberene neighborhood.

This project is approximately fifty percent (50%) complete. The most recently completed project provided public sewer to twenty homes in the Oak Hill subdivision. Prior grants have resulted in improved infrastructure and preservation of owner-occupied homes and rental units. The County is currently working with Habitat for Humanity on a CDBG Planning Grant to assist in developing a preliminary design for the first village in Southwood.

For any project to be considered by the County for CDBG funding, the applicant must notify the County no later than January 11, 2019. This notice shall include a brief description of the project, the proposed use of CDBG funds, and a description of the beneficiaries of the proposed activity. A completed application that includes the proposed budget shall be submitted to the County electronically by the County by February 15, 2019, and the entire application, along with attachments, must be received by February 22, 2019.

There is no budgetary impact until an application is made to the DHCD and approved for a funded project. Projects approved for CDBG funding generally require some level of local funding support, which may include funding provided by the project sponsor.

Staff recommends that the Board receive information on available CDBG funding and eligible uses and hold the public hearing to receive input from the public on potential community development and housing needs. Staff also recommends that the Board set a public hearing for the first regular Board meeting in March 2019 for the second required public hearing to review and approve the submission of any proposed applications to the DHCD.

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Mr. Ron White, Chief of Housing, reported that the CDBG was a federally funded program administered through Virginia Department of Housing and Community Development intended to address critical community needs, including housing, infrastructure, and economic development. He said that to apply for funding, DHCD made funding available to units of local government that were non-entitlement communities such as Albemarle. He said that an entitlement community was one with a population of at least 200,000. He noted that they are required to hold two public hearings, with the first to address what funding could be used for and how it has been used in the past, and the second hearing held if the Board completed an application it planned to submit to DHCD. He noted that CDBG-funded projects must meet

one of the national objectives which benefit those of low and moderate income to prevent slums or blight or address community needs. He said that the majority of the County's projects have addressed those of low and moderate income, and they are limited to projects of infrastructure and housing production such as community facilities, which include water/sewer and fire stations, and community service facilities such as Park's Edge.

Mr. White stated that DHCD has not yet announced its available funding for next year and are just beginning their "how to apply" workshops for applications due in March. He anticipates that it would be around \$10 million for competitive projects and \$5.5 million for construction ready projects, similar to that of previous years. He said the County's history of CDBG projects date to the early 1980s and include housing rehabilitation, sewer projects, a community service facility, and some other infrastructure projects. He said they currently have a grant for housing rehabilitation of 29 homes and have completed 50% of this project, expecting to have this completed by April. He said they are working with Habitat for Humanity on a planning grant for Southwood infrastructure projects at First Village, for which they have received a letter of intent for \$1 million from CDBG. Mr. White noted that the County and Habitat have a lot of work to do before signing a contract by October.

He announced that the County was recognized at the Virginia Housing Management Conference for the second phase of the Oak Hill Sewer, as it came in within budget, on time, and served all the beneficiaries. He continued that the County would have to come up with a brief description and provide notice by early January to meet the CDBG's mid-February application deadline. He noted that there was neither a budget requirement nor a required match to obtain CDBG grants, although it was beneficial to have a match when applying for competitive funding. He said that staff recommends the Board hold a public hearing to obtain input from the public and then set a public hearing for its first regular meeting in March for any applications that arise. He invited questions.

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

Mr. Dill **moved** that the Board schedule a public hearing for its first regular meeting in March 2019. The motion was **seconded** by Ms. Mallek.

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

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

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Agenda Item No. 15. **Public Hearing: Charlottesville-Albemarle Convention and Visitors' Bureau Agreement; Amendment.** To receive public comment on its intent to adopt an Ordinance to Adopt and Approve an Amended Agreement to Operate a Joint Convention and Visitors' Bureau between the County of Albemarle, Virginia and the City of Charlottesville, Virginia for the funding and operation of the Charlottesville-Albemarle Convention and Visitors' Bureau (CACVB). The Amended Agreement would amend Section 3(A)(1) to increase from one to two the number of members of the City Council and the Board of Supervisors to be appointed to and serve on the CACVB's Executive Board.  
(Advertised in the Daily Progress on November 26 and December 3, 2018.)

The Executive Summary forwarded to the Board states that the City of Charlottesville and the County have jointly funded and undertaken the operation of a joint convention and visitors' bureau since 1979 for the purpose of promoting the Charlottesville-Albemarle area as a tourist destination and site of convention facilities. The Charlottesville-Albemarle Convention and Visitors' Bureau (the "CACVB") has been funded and operated pursuant to a series of agreements between the City and the County. The current agreement was entered into on June 28, 2018 and became effective July 1, 2018 (the "Agreement").

The Agreement changed the organization of the CACVB and established an Executive Board. The Agreement provides that one member of the Board of Supervisors (the "BOS") and one member of the Charlottesville City Council (the "Council") are among those appointed to the Executive Board. Supervisor Mallek and Councilor Galvin are their respective bodies' appointees to the Executive Board. The Executive Board has met three times since it was established.

Supervisors Mallek and McKeel, as well as Councilors Galvin and Signer, have discussed and want their respective bodies to consider amending the Agreement to increase from one to two the number of members from both the BOS and the Council appointed to the Executive Board. One of the reasons for this proposed increase is to allow broader representation by elected officials on Executive Board. A draft First Amended Agreement (Attachment A) shows the revisions to the Agreement required to make that change.

The Agreement is a joint exercise of powers agreement authorized by Virginia Code § 15.2-1300. As such, any agreement (and by implication, any amendment to an agreement) must be approved by ordinance following a public hearing.

The City Council is expected to consider this proposed amended Agreement in December as well.

If the Board desires to amend the Agreement as proposed, staff recommends that the Board

adopt the attached Ordinance (Attachment B) approving the final draft of the First Amended Agreement to Operate a Joint Convention and Visitors' Bureau.

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Mr. Kamptner stated that some members of City Council and Board of Supervisors wanted to further explore the proposal to consider the addition of additional tourism industry members as voting members. He said that City Council deferred action the previous week with the idea that both localities would proceed to a public hearing in January, after the CACVB Executive Board has had the opportunity to discuss this at its December 20, 2018, meeting.

Ms. Mallek noted that consideration of whether there should be a continuing management team would be brought forward at the January meeting.

Ms. Palmer asked for the number of members of the prospective board and who would comprise it. Ms. Mallek said it was currently 9 and would go to 11. Mr. Kamptner added that it could possibly be 13.

Ms. Mallek said they would go to 13 because the proposal was to have two non-voting members become voting members to provide a balance between elected and industry representatives.

Ms. Palmer cautioned that studies indicate boards that large could be inefficient.

Ms. Mallek remarked that there are so many stakeholders, which was how the size of the board got so big, and they would keep this in mind.

Ms. Mallek opened the public hearing.

Mr. Roy Van Doorn, board member of Downtown Business Association and member of Virginia Restaurant, Lodging, and Travel Association Leadership Team, addressed the Board. He said that his company, City Select, manages and provides visitor information to every lodging facility in a five-county area. He said he was also the publisher of Discover Charlottesville, has worked on a variety of projects, committees, and task forces, and was hired by the Convention and Visitors Bureau in 2000. He stated that his firm has affiliate offices in seven other cities in Virginia and North Carolina, which gives him a firsthand look at what has worked very well. In addition, he has looked into buying a business in Asheville and how they did it. He urged the Board to not add another Supervisor as a member and agreed with Interim Director, Mr. Adam Healey, that the best CVB boards have a balanced membership from industry, government, and other relevant organizations. Mr. Van Doorn said he was not aware of any other locality in the state that has an elected official serve on its board and that it was only the result of a recent change in the law requested by Charlottesville and Albemarle that they have an elected official. He said he has had the opportunity to speak with general managers of local hotels and they all stated that it was not in the best interests of the CVB nor the County to increase the membership of government on the CVB Board. He stated that it was in the community's interest to have the board comprised of those who work in the tourism industry every day. He referenced a recent editorial in the *Daily Progress*, as well as the opinion of Mr. Neil Williamson, that the composition of the board should be non-political and balanced like other city/county boards.

Mr. Van Doorn said he was concerned over mission creep of Supervisors and emphasized that the model of a citizen legislature was that members have full-time occupations and serve on boards to give advice and counsel. However, if Supervisors are burdened with more and more meetings, hearings, and workloads, it becomes more of a full-time position. He remarked that if this happens, then only the retired or wealthy could afford to serve. He noted that tourism was their largest business sector and he asked them to weigh this very carefully.

Mr. Neil Williamson, Free Enterprise Forum, addressed the Board. He said he attended the recent CACVB meeting, where public comment was not taken, and noted that the public was informing the decisions that were made. He urged the Board to start over. He pointed out that the Board was currently composed of a majority of elected, appointed, or employed officials that are not involved in the tourism industry. He agrees that it was public money but from tourism taxes, and from what he has seen in discussions thus far, it has been treated as if it were resident tax money to keep residents happy rather than the tourism industry. Mr. Williamson said that a balanced board would have a better understanding and application and that those who are charged with collecting and spending the tax should have an equal footing on the board rather than a lesser footing.

Ms. Mallek closed the public hearing. She said this item would come back in January with a proposal.

Ms. Palmer said, in response to comments by Mr. Van Doorn, there are successful city/county boards that have elected officials. One of the reasons for having an elected official on a board was to ensure they are properly funded, as it was her understanding that the tourism industry was underfunded. She expressed concern with having two elected officials on the board, as this may change the nature of the conversation, adding that a larger board was more cumbersome and, in this instance, there would be four elected officials on the board which really muted the conversation with respect to staff members.

Mr. Randolph remarked that a City Council or Board of Supervisors could bring a very unique grasp of the dynamics that work within a community because of the number of economic, social, political, and environmental variables they are constantly exposed to. He said he saw the value of having two elected officials, although not more than that number, as there are times when one of them may not be

able to attend a meeting, and they would have a backup representation for both units of government. He stated that although the revenues may be generated by businesses, it comes into the County's coffers and part of its' fiduciary responsibility was to demonstrate they do an effective job managing finances.

Ms. Mallek said they have learned in the last three months that the promised 7:1 ratio was really 3:1 for Albemarle County and 9 or 10:1 for Charlottesville. She noted that for the first time in 11 years of making requests, the County finally got information separately from the City. She believes having more voices at the table who are more directly related to the purse strings would bring better attention to the details.

Ms. Palmer commented that Board members have to be careful about how much they put on their plates; this was not a full-time position, and they have routinely refused to raise their salaries or to add another Board member.

Ms. Mallek stated that staff would bring back to the Board a proposed amended agreement next month.

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Agenda Item No. 16. **Public Hearing: Biscuit Run Master Plan.** To receive comments on the proposed Biscuit Run Master Plan. The proposed Plan for the 1,190 acre park is based on findings from the public engagement process and the recent Community Recreation Needs Assessment with phasing options for trails, athletic fields, activity areas, etc., located in the Scottsville District south of Interstate 64 between Old Lynchburg Road (State Route 631) and Scottsville Road (State Route 20).

*(Advertised in the Daily Progress on November 26 and December 3, 2018.)*

The Executive Summary forwarded to the Board states that Biscuit Run Park is located in Albemarle County just south of the City of Charlottesville. The Park consists of approximately 1,190 acres with frontage on Routes 20 and 631. The Commonwealth acquired the land from Forest Lodge LLC in December 2009 and on January 4, 2018, Albemarle County and the Department of Conservation and Recreation (DCR) signed a 99-year lease for the property.

**The terms of the Deed of Lease and Memorandum of Understanding (MOU) are as follows:**

- 80% to remain forested (960 acres)
- No more than 20% non-forested (240 acres)
- No more than 5% impervious surface
- All sensitive natural heritage resources will be protected
- Management concerns such as invasive species will be addressed

**DCR recreational use restrictions:**

- No golf course
- No permanent stadium seating

**DCR Recommendations on:**

- Equestrian use
- Mountain bikes
- Athletic community (soccer, etc.)
- Native plants

The lease agreement was designed to assure protection of the park's natural and cultural resources.

**STRATEGIC PLAN: Engage Citizens:** Successfully engage citizens so that local government reflects their values and aspirations.

**DISCUSSION:** During the months following the execution of the Deed of Lease and MOU, a County Executive appointed Steering Committee and Project Design Team were established to develop recommendations to the Board for a draft and final Master Plan to be submitted to DCR for approval. A public engagement and design process soon followed with a focus of providing the community with urban and rural recreational and educational experiences. Two public community engagement meetings have occurred with the first on June 16, 2018, which included key/senior DCR staff, and the second on August 22, 2018 with over 150 attendees.

The Project Design Team also updated the 5<sup>th</sup> and Avon Community Advisory Committee (CAC) on September 20, 2018. Key stakeholder groups were contacted and feedback was received. During this same time, an online public amenity feedback questionnaire was posted online and received over 1,200 responses, which also included comments from over thirty community partners/stakeholders.

At its November 14, 2018 Board work session, the proposed Master Plan and phasing options (Attachment A) was presented. After the presentation and discussion, the Board then directed staff to return to the Board for a final public hearing to receive public comment.

**BUDGET IMPACT:** To be determined once the final Master Plan and related phasing options have been approved by the Board.

**RECOMMENDATION:** Staff recommends that after the public hearing the Board adopt the Biscuit Run Master Plan and phasing and then submit to DCR for approval.

Mr. Trevor Henry stated that the Board held a work session on November 14, 2018, on the draft master plan, and the current objective was to review that plan and allow for public comment. He said they sought approval of the plan or direction as to what adjustments should be made. He said that Mr. Bob Crickenberger would present background information and introduce the project, while Mr. David Anhold would talk about the park design.

Mr. Bob Crickenberger, Director of Parks and Recreation, reminded the Board that he shared this information on November 14 and would move quickly through the presentation. He said the property consists of 1,900 acres, 828 acres were rezoned to Neighborhood Model District in 2008, and Biscuit Run acquired the property in 2009. He presented a slide with a map of the Biscuit Run State Park Master Plan created by DCR in 2009. He noted that the County has a lease and Memorandum of Understanding that requires 80% must remain forested and 5% maximum impervious surface (60 acres). DCR recreational use restrictions include no golf course or permanent stadium seating may be installed. The agreement also includes DCR's requirements for equestrian trails, natural heritage preservation, riparian buffer protection, and invasive plant species removal. He said the County was well within the requirements, as 86% remains forested and only 2% of the property consists of impervious surface. He next presented a slide with an organizational chart for implementation of the master plan, for which they sought the Board's endorsement. He said a steering committee was developed as well as a design team. There have been two community engagements with over 200 people in attendance, and focus groups have been held with stakeholders. He turned the presentation over to Mr. Anhold.

Mr. David Anhold, President of Anhold Landscape Architecture, stated that they have worked for eight months on the plan and have prepared a number of site analyses and conceptual designs, with presentation of the final master plan tonight. He characterized the public engagement as the foundation for the project and presented a slide with components of the design process. He noted that the master plan relies heavily on the public needs study of the parks system, and they have had continuous public input throughout the design process. He presented a slide that listed the areas identified as high needs from the County needs study and public input: walking, hiking, and biking trails, youth athletic fields, open space/conservation parks, small neighborhood parks, large community parks, aquatic facilities, off-leash dog parks, river access, boat launches, pavilions and picnic shelters, and playgrounds.

Mr. Anhold presented a topographic map of the park and surrounding area, emphasizing that it was easily accessible from I-64 and straddles the southern urban neighborhood boundary, with 800 acres located in the urban area and 400 acres in the rural area. He next presented a landform analysis map, which identified high points, ridges, streams, riparian floodplains, and scattered slopes, describing the site as a complex piedmont landscape. The next slide was of a natural heritage resources analysis with various features color-coded on a map. He pointed out older growth hardwood forests and remarked that the majority of the site was a mosaic of old field succession area growth. He noted that there were springs and important water resources and an abundance of invasive, exotic plants. He stated that the entire property was suitable for passive recreation and presented a map with four areas that were most suitable for active recreation circled. The next slide contained photographs of various types of trees and landscape features found on the property. He next presented an aerial photograph of the site taken in 1937 and pointed out Scottsville Stagecoach Road, which he explained was created in 1746 to connect Charlottesville to Scottsville and the James River. He pointed out that when the photographs were taken the property was mostly agrarian with some blocks of forest. He pointed out Native American sites, 19<sup>th</sup> and 20<sup>th</sup> Century farmsteads, farm access roads and bridges, and forest and field roads and stated that they would use some of these features in the master plan.

Mr. Anhold presented a slide with Park Design Principles:

- Create strong park connections to the urban neighborhoods
- Provide park amenities within walking distance of the urban neighborhoods
- Locate high-use sports fields along Route 20
- Natural systems, native plant communities & wildlife diversity serve as essential park elements
- Maximize park character and visitor experience
- Uncover and reveal local sense of place
- Embrace cultural history and agricultural heritage

Mr. Anhold next presented the park master plan and pointed to various features, including vehicular entrances at Route 20 and Old Lynchburg Road, on-street parking at Hickory Street, urban neighborhood activity areas, future activity areas, Route 20 activity areas, paved circulator trail system, 400-acre woods, new mountain bike flow trail areas, multi-use trails, and conservation of existing natural and cultural resources.

Mr. Anhold presented a map of the Urban Neighborhood Activity Areas and pointed out the park entrance at Old Lynchburg Road with shared access and activity areas, parking at Hickory Street with pedestrian accessed activity areas, circulator trail with bridges and numerous access points, and mountain bike trail area. He said they envision pavilions, picnic shelters, playgrounds, dog parks, and play lawns for the activity areas. The next slide contained photographs of the programmatic uses they envision. The next slide contained a map of the Route 20 Activity Areas: Route 20/Avon Street Entrance, park roads and parking, athletic fields along Route 20, park amenities on hilltop with mountain views,

Piedmont native plant meadows, agricultural patterns create a framework, and historic Stagecoach Road. Next was a map of the 400-Acre Woods for which Mr. Anhold reviewed and listed the following features: multi-use trails, mountain bike trails, preserve unique plant communities and water resources, high points with views, and woodland/wilderness experience. The next slide was of a map of the Circulator Trail System, for which Mr. Anhold listed and reviewed the following features: 10–12 foot wide asphalt trail (7.5 miles); multiple neighborhood connections; pedestrian and bike circulation to urban area of the park; serves emergency, security, and maintenance uses; ADA accessibility (as much as possible); functions as linear park with series of experience areas; experience areas include water access, recreation amenities, environmental engagement, and historic interpretation.

Mr. Anhold presented a slide with a map of Phase 1 Development Plans: Hickory Street trailhead with onsite parking; Route 20 entrance; access roads; trailhead parking; restrooms; park maintenance facilities; Route 20 area site utilities; new multi-use and bike trail improvements by Parks staff and volunteer groups; and invasive species removal by Parks staff, volunteers, and others. He said the estimate for Phase 1 was a \$6.5 million–\$7.5 million project cost.

Mr. Anhold presented a slide with a map of Phase 2 Development Plans: Part 1 circulator trail with two bridges; neighborhood activity area; Route 20 hilltop area clearing with lawn, meadows, and trails; four athletic fields with parking, playground and picnic area; new multi-use and bike trail improvements by parks staff and volunteer groups. He said the cost estimate for Phase 2 was \$13 million–\$14 million. He presented a slide with a map of Phase 3 Development Plans: Part 2 circulator trail with one bridge, five additional athletic fields with parking, access road extension, and new multi-use and bike trail improvements by parks staff and volunteer groups. He said the cost estimate for Phase 3 was \$11.5 million–\$12.5 million. He presented a slide with a map of Future Development Plans: Old Lynchburg Road entrance; shared access road and parking; neighborhood activity area amenities; Route 20 hilltop access road; parking and activity area; and future road extension and activity areas. He said the cost estimate was to be determined.

Mr. Anhold presented a slide with a recap of the estimated costs for each phase, which showed a total estimate for all three phases of \$31 million–\$34 million. This was followed by a proposed project timeline that listed plans for the summer, fall, and winter of 2018. He concluded and invited questions and comments.

Ms. Mallek opened the public hearing.

Mr. John Lewis, resident of West Park Drive in the Jack Jouett District and member of the Rivanna Trail Foundation and Charlottesville Albemarle Mountain Biking Club, addressed the Board. He stated that both organizations were volunteer based and build and maintain trails for the community. He described himself as a trails and connected communities advocate. He said he strongly believes in the need to prioritize the comprehensive strategic trails and greenways plans of the County, City and University that are focused on bike/pedestrian connectivity. He said that trails and greenways that connect neighborhoods to work, retail, and recreation areas provide many benefits to current and future residents, as they deal with increasing growth, density, and congestion. He said there was a lot to like about the Biscuit Run Park plan, particularly the variety of multi-use trails that support the variety of expected users.

Mr. Lewis asked that the Board consider an immediate soft opening of the park, as its trails are being used today and a soft opening would legitimize the use of these trails and allow County staff to coordinate with volunteers to begin the foundation of the future trail system. Mr. Lewis said that by allowing more people to use the trails, they would increase the interest of people in using the park and grow the volunteer base to assist with the parks development. He noted that Phase 1 would require years of waiting, first for funding and then for implementation, and he asked that they not deny access to this wonderful space until Phase 1 was completed. He urged the Board to open the Hickory Street trailhead, formalize street parking, and organize the volunteer organizations to build the first stages of the trail system. He asked that they fully support the Mill Creek-Foxcroft connector trail to allow access from the Rivanna Trail to future city greenways and the 5<sup>th</sup> Street Station retail area. He asked that the Board not wait years and years for the perfect plan, funding, parking lots, bathrooms, and horse parking, before allowing access. He thanked the Board for acquiring Biscuit Run from the State and moving the project forward.

Ms. Chad Oba, resident of Buckingham County, addressed the Board. She noted that Dominion offered to provide \$5 million to fund the park as part of the mitigation process. She said she lives in the Union Hill area, which was being prepared for a massive compressor station as part of the Atlantic Coast Pipeline, which she remarked would more than double the greenhouse gas emissions of the entire state when added together with the Mountain Valley Pipeline. She said that she has no objection to preserving and protecting more greenspace, but the County's acceptance of this money was coming at a cost to its neighbors. She pointed out that the pipeline was mostly for export and would increase the cost for gas to ratepayers across the state. She said the compressor would be 55,000 HP, the largest that Dominion has ever built, and would expose the residents of Union Hill, an 83% African-American neighborhood founded by freed slaves after the Civil War, to the compressor that would be one mile away. She said the Governor's Advisory Council on Environmental Justice described this as an extreme environmental racism issue and recommended a moratorium and a thorough investigation. She characterized the money the County would receive as a bribe and remarked that Dominion bought off everyone with its influence, power, and money. She asked the County not to accept blood money as their land, air, property values, and water would suffer.

Ms. Swami Dayananda, resident of Yogaville in Buckingham County, addressed the Board. She explained that Union Hill and Yogaville have worked together over the last four years to protect clean air, water, and their way of life by peacefully protesting against the prospective threat of the pipeline, compressor station, and Dominion. She said she came to this meeting after reading an article in the *Daily Progress* wherein Supervisor Mallek expressed her hesitation to use this money because of where it came from and how it was approved in a not quite transparent way. She expressed hope that other Supervisors would look in their hearts and question where this money came from and how it was approved. She remarked that the park was a wonderful idea and they would love to have the park, but a whole community of people would be harmed, especially the minority community of African-American slave descendants, who have come to Yogaville and eaten and prayed with residents. She asked that the Board at least review what was behind the donation. She presented a large photograph of some Union Hill residents who she said were courageously standing up for their human rights to a billion-dollar corporation.

Ms. Ella Rose, resident of Union Hill in Buckingham County, addressed the Board. She said her home was within 100 feet of the land Dominion purchased for the compressor station, she would be severely impacted, and she has many concerns. She expressed concern with clean air and water and remarked that their lives would be changed forever. She said that while Albemarle County would have a nice park, they would have unlivable conditions in Union Hill and pay the price with no benefits. She said she lives in a quiet, rural place that she loves, feels safe in and has family nearby. The thought of breathing poisonous air and listening to the constant roar of a compressor station for the rest of her life was an unbearable future. Ms. Rose stated that she feels abandoned to a process that does not serve her; the past four years have been stressful because her future has been put on hold, and this was not the plan she had for her retirement. She said it was disheartening to know that what she worked for all of her life would be taken from her if she were forced to live near this large, noisy, polluting compressor station. She asked the Board to think about these residents when accepting this money from Dominion.

Mr. Rex Linville of the Piedmont Environmental Council and a resident of Samuel Miller District addressed the Board. He said they are very encouraged with the work to date for the Biscuit Run Park Master Plan, particularly with the planner's addition of a Class A circulator trail that would connect local neighborhoods to and through the park as a result of community input. He said this direction was perfectly aligned with community input and key recommendations of the 2017 Parks and Recreation Needs Assessment, which made it clear the County should focus on linear corridors to connect urban residents. He said the County already has an abundance of rural parks that people must drive to and that if Biscuit Run were to become more of the same, they would have lost a unique opportunity.

Mr. Linville stated that PEC has a few specific thoughts regarding the master plan and its implementation, noting that the County has not set an implementation timeline and commenting that very often good plans are produced and then shelved, so he would like to see a commitment to a specific implementation timeline. He described the estimated \$35 million cost to implement the three phases as expensive and expressed concern that this may result in a failure to execute the plan in a reasonable timeframe. He noted that the Commonwealth was not able to implement a 10-year plan for a somewhat more expensive park and agrees with the comments of Mr. Lewis that the Board should have a hybrid plan that opens the park to the community quickly and build on local neighborhood connections and through-trails.

Mr. Linville said the connection of southern urban neighborhoods to the park with linear bicycle and pedestrian infrastructure was just as important as what happens within the park itself. He said the work would be challenging but a connected park would be far more beneficial to the community and could be a catalyst to transform the way people live, work, and play in Albemarle County. He expressed appreciation for the collaborative approach and partnership they have had with the County in working with the Biscuit Run stream valley and hopes this could serve as a model for future urban area connections. He stated that urban infrastructure like Biscuit Run should be prioritized, yet the County continues to look at funding for Hedgerow Park, when none of their community engagement work over the past year has revealed it to be a priority, so this would be another example of a disconnected rural area park that community members need to drive to in order to enjoy. He said that no further funding should go towards this type of park until significant progress has been made towards urban bicycle/pedestrian and park infrastructure. He said that Biscuit Run serves many of the goals associated with Hedgerow and would be far more accessible to urban neighbors.

Mr. Robert Hogue, resident of the Samuel Miller District, addressed the Board. He said he knows a lot of people who do not go to parks; costs to develop and run Biscuit Run Park should be paid for through user fees and not tax dollars. He described this as individual responsibility and noted that there are added costs such as police patrols and the cost of crime.

Mr. Peter Krebs, Piedmont Environmental Council, addressed the Board. He said he would build on some of the earlier presentations and emphasized that the need for the park exists in the present tense. He suggested the Board have a lower-hanging version of Phase 1 that it could get going right away within this budget cycle. He added that it was the responsibility of the locality to get people to the park from adjoining neighborhoods.

Mr. Don Long, resident of Crozet and Chair of the SOCA Board, addressed the Board. He expressed support for the plan and fields and encouraged the Board to get funding so the fields are online as quickly as possible. He said that SOCA has 7,300 players consisting of children and adults and 3,000 recreational players, and it uses 50 greatly stressed fields. He encouraged the creation of turf fields as they do not get worn down and can be used all season.



Ms. Nancy Weiss, Chair of the Albemarle County Natural Heritage Committee, addressed the Board. She said that the Biodiversity Action Plan took a lot of their energy over the last year, and Biscuit Run would do the same because the devil was in the details. She said her organization would send the Board a list of details for consideration as it implements the plan. She said that as a private citizen, she was worried about sustainability of all kinds, including financial sustainability. She said she has not heard a breakdown of the Biscuit Run spending and how it would be maintained and asked the Board to be mindful of ongoing costs to maintain the park.

Ms. Kayla Johnson, resident of the Rio District and President of the Central Virginia Pickleball Club, addressed the Board. She remarked that although it was a fast-growing sport, it was on the County's low priority list and they are running out of areas to play. She asked that they get pickleball courts onto the master plan for Biscuit Run.

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

Mr. Randolph commented that it was up to HOAs and not the Board to figure out connections as they own the property around Biscuit Run. He said there has been discussion about having a soft opening and the Board would have to see what resources are available. He stated that they would have to find funding to proceed with the planned phases. He clarified that the \$5 million did not come from Dominion but from the Governor. He said they would continue to work on the timeline based on resources and community input. Mr. Randolph stated that the lease agreement between the County and state requires that they preserve and conserve natural resources. He said the budget was totally transparent and the Board went through every item in every department and asked for input, and the budget was available online and from any Supervisor, so there was no conspiracy or concealment.

Ms. McKeel asked for confirmation that the HOAs hold meetings around trail connections. Mr. Randolph responded that the PEC organized one meeting of two HOAs, and it was up to the HOAs to make decisions and come to the County.

Mr. Gallaway remarked that at a recent meeting of the Metropolitan Planning Organization, there was support for coordination among the City, County, and UVA around trail connections between the jurisdictions and placing this in the CIP. He said that as the County plans its trails, they could coordinate so that it makes sense in terms of a regional network.

Ms. McKeel asked when the MPO report would be issued. Mr. Gallaway responded that they are working on the last two chapters but an interactive website was up and the final draft should be ready in January.

Mr. Dill said he would address the issue of the pipeline. He said he was frustrated that this has gotten mixed together and he feels close to the people of Yogaville, both physically and spiritually, adding that he has also been involved with racial justice issues. He said that Governor McAuliffe wanted to do something good for Charlottesville, as there was a lot of wealthy donors in the community, and the only pot of money available to spend at the end of the year was the mitigation money. He expressed support for a minimalist approach as opposed to spending a lot of money on the park and said he would like to finish the greenways program. He suggested they not get too extravagant, considering they have a lot of other priorities.

Ms. Palmer agreed that the pipeline issue was frustrating and that each Supervisor has an opinion as to the merits or horrors of it. She recalled that a few years ago, the Board discussed the matter and decided they would not take a position. She said her reason for not taking an official position was that it was their role as Supervisors to do the business of Albemarle County and she does not want to expand that. She said she was familiar with mitigation funds because they have used them in the County and she understands the feelings of Nelson and Buckingham counties that they would want to use mitigation funds in that area. Ms. Palmer stated that not taking the money would not change the course of the pipeline and would force them to charge the County taxpayers this money, which she was unwilling to do. She said she was hoping that SOCA would work with Parks and Recreation on a fundraiser for soccer fields. She agrees that it would be wonderful to have a soft opening of the park if neighbors agree to it. She stated that she was aware that the park would be very expensive, adding that she was sensitive to the costs of maintaining the park over the long run.

Mr. Randolph said that although he was interested in seeing Biscuit Run Park open, this does not mean he was insensitive to the welfare of Nelson County's slopes, mountains, streams, homes, and quality of life being disrupted by the Atlantic Coast Pipeline. He noted that he taught environmental science and public policy and believes this to be a case study of environmental racism to put the compressor station near an African-American community. He acknowledged the remarks of Ms. Palmer, and if they do not take the money it would not change anything with the pipeline. He stated that under their charter, they have a financial responsibility to do the best job possible for County voters and to deliver the best value proposition. He said it would be foolish not to take the money, as the County's proximity to the pipeline makes it eligible for mitigation funds and the money would be used for natural preservation in a park. He added that he could not imagine the Boards of Nelson or Buckingham counties turning down \$5 million if offered, and the pipeline was going to pass through Albemarle. He said the funds are integral to the opening of the park and they hope that residents of surrounding counties would use the park.

Ms. McKeel characterized what other Supervisors have said as accurate and that they are all saddened. She commented that the Board put off a recommended 1.5-cent tax rate increase, it had serious issues with funding the CIP, and if it was to forego \$5 million, this might mean another 3-cent tax increase for a total of 4.5 cents.

Ms. Mallek remarked that she was very supportive of the master plan, they have come a long way in nine years, and she hopes it would be well accepted by DCR.

Ms. Palmer stated that she supports the master plan.

Ms. McKeel asked Mr. Crickenberger to explain how a soft opening works. Mr. Crickenberger responded that his vision of a soft opening was to allow access to the park, have trailhead parking, and open multi-use trails.

Mr. Randolph added that perhaps the trails would not initially be paved but composed of compacted stone.

Mr. Randolph then **moved** that the Board adopt the Biscuit Run Master Plan and phasing for submittal to DCR for approval. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: Mr. Dill.





## Contents

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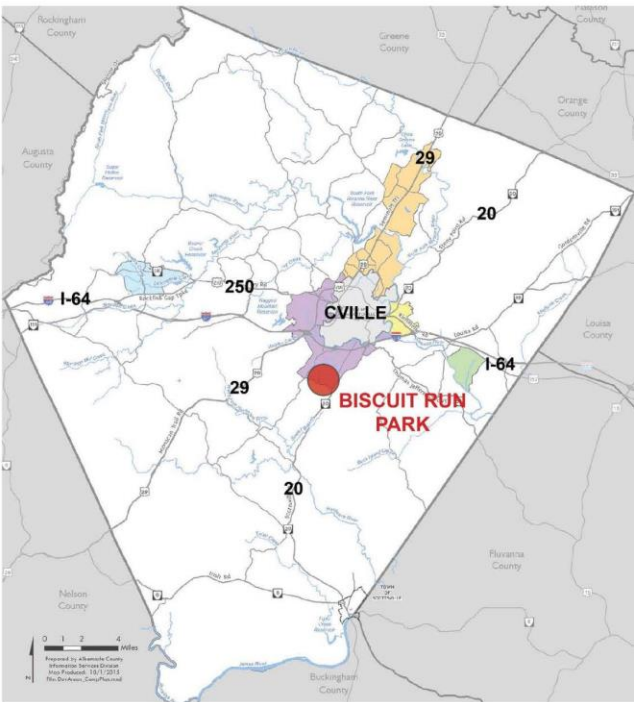
### Project Introduction

- Property Background
- County Park Planning Process
- Existing Site & Landscape Character
- Historic and Cultural Resources

### Park Design

- Conceptual Master Plans
- Development Phasing & Costs

### Questions & Comments



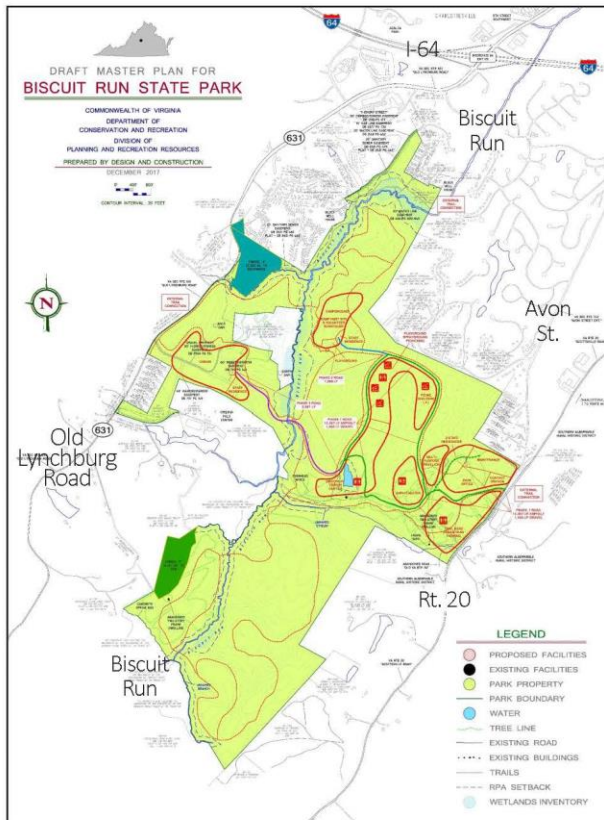
Cover: Southern View of Biscuit Run Park



## Property Background

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- Approx. 1,190 acres
- 2008: 828-acres Rezoned to Neighborhood Model District
- 2009: Purchased by DCR from Forest Lodge, LLC
- 2013: DCR State Park Master Plan
- 2018: Albemarle County & DCR Agree to a 99-yr. Property Lease



## Biscuit Run State Park Master Plan

- Entrance at Rt. 20/Avon St.
- Discovery Visitor Center
- Cabins, Camping, & Picnic
- Spray Park and Playgrounds
- Pavilions and Amphitheater
- Multi-use & Equestrian Trails
- Extensive Road & Utility System
- \$42M Development Cost (2017)



## County Lease and Memorandum of Agreement

80% to Remain Forested (960 acres)

5% Maximum Impervious Surface (60 acres)

DCR Recreational use Restrictions:

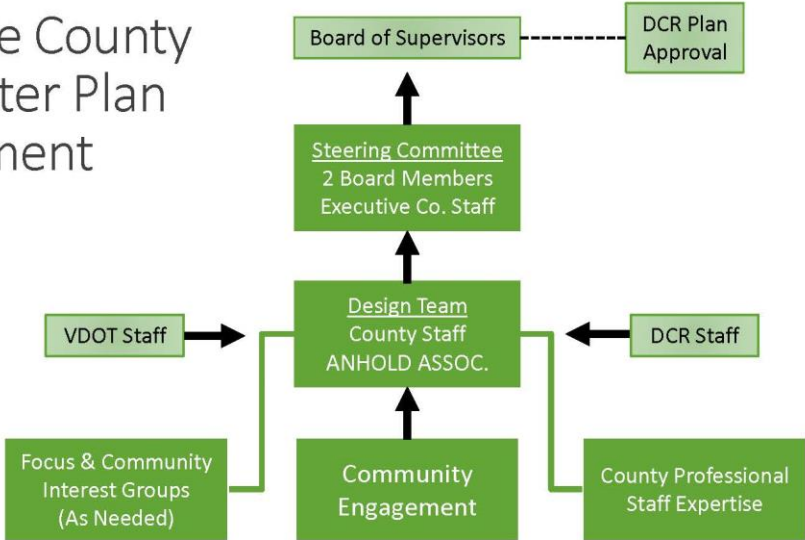
- No Golf Course
- No Permanent Stadium Seating

DCR Requirements for:

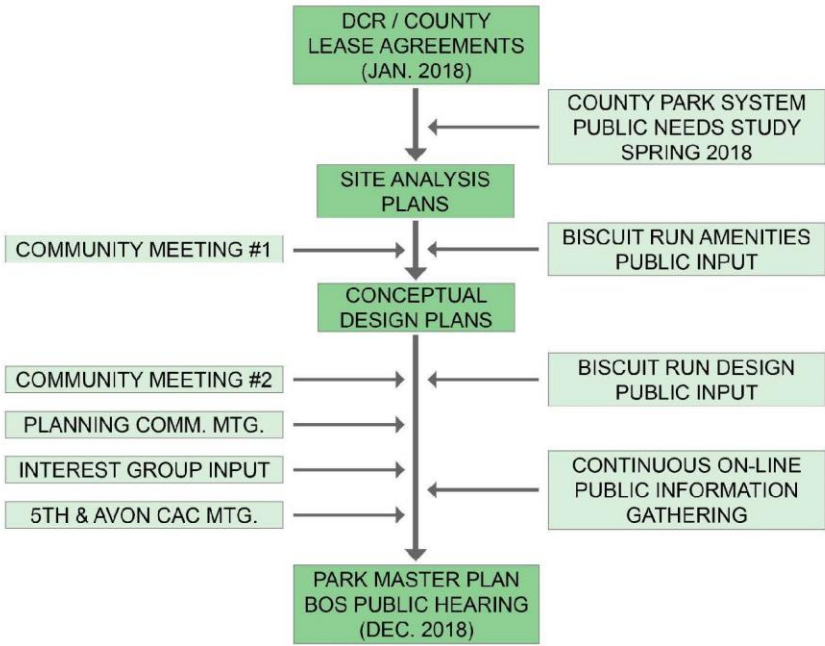
- Equestrian Trails
- Natural Heritage Preservation
- Riparian Buffer Protection
- Invasive Plant Species Removal



# Albemarle County Park Master Plan Management



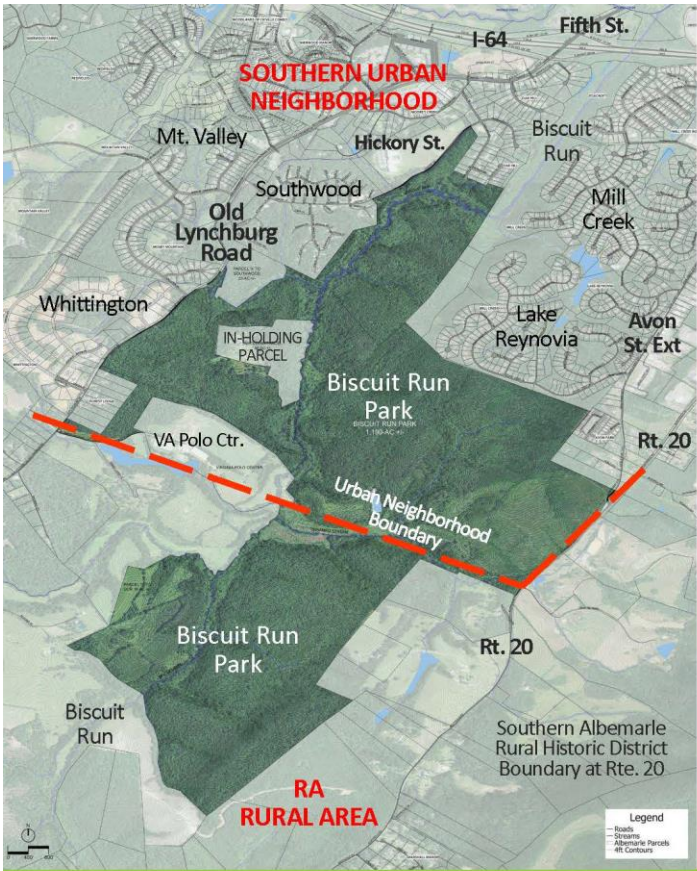
## Park Design Process



## Park Development Program & Activities

### County Needs Study & Biscuit Run Public Input

Programming / Activities	Priority
Walking, Hiking, and Biking Trails	HIGH
Youth Athletic Fields – Diamond & Multi-Purpose	
Open space / Conservation Parks	
Small Neighborhood Parks	
Large Community Parks	
Aquatic Facilities	
Off-Leash Dog Parks	
River Access / Boat Launches	
Pavilions and Picnic Shelters	
Playgrounds	



### Site Context

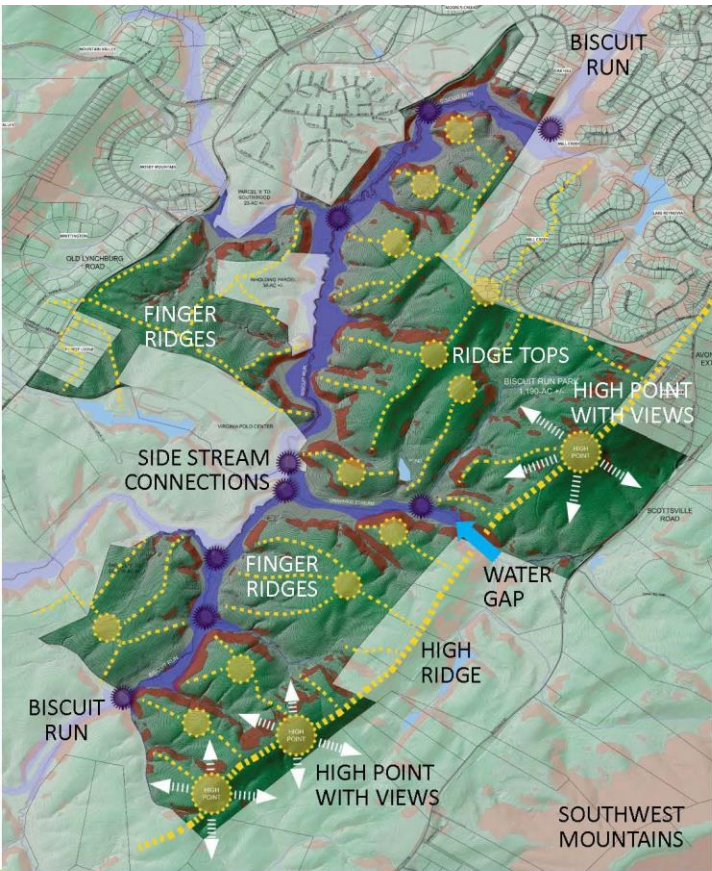
Vehicular Access From I-64, Old Lynchburg Road, Hickory St., and Rte. 20

Park Straddles Southern Urban Neighborhood Boundary Line

Private 38 Acre In-holding Parcel

Southern Albemarle Rural Historic District





## Landform Analysis

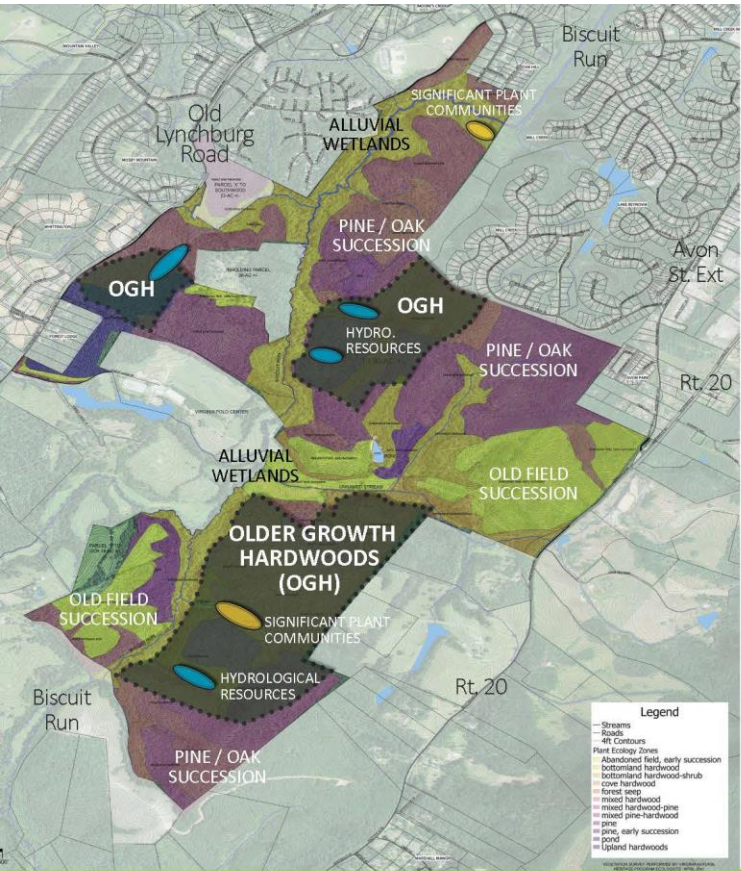
Biscuit Run & High Ridge are Most Prominent Features

High Points With Long Range Views

System of Ridge Tops, Finger Ridges and Ravines

Streams and Riparian Floodplains

Scattered Steep Slopes (Red)



## Natural Heritage Resources Analysis

Extensive Agricultural Impacts

Three Blocks of Older Growth Hardwood Forest

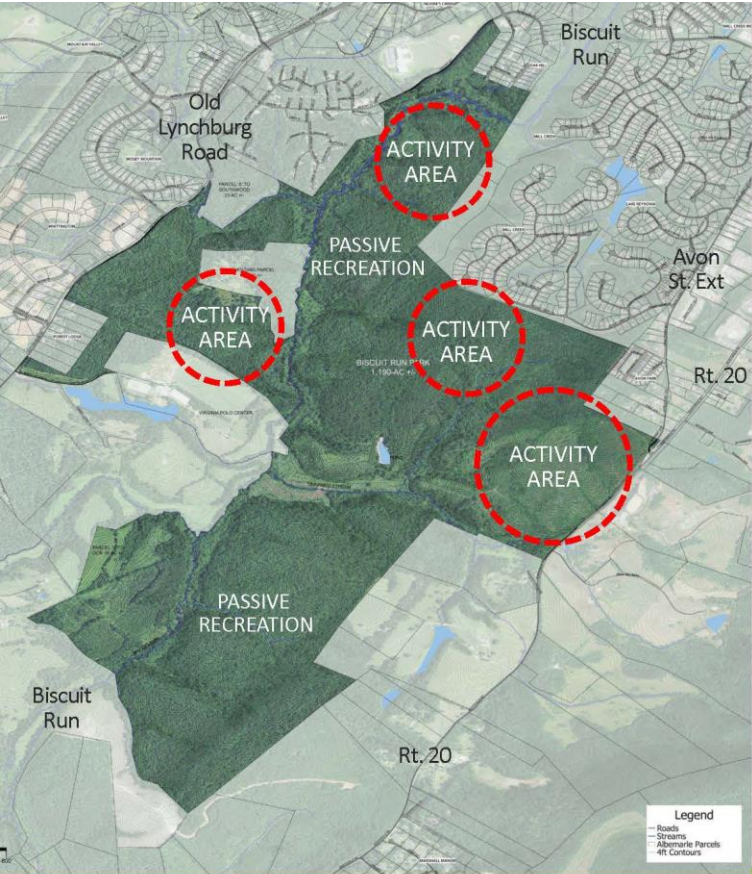
Mosaic of Old Field Succession

Significant Plant Communities

Numerous Springs, Groundwater Seeps, & Headwater Streams

Invasive Exotic Plants are Abundant





## Park Development Potential

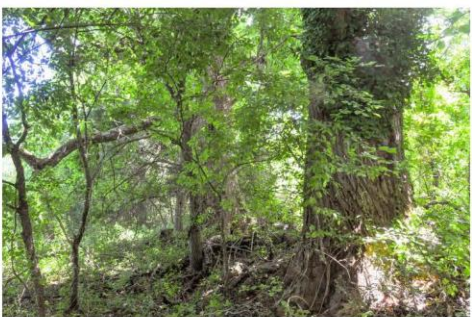
The Entire Park is Suited for Passive Recreation

Four Areas are Most Suited for Active Recreation

## Existing Landscape Character



Old Field Thicket



Historic Stagecoach Road



Overgrown Fencerows



Historic Farmstead



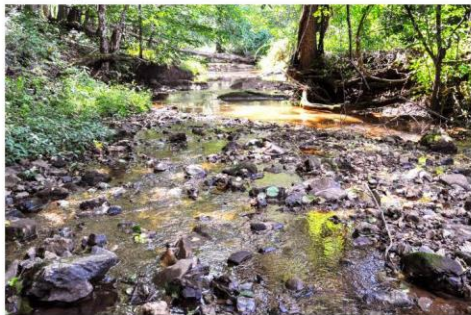
# Existing Landscape Character



Existing Trails



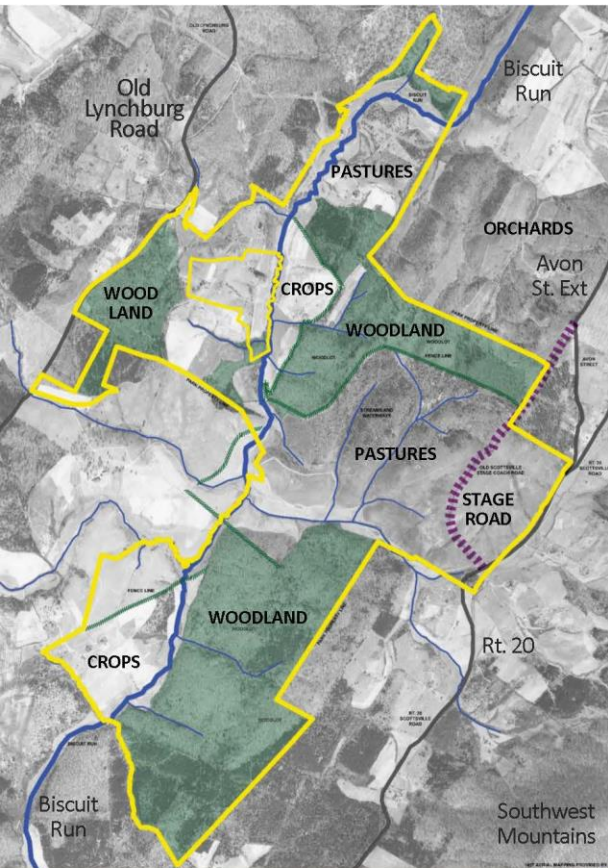
Unique Plant Communities



Side Stream

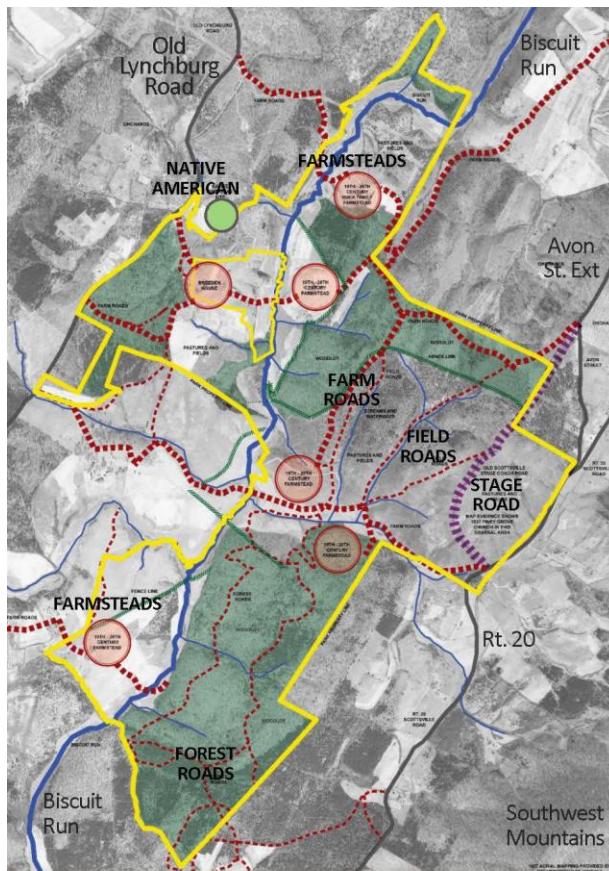


Biscuit Run



## Historic & Cultural Resources

- 1937 Aerial Photography Map
- Scottsville Stagecoach Road - 1746
- Agrarian Landscape Dominated by Pastures, Croplands, & Fence Lines
- Three Separate Woodland Blocks



## Historic & Cultural Resources

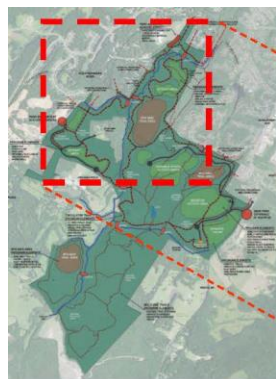
- Native American Sites
- 19<sup>th</sup> & 20<sup>th</sup> Century Farmsteads
- Farm Access Roads and Bridges
- Forest & Field Roads

## Park Design Principles

- Create Strong Park Connections to the Urban Neighborhoods
- Provide Park Amenities Within Walking Distance of the Urban Neighborhoods
- Locate High-use Sports Fields Along Rte. 20
- Natural Systems, Native Plant Communities & Wildlife Diversity Serve as Essential Park Elements
- Maximize Park Character and Visitor Experience
- Uncover and Reveal Local Sense of Place
- Embrace Cultural History and Agricultural Heritage



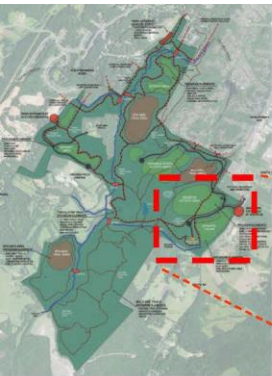
- Vehicular Entrances at Rte. 20 and Old Lynchburg Road
- On-street Parking at Hickory Street
- Urban Neighborhood Activity Areas
- Future Activity Areas
- Rte. 20 Activity Areas
- Paved Circulator Trail System
- 400 Acre Woods
- New Mtn. Bike Flow Trail Areas
- Utilize & Improve the Existing Multi-use Trails
- Conserve and Protect Existing Natural & Cultural Resources

[illegible]

- Park Entrance at OLR with Shared Access & Activity Areas
- Parking at Hickory St. with Pedestrian Accessed Activity Area
- Circulator Trail with Bridges and Numerous Access Points
- Mtn. Bike Trail Area

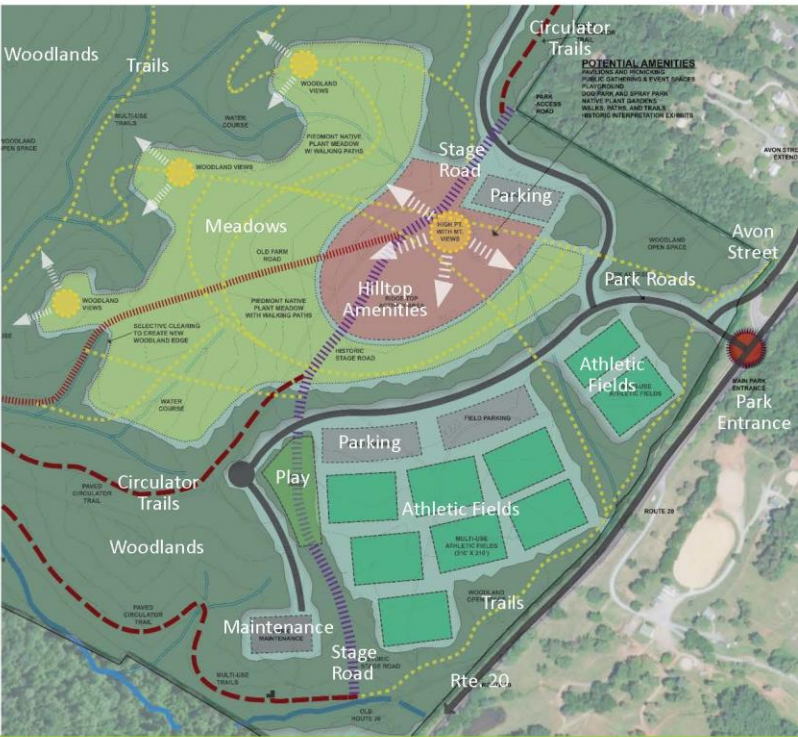


## Neighborhood Activity Areas Design Character



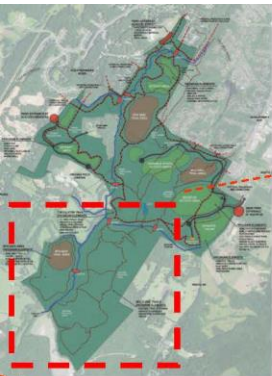
## Route 20 Activity Areas

- Rte. 20/Avon Street Entrance
- Park Roads and Parking
- Athletic Fields Along Rte. 20
- Park Amenities on Hilltop With Mtn. Views
- Piedmont Native Plant Meadows
- Agricultural Patterns Create Framework
- Historic Stage Coach Road



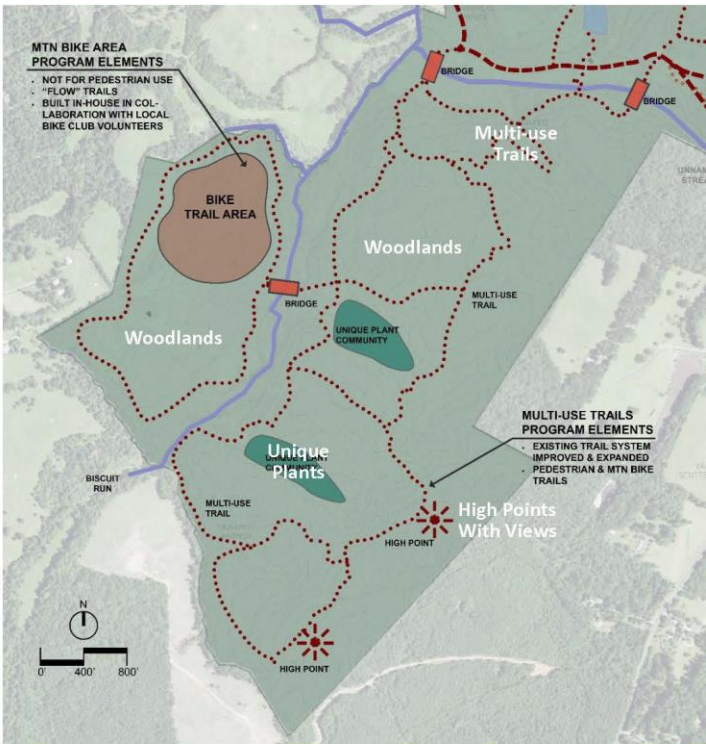


## Rte. 20 Activity Areas Design Character



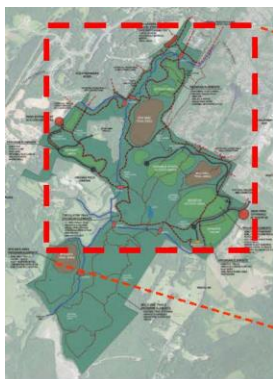
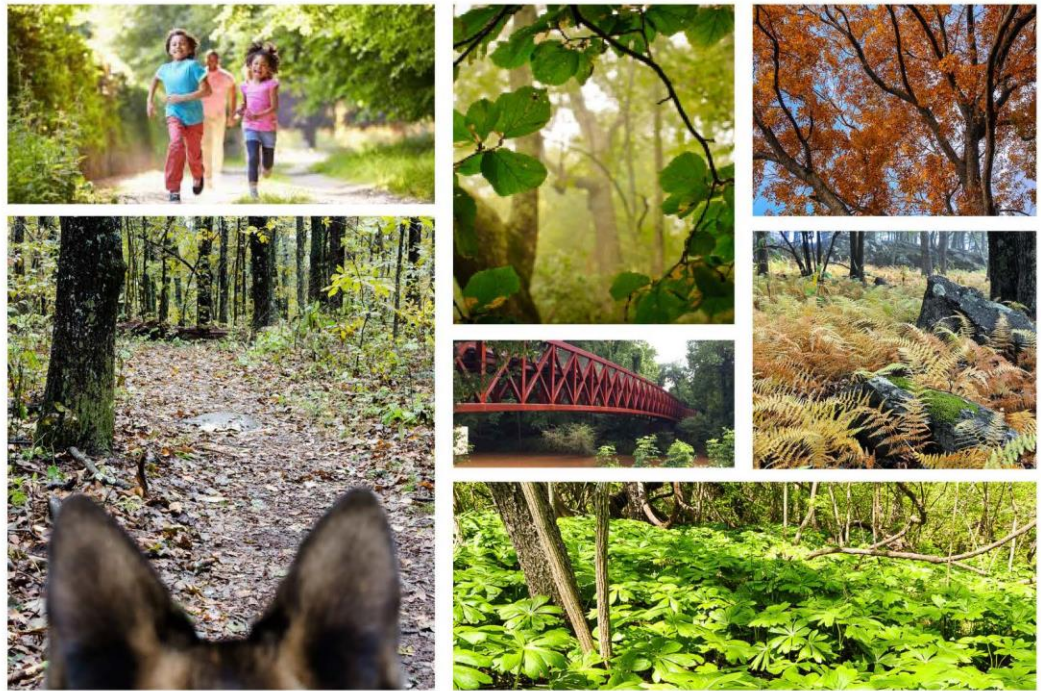
### 400 Acre Woods

- Multi-use Trails
- Mountain Bike Trails
- Preserve Unique Plant Communities & Water Resources
- High Points with Views
- Woodland/Wilderness Experience



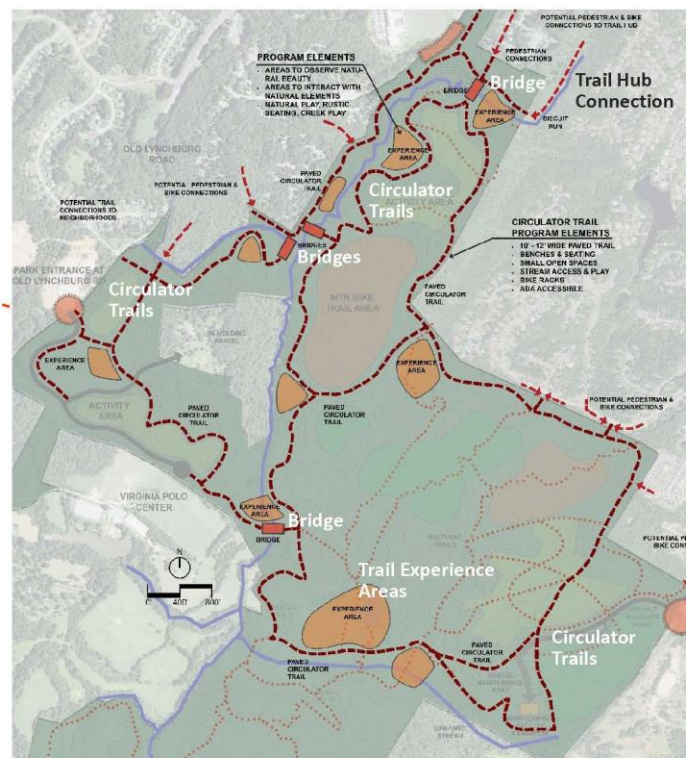


## 400 Acre Woods Design Character



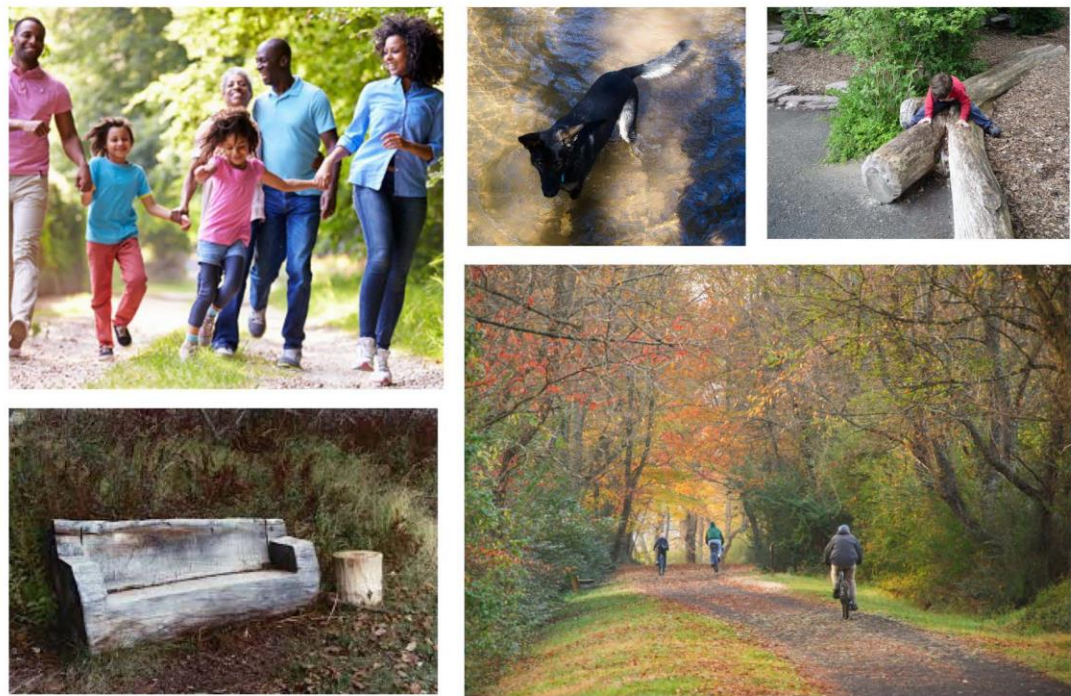
- 10'- 12' Wide Asphalt Trail (7.5 Miles)
- Multiple Neighborhood Connections
- Provides Pedestrian & Bike Circulation to Urban Area of the Park
- Serves Emergency, Security, and Maintenance Uses
- ADA Accessibility (As Much as Possible)
- Functions as Linear Park with Series of Experience Areas
- Experience Areas Include Water Access, Recreation Amenities, Environmental Engagement, & Historic Interpretation

# Circulator Trail System





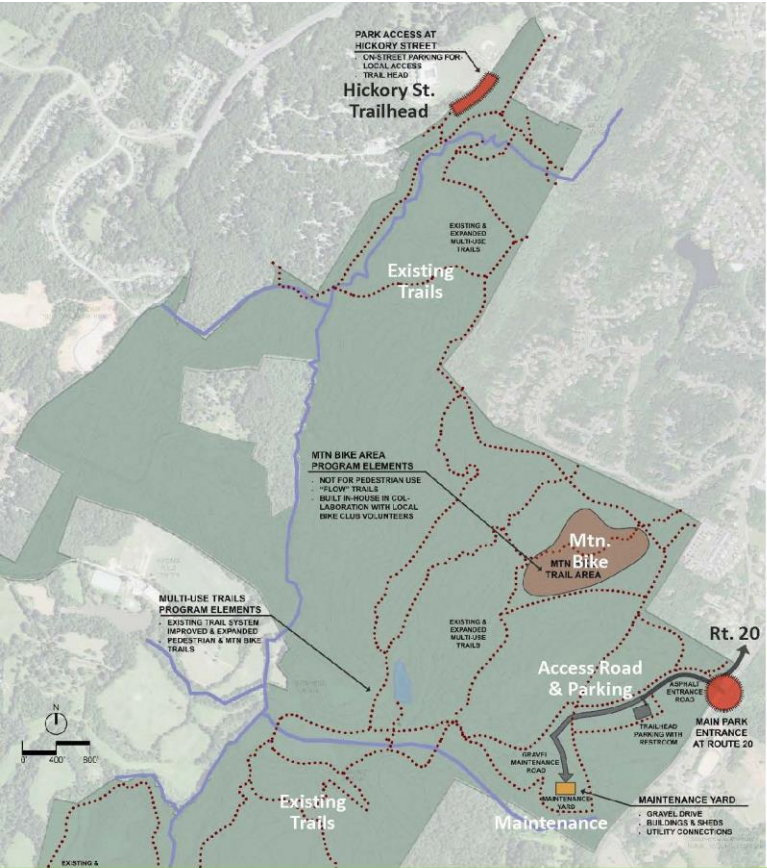
# Circulator Trail Design Character



# Circulator Trail Design Character

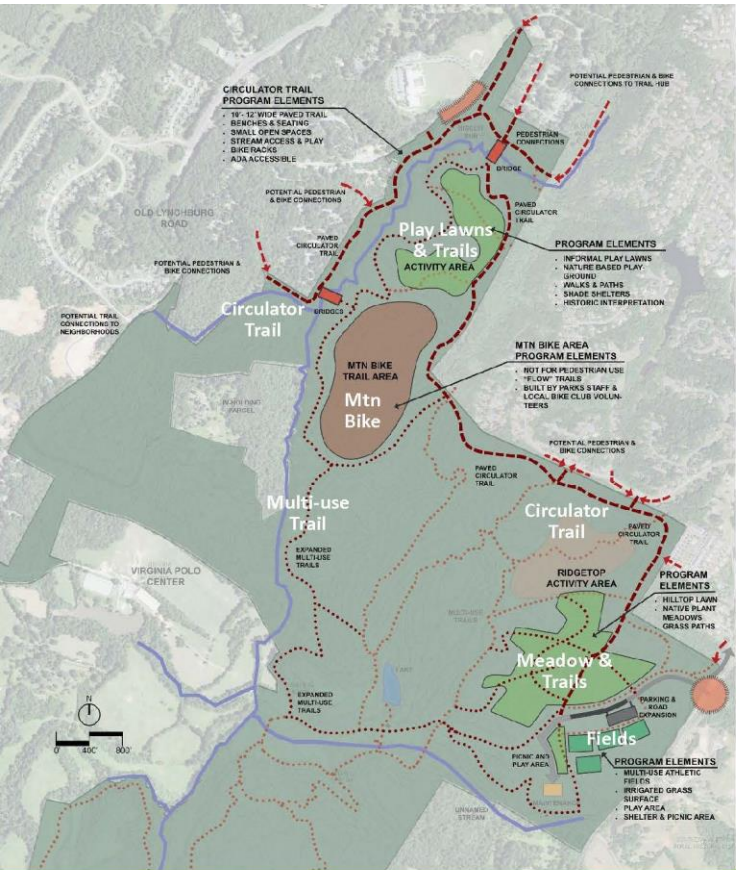






## Phase-1 Development Plans

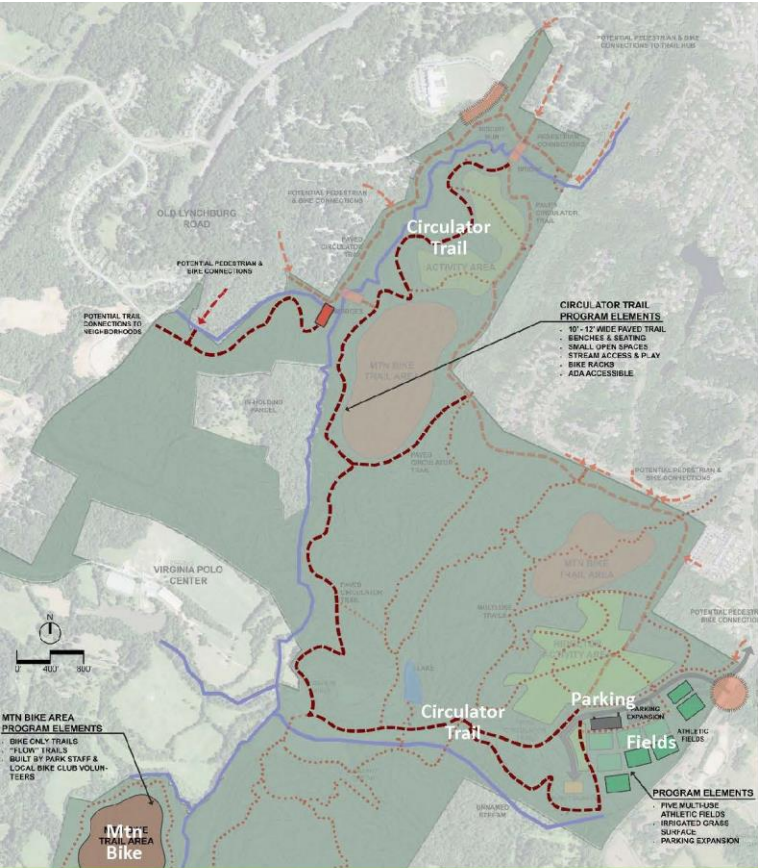
- Hickory St. Trailhead with On-street Parking
- Rte. 20 Entrance, Access Roads, Trailhead Parking, & Restrooms
- Park Maintenance Facilities
- Rte. 20 Area Site Utilities
- Utilize Existing Trails
- New Multi-use & Bike Trail Improvements by Parks Staff and Vol. Groups
- Invasive Species Removal by Parks Staff, Vols., & Others
- \$6.5 - \$7.5M Project Cost



## Phase-2 Development Plans

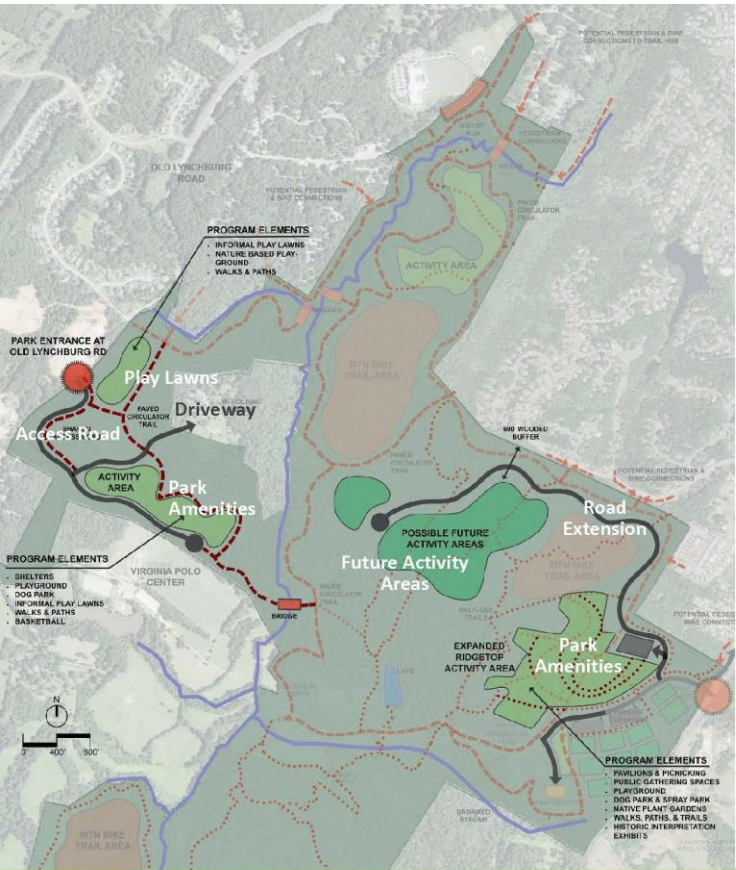
- Part-1 Circulator Trail (3.1 Miles) with 2 Bridges
- Neighborhood Activity Area
- Rt. 20 Hilltop Area Clearing with Lawn, Meadows, & Trails
- 4 Athletic Fields with Parking
- Playground and Picnic Area.
- New Multi-use & Bike Trail Improvements by Parks Staff and Volunteer Groups
- \$13.0M - \$14.0M Project Cost





Phase-3 Development Plans

- Part-2 Circulator Trail (3.4 Miles) with 1 Bridge
- 5 Additional Athletic Fields with Parking
- Access Road Extension
- New Multi-use & Bike Trail Improvements by Parks Staff and Volunteer Groups
- \$11.5 – \$12.5M Project Cost



Future Development Plans

- Old Lynchburg Road Entrance, Shared Access Road, & Parking
- Neighborhood Activity Area Amenities
- Rte. 20 Hilltop Access Road, Parking and Activity Area Amenities
- Future Road Extension and Activity Areas
- Project Cost to be Determined

## Development Cost Summary

### Phase 1

- Rte. 20 Entrance
- Paved Access Rd., Trailhead Pkg. & Restrooms
- Water & Sewer Utilities for Rte. 20 Activity Areas
- Hickory St. Trailhead with Gravel On-street Parking
- Park Maintenance Building & Equipment Yard
- Mtn. Bike Area & Multi-use Trails by County Staff and Volunteer Groups
- Invasive Plant Removal

\$6.5M - \$7.5M Total Cost

### Phase 2

- Part-1, Circulator Trail (3.1 Miles)
- 4 Grass Athletic Fields with Parking
- Playground and Picnic
- Hilltop & Neighborhood Areas Clearing with Lawns and Meadows
- Mtn. Bike Area & Multi-use Trails by County Staff and Volunteer Groups

\$13.0M - \$14.0M Total Cost

### Phase 3

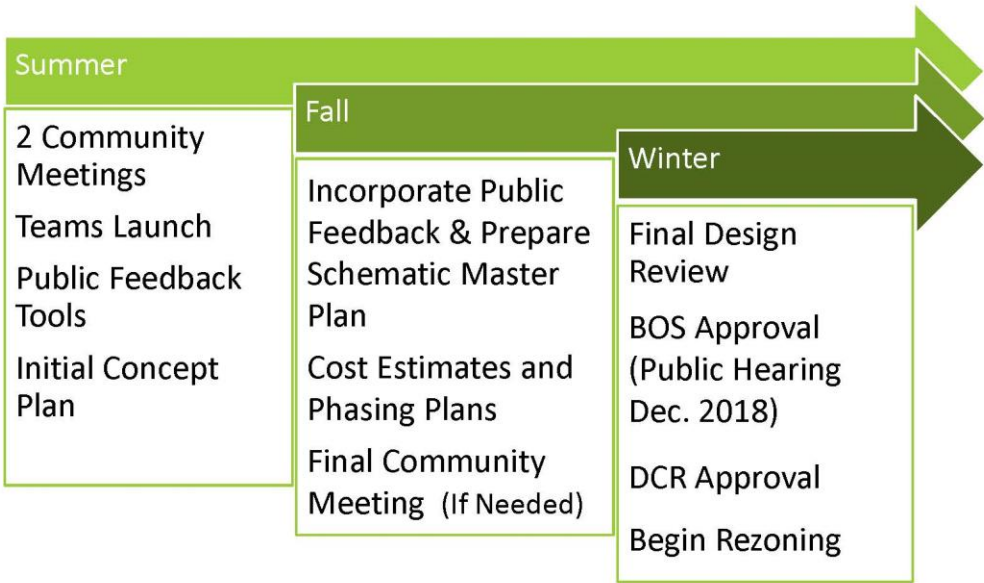
- Part-2, Circulator Trail (3.4 Miles)
- 5 Grass Athletic Fields with Parking
- Access Road Extension
- Mtn. Bike Area by County Staff and Volunteer Groups

\$11.5M - \$12.5M Total Cost

PHASE 1,2, & 3 TOTAL: \$31.0M - \$34.0M

FUTURE PHASES TOTAL: To Be Determined

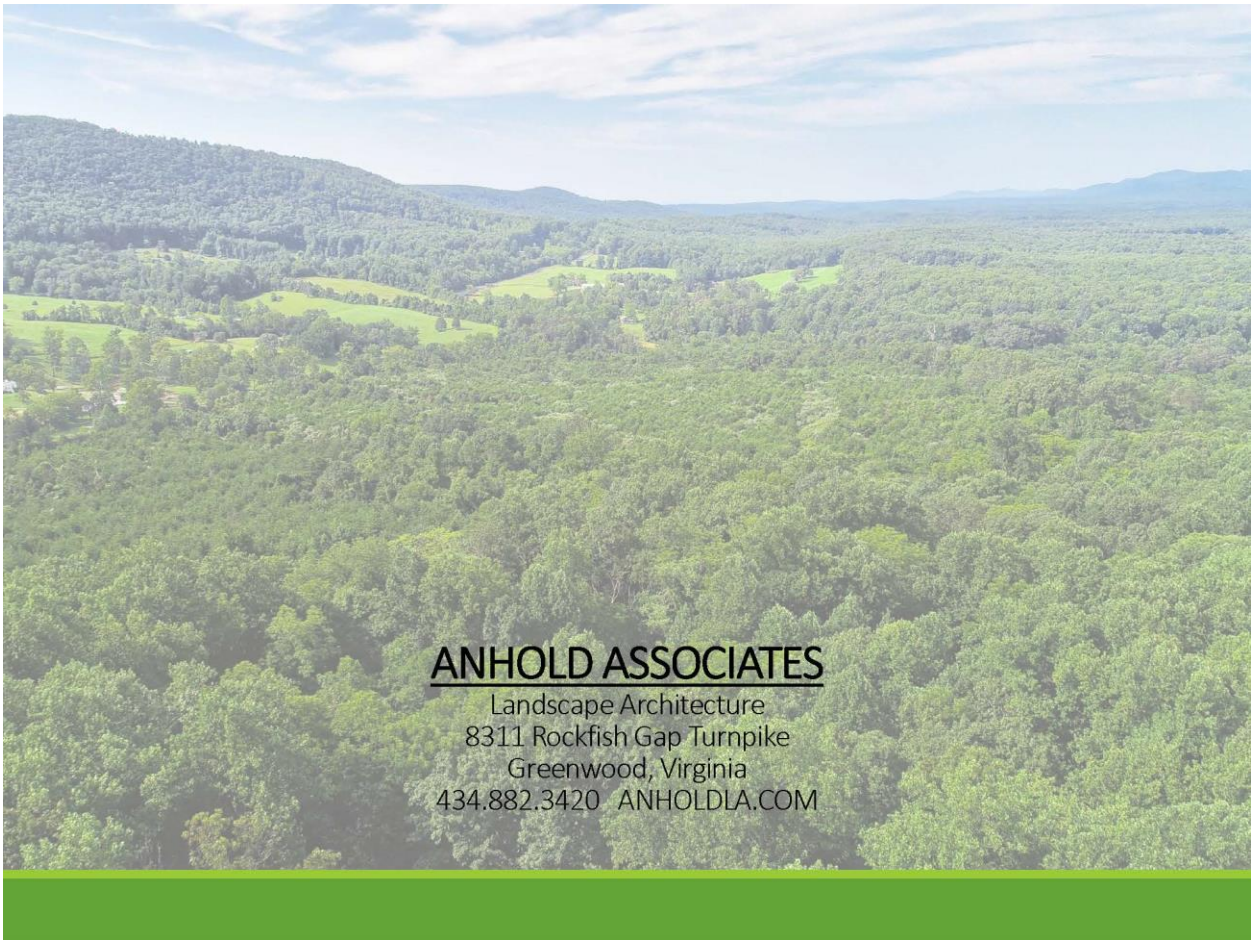
## Proposed Project Timeline





# Questions and Comments

- Questions
- Comments



(**Recess.** The Board recessed at 7:57 p.m. and reconvened at 8:12 p.m.)

Agenda Item No. 17. **Public Hearing: CPA201800004 – Rio29 Small Area Plan.** To consider proposed amendments to the Land Use Plan section of the Albemarle County Comprehensive Plan and Places29 Master Plan by replacing portions of the existing profiles of Neighborhood 1 and Neighborhood 2, consisting of an approximately 1/2 mile radius from the Rio Road and Route 29 intersection. The Small Area Plan establishes new land use policies, guidelines, recommendations, goals and strategies for future development within the Plan area. The Plan would establish the following for the Rio29 Plan area: a vision for the development and redevelopment of the area and supporting recommendations; place types with form and use recommendations; a plan for the

transportation network and its integration with the place types; a plan for open space, trails and natural resource protection and enhancement, a plan for implementation and supporting community facilities and infrastructure.

*(Advertised in the Daily Progress on November 26 and December 3, 2018.)*

The Executive Summary forwarded to the Board states that at its meeting on November 13, 2018, the Planning Commission voted 5:0 (Firehock, Bivins absent) to adopt the resolution to recommend approval of CPA201800004 (Attachment C to PC staff report).

The Rio29 Small Area Plan establishes a new vision for the Rio29 area with a focus on improving multi-modal connectivity, creating a community with vibrant and interesting character, and enhancing the Rio29 area through conservation and public amenities. The Plan includes recommendations for the form and use of new development; a plan for the transportation network and its integration with the future development; a plan for open space, trails, and natural resource protection; and a plan for implementation and supporting community facilities and infrastructure. Staff worked with citizens, stakeholders, and public officials over a two and a half year planning process to establish the Plan's vision and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve CPA201800004.

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Ms. Rachel Falkenstein, Principal Planner, presented. She explained that the purpose of tonight's hearing was to consider a Comprehensive Plan amendment for the Rio29 Small Area Plan to amend the land use section of the Comprehensive Plan and the Places 29 Master Plan. She said there are two parts to the Comprehensive Plan amendment, the first was changes to the Places 29 Master Plan, and staff would update the maps for the planned area and link this to the plan document. She said the second part was the more substantial Small Area Plan document which would be incorporated into the appendix of the Comprehensive Plan and hyper-linked. She stated that it has been developed over a two and a half year planning process, during which time the Board held several meetings and work sessions. She said it involved collaboration with stakeholders, citizens, public officials, and staff. She said that several themes emerged throughout the engagement, including connectivity, character, and conservation, which are chapters. She said they would also have a chapter on implementation, the plan was 54 pages, and she would provide a high level of the vision.

Ms. Falkenstein presented on the vision of Connectivity, referencing a map of the Rio29 intersection and surrounding area, and said they would focus on a half-mile radius from the intersection. She said the vision was to transform the area into a multi-modal hub with a connected network of complete streets designed for all users. She next presented on the vision of Character, and said the area would be transformed into a vibrant, mixed-use community with interesting character and a human scale-built environment. She next presented on the vision of Conservation, explaining that this vision would transform Rio29 into a place enhanced by conservation with a network of sustainable and useable public spaces that enrich community and preserve and enhance natural resources. She then presented on Implementation and next steps. She said this would involve a combination of zoning and policy changes, partnerships, and capital investments in the area. She presented a slide with a list of Transformative Projects, which she characterized as capital investments focused around transportation and quality-of-life improvements, such as parks and trails. She said that six of these were identified as catalyst projects, which are recommended to begin within the first five years of plan adoption. She said that fiscal and transportation modeling have demonstrated that the prospective road network can handle projected growth and positive returns based on tax revenues from growth. She noted that money has not been budgeted for Rio29 and said they would pursue inclusion of catalyst projects within the CIP for the 2021 budget year. She noted that this supports the Strategic Plan goal to leverage public investment by 2021. She said they would begin drafting of a zoning ordinance amendment to implement the plan vision, including a form-based code, which staff would begin working on in early 2019, to support the Strategic Plan goal to have the draft ordinance by December 2019. She said staff would work with Economic Development to identify policies and incentives to help with redevelopment, which supports the Strategic Plan goal.

Ms. Falkenstein noted that Ms. Borgersen has distributed a proposed amended motion and the official copy for the record. She invited questions.

Ms. Mallek opened the public hearing.

Ms. Nancy Hunt, resident of Rio District and Chair of the Rio/29 CAC, addressed the Board. She said she was speaking for herself. She described form-based code as huge, said the report was incredible, the report's detail was fabulous, and she was sorry they lost Ms. Kilroy from the CAC but Ms. Falkenstein has been a fabulous staff person. She acknowledged that this was more complex than the park issue and would have a longer timeframe, and the financial evaluation of partnerships was critical. She added that developers would always ask for a bit more, so the evaluation and modeling are critical. She thanked everyone for the hard work and remarked that Mr. Gallaway took up where Mr. Sheffield left off and took it one step further. She said she looks forward to the changes.

Mr. Travis Pietila of the Southern Environmental Law Center addressed the Board. He stated that the small area plan has been a big and important effort for the County. SELC appreciates the chance to serve on the steering committee for this process, as well as the many public input opportunities that have been provided along the way. He said it took many things going right to realize the vision of a place like

this, and they may not agree with every aspect of it but sees an important step towards encouraging the type of development and redevelopment that was key to advancing the County's growth management strategy and economic development goals. He said SELC recognizes that in order to achieve these goals, development areas need to be places that residents and businesses want to be, and they need to provide greater opportunities to make them not only more vibrant and interesting but more accessible, connected, and livable. He said the plan acknowledges that a number of challenges are faced in this respect. He noted that surface parking covers nearly 40% of the Rio/29 area, compared with only 16% for tree canopy, and few trips could be made without a car. He said SELC supports the plan's recommendations to make the area more pedestrian, bicycle, and transit-friendly as well as create additional parks, trails, and greenspaces, and increase tree canopy. He said that while they cannot make cars obsolete, they can make other options more appealing. He said they support incorporating the Small Area Plan into the County's Comprehensive Plan with the understanding that like all land use plans, it was meant to be fluid and could be tweaked as conditions evolve. He expressed appreciation for the hard work of County staff, community representatives, and the Planning Commission in developing the plan and the Board for making it a priority.

Mr. Neil Williamson stated that he has been engaged in this process since the beginning and recounted how at last night's meeting of the Planning Commission there was discussion of public misunderstanding of what a master plan was and what it promises. He remarked that it promises a lot and was a lot of money, and he pointed out that it was the third thing to come before the Board today, which was a lot of money over a lot of years. He said the public sometimes does not understand the private part of a public/private partnership, that the County does not own most of the land, and that this only happens with private investment. He remarked that he despises roads that pass through existing buildings and staff had to remind him that they are conceptual, and as a project comes in, they would evaluate how it moves. He applauded staff for moving forward and making adjustments as property owners, interested neighbors, and residents brought forward concerns. He said he believes this was a step forward in process, although he does not know where they would get the money to make this real. He said the Board needs to be clear with the public that this was the plan, but they do not own the land and the CIP does not have the funding to make any of this happen. He remarked that he was thoroughly encouraged at the recognition of economic development, mobility was critically important, and the placing of cars in areas to help form a walkable community was a giant step forward as the County moves forward into the 22<sup>nd</sup> and 23<sup>rd</sup> Centuries.

Mr. Sean Tubbs of the Piedmont Environmental Council addressed the Board. He said he would go off script and share a personal connection to the area. He recounted that 10 years earlier, he lived briefly on Commonwealth Drive during the time when the Places 29 Master Plan was still under development and there was not yet talk about a Crozet Library or a Rio grade-separated interchange, yet he was able to see the potential for the area. He said it was great to see this document, which capitalizes on the momentum of decisions made by the Board over the last few years. He expressed agreement with Mr. Williamson's comment that this was just a plan and said that the implementation would come through some interesting details, and he was looking forward to seeing what the form-based code would look like. He said that to meet many of the Comprehensive Plans goals, this has to work properly and they must have sufficient density. He noted that some roads go through existing buildings, although so did the Hillsdale Drive Connector plan, which Great Eastern Development came to embrace and had some interesting visions for what the community would be. He recognizes that it could be tough to get developers on board, and the document was a potential blueprint for tough decisions the Board would have to make on funding. Mr. Tubbs added that the top priorities expressed by respondents to the parks and recreation survey were bike, pedestrian, and transit.

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

Mr. Randolph commented that it was actually an advantage that they are constrained by resources. He said the net result of communities across the country that address urban development and redevelopment and that have the resources on hand to undertake this was not always positive for residents. He said that few are able to make the plans for the many and that some, especially minorities, lose their communities and footholds in the community. He said the lack of resources would force them to be more prudent and to have a clearer idea of what their highest priorities are. He said that across the country, most communities are not growing synthetically on their own resources but are utilizing P3s and other tools to expand their ability to redesign in a way that was suited to everyone and not just for the elite and those who have the resources. He said this plan gives the Board, working with the community, the opportunity to determine what was feasible.

Ms. Mallek commented that step-by-step and block-by-block was better than 100 acres at a time.

Mr. Gallaway said that both he and his predecessor, Mr. Brad Sheffield, are appreciative of staff for the work it put into this plan, as well as the contributions of community members. He said this was an exciting point, as the work of the Office of Economic Development and the Small Area Plan has come to a culmination. He said he has seen some projects that have come out of the gate that are following the ideas of the plan.

Ms. Mallek recalled that when the County began planning in 2009, there was general outrage and uproar. She said the plan looks beautiful, was readable and understandable, and was an order of magnitude different from the old notebook. She said she cannot wait for the first pioneer to come along and want to buy into this and get going.

Ms. McKeel remarked on how engaged the community was around the project, which has been a real pleasure to watch.



Ms. Palmer thanked everyone for their work on this successful effort. She addressed the comments of Mr. Williamson about public perception and that the County does not own the land. She commented that there was a perception among the public that the Board has more control than it actually has.

Ms. McKeel recalled the many complaints of residents around congestion at the Rio/29 intersection and how traffic was now moving.

Mr. Gallaway then **moved** that the Board adopt the proposed Resolution to approve CPA 2018-00004 Rio29 Small Area Plan, as amended. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

**RESOLUTION TO APPROVE CPA 2018-00004  
RIO29 SMALL AREA PLAN**

**WHEREAS**, Chapter 8 of the Places29 Master Plan, a component of the Albemarle County Comprehensive Plan adopted by the Board of Supervisors on June 10, 2015, recommends the preparation of a Small Area Plan for the area around the intersection of US 29 and Rio Road; and

**WHEREAS**, as recommended by the Places29 Master Plan, County staff has developed a proposed Rio29 Small Area Plan that would amend the Land Use Plan section of the Albemarle County Comprehensive Plan and Places29 Master Plan by replacing portions of the existing profiles of Neighborhood 1 and Neighborhood 2, consisting of an approximately 1/2 mile radius from the Rio Road and Route 29 intersection; and

**WHEREAS**, the proposed Rio29 Small Area Plan would establish new land use policies, guidelines, recommendations, goals and strategies for future development within the Plan area; and

**WHEREAS**, the proposed Rio29 Small Area Plan would establish the following for the Rio29 Plan area: a vision for the development and redevelopment of the area and supporting recommendations; place types with form and use recommendations; a plan for the transportation network and its integration with the place types; a plan for open space, trails and natural resource protection and enhancement; and a plan for implementation and supporting community facilities and infrastructure; and

**WHEREAS**, on November 13, 2018, the Albemarle County Planning Commission held a duly noticed public hearing on CPA 2018-00004, at the conclusion of which it: (i) concluded that approval of CPA 2018-00004 is appropriate and consistent with the coordinated, adjusted, and harmonious development of Albemarle County and, in accordance with present and probable future needs and resources, will best promote the health, safety, morals, order, convenience, prosperity, and general welfare of all inhabitants of the County, and (ii) adopted a Resolution recommending approval; and

**WHEREAS**, on December 12, 2018, the Board of Supervisors held a duly noticed public hearing on CPA 2018-00004.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, and for the purposes articulated in Virginia Code § 15.2-2223, the Albemarle County Board of Supervisors hereby approves CPA 2018-00004 and amends: (i) the Land Use Plan section of the Albemarle County Comprehensive Plan as shown on the draft Rio29 Small Area Plan dated December 12, 2018, and (ii) the Places29 Master Plan as shown on the proposed Places29 Master Plan reflecting an amendment date of December 12, 2018 with maps dated November 5, 2018.

**BE IT FURTHER RESOLVED** that the land use designation of the Lands and the applicable map in the Comprehensive Plan are amended accordingly.

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Agenda Item No. 18. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Palmer announced that the Rivanna Solid Waste Authority Board has reduced the tipping fee and were recently able to get a large commercial hauler through the facility in four minutes, which demonstrates their efficiency in getting commercial haulers in and out quickly. She said the new rates would take effect in January, 2019, noting that they are not currently accepting single-stream recycling but are trying to determine how to do this.

Ms. Mallek stated that this would allow haulers to do a better job for residential customers who are already separating trash.

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Mr. Kamptner reminded the Board that it was going to give direction to staff to communicate with the court regarding an appointment to the BZA. Under the Board's rules, the matter could be brought up tonight. He said that to take action, it would have to suspend the rule as he has outlined or it could be brought back on January 9, 2019 for discussion.



Ms. McKeel said she would like to have a discussion about this but not when they are tired and asked that they discuss this in January. Ms. Mallek concurred.

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Agenda Item No. 19. From the County Executive: Report on Matters Not Listed on the Agenda

Mr. Richardson announced that earlier today he attended a meeting of the Airport Authority Board, on which he serves. He said the Airport continues to experience high ridership and receives high marks from carriers. In addition, there are many positive economic indicators for the Airport.

Mr. Richardson invited Supervisors to a staff/Board open house to be held December 19, 2018, at 3:30 p.m. He remarked that he was proud of staff and of how hard they have worked this year. He also thanked the Board for its guidance, direction and support.

Ms. Mallek said she recently heard a rumor that the Airport was considering an expansion of the runway and asked if there have been any discussions. Mr. Richardson responded that they are looking at structured parking and configuration in and around, although he was not aware of any plan to extend the runway. He said he would confirm the information and get back to the Board.

Ms. Mallek remarked that this has been a year of accomplishment and said "well done" to everyone. She wished everyone a Merry Christmas and Happy New Year.

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Agenda Item. 20. Adjourn.

At 8:43 p.m., with no further business, Ms. Mallek adjourned the Board meeting.

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Chairman

Approved by Board
Date 09/04/2019
Initials CKB