

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 4, 2018, at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from November 14, 2018.

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

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 9:11 a.m., by the Chair, Ms. Mallek.

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Meeting with Area Legislators.

State Legislators Present: Senator Creigh Deeds; Jordan Dix Hargrave, Legislative Director for Delegate Rob Bell from the 58<sup>th</sup> District; Judy W. Wyatt, Legislative Director for Delegate Steve Landes from the 25<sup>th</sup> District; and Jane Dittmar, Legislative Assistant, for Delegate David Toscano from the 57<sup>th</sup> District.

Also present: Legislative Liaison for the Thomas Jefferson Planning District Commission (TJPDC), Mr. David Blount.

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### Welcome and Introductions.

Ms. Mallek thanked everyone and expressed appreciation for their attendance at the meeting.

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Agenda Item No. 2. Thomas Jefferson Planning District Legislative Program (TJPDC).

Mr. David Blount, Legislative Liaison, TJPDC, stated that he would present the regional priorities for the area, which he said does not change much from year to year, adding that he would highlight those that did change. Mr. Blount reported that the program elevates **Broadband** and broadband expansion funding to a top priority issue. The TJPDC is eager to see the Governor's broadband plan before the end of the year. He stated that the Department of Housing and Community Development have asked for an increase from \$4 million to \$25 million for a communications program that would include broadband, and this has been a priority for localities across the Commonwealth.

Mr. Blount reported that under **Local Revenue Authority**, there is a new statement related to the local option sales tax being collected from remote sellers. This is a new statement related to the Wayfair Decision from the Supreme Court that allows out-of-state vendors to submit sales tax even though they may not have a presence in the state where purchases have been made. He said that the legislative position seeks to ensure that the 1% local option sales tax returned to localities based on point of sale is also collected from out-of-state vendors. Mr. Blount noted that estimates show that amount to be approximately \$29 million statewide, and there is already some evidence from the state that the major out-of-state retailers were collecting the sales tax and remitting it to the state -- as overall collections have increased about 7.5%.

Ms. Jane Dittmar asked if VACO and VML would monitor this for localities. Mr. Blount responded that they would be.

Mr. Blount reported that under the **Children's Services Act**, a position is included in the legislative program regarding the desire for flexibility and use of state funds for CSA services. There has been a lot of focus on day placement of students -- particularly those with autism. He stated that the money committees and others have been looking at this issue over the past few years. The Office of Children's Services recently issued a report regarding outcomes for these students. Mr. Blount said that if localities could offer these programs within school settings and draw down money for that it should be done, but currently those placements are external.

Mr. Blount reported that under **Land Use and Growth Management** under proffers and impact fees, changes to the legislative position speak to additional language in support of a broader impact fee. He said that the Senate would have two impact fee bills on the floor the first day of the session, and there is language included to support expansion of impact fee authority. Mr. Blount noted that he believes the session will be focused on proffer legislation and bills that would ease restrictions contained in the 2016 proffer law that shut down communications between the localities and developers and builders regarding new development proposed. He said that some of the proposals would ease restrictions and allow communications to resume.

Mr. Randolph said that in talking with people from Loudoun County at VACO meetings, they did not seem eager to support changes to impact fees -- so it is important to get high-growth communities to get together and develop consensus around that issue. He commented that it would also be good to hear how Senator Deeds' bill is different from Senator Stuart's bill in its inclusion of more than just

transportation. Mr. Blount clarified that it is still Senator Stuart's bill. Mr. Randolph commented that it would be good to have bipartisan support for broader impact fees.

Ms. Mallek noted that at the High Growth Coalition meeting in November, Jeff Gore and Sterling Rives are drafting something for everyone to react to, as there is a lot of pushback on giving up the high ground and making a concession. She said that the new leadership in the homebuilders' community is working on this too.

Mr. Blount emphasized that this is just laying the foundation, as there would need to be some convening and study among the development community and localities to focus on the realities of implementing impact fee expansion.

Mr. Randolph said that he is not sure what would come out of "proffer parties," but there would need to be a lot of work on this.

Ms. Mallek asked if there is any interest at the state level to increase the broadband payout. Senator Deeds responded that through a federal option program, a co-op that serves Bath, Highland, Alleghany, Rockbridge and parts of Augusta have bought blocks and are actually building a fiber network throughout the region. He stated that it is terribly expensive but is a way to make rural co-ops relevant in the 21st Century, and the Central Virginia Electric Co-op -- which serves the southern part of Albemarle -- is also beginning that process. He commented that he does not know if they would be able to leverage more than the \$25 million.

Ms. Mallek stated that there are pockets in rural communities such as White Hall that are coalescing to try to draw in vendors such as Century Link to provide service.

Senator Deeds said that people are realizing that reliable internet is essential to engaging in the 21st Century economy.

Ms. Palmer said that Dominion put out its report and indicated that they were required to do it, and they seemed like they were interested in getting involved in this -- as some of the smaller co-ops are.

Senator Deeds commented that the co-ops existed because it is not profitable for utilities to provide electric power to rural areas, and it is still challenging.

Mr. Randolph noted that Dominion may have been pushed by the state to take this step, adding that the Governor has made it clear he would like everyone to be behind the \$25 million bill -- and what the legislature agrees to would likely be less. He said that Albemarle already has a broadband authority and has a good idea of the census tracts where broadband is currently not operational or where there is one single provider, so they are well positioned to take advantage of this. Mr. Randolph stated that it would require the Board to provide the seed money at 25-33%, because the grants are going to be matching.

Mr. Gallaway commented that it is important for the state to fund its full share of standards of quality (SOQ) requirements. In 2015, JLARC issued a study that showed Virginia was spending average on public education -- but localities were paying above average, with the southeast paying even more than the request of the southeast region. He said that the July/August issue of "Virginia Town and City" contained an article from Mr. Jim Reginald entitled, "Providing Educational Opportunity for Low Income Children," which addressed money targeted for SOQs and educational divisions. Mr. Gallaway commented that there has been progress made over the last few years, but since 2008 the needle could be moved to allow localities to reassign funding for other areas.

Senator Deeds stated that there has been a lot of press about the surplus and how big it might be, with Medicaid not forecast properly in the past year and more revenue projections made before the budget becomes finalized. He said that the state is not at 2008 levels of investment and he hopes they can cover some of the ground lost.

Senator Deeds also noted that he has been on a quest to fix the mental health system, including funding community service boards. He explained that he has asked JLARC to come up with a formula for funding CSBs, which would likely affect localities -- which do not always fund the CSBs adequately. He noted that currently, state law requires a 10% match but allows localities to opt out and claim hardship, which is often granted when requested. Senator Deeds said that it would not likely happen this session but would be addressed for the long haul, with more information from JLARC expected by the spring.

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### Agenda Item No. 3. Albemarle County Legislative Priorities.

Mr. Kamptner presented slides reflecting the Board's four requested legislative initiatives and the process by which the County got there. He noted that Albemarle is a bit late this year -- with adoption of the final package at their November 7 meeting. He stated that he and Mr. Blount have reached out to legislators to garner interest in carrying the bills, the first one being **Location of General District Courts**. He said that he and Mr. Blount met with Delegate Toscano and Delegate Bell in early October, and that legislation has been pre-filed. Mr. Kamptner noted that Mr. Blount has been working with Delegate Matt Farris with respect to **Mailing Notices of Zoning Violation**, which has also been pre-filed. He said the **Public Safety** legislation was a County initiative last year as well, and both the City and County are asking for that enabling authority again -- with a bill pre-filed in the House for the City of Roanoke. He

stated that **War Memorials and Monuments** legislation was a late addition, added to the Board's initiatives at the November 7 meeting.

Ms. Palmer asked if the deadline has been missed for the last two. Senator Deeds responded that December 3 was the deadline to request bills drafted, and legislators need more notice for meetings.

Ms. Judy Wyatt stated that with the short session, each side has limits as to how many bills could be carried -- with the House having 15 and Delegate Landes having drafted many more than that, which has to be pared down. Ms. Wyatt said that after the pre-file date, they would have no slots available.

Mr. Blount commented that there is already another bill with the weapons prohibition and more anticipated. Senator Deeds stated that those bills introduced last year and will be introduced this year.

Ms. Dittmar asked about the notice of zoning violation filings. Mr. Blount replied that he already gotten the request in on the House and Senate side.

Senator Deeds noted that this would undo some legislation passed a year or two ago, and VACO needs to be involved in the process -- because had they been involved in the first place, the initial bill would not have passed.

Mr. Blount clarified that what they were trying to do was totally unrelated; certified versus registered mail was not the issue. He said that somehow other language got included, and the patron of the previous bill indicated that he did not have a problem with the additional wording.

Ms. McKeel stated that two weeks is not enough time, and asked Senator Deeds when they should be meeting. Senator Deeds responded that August or September would probably ideal, noting that they met with the School Board in October. He added that the Board should call their legislators' offices and see what is best.

Ms. Dittmar noted that this is the first legislative meeting that Delegate Toscano missed.

Ms. Wyatt commented that Delegate Landes had to work and was not able to attend.

Ms. McKeel clarified that August or September seems to be ideal, based on what Senator Deeds said.

Ms. Mallek said that it is always a scramble to see who else is putting in similar legislation.

Ms. Dittmar stated that Delegate Farris has signed onto the mailing notice.

Mr. Blount asked if the draft request has been put in, as he does not know if this needs to be on both the House and Senate sides. Senator Deeds commented that another reason to do it early is because everyone has the same problem in terms of having more bills than can be introduced. He stated that he represents 16 localities including towns.

Mr. Kamptner stated that the Board's key legislative initiative pertains to the courts. The agreement was just been entered into on December 3, with the Board and City Council approving a Memorandum of Agreement to keep the courts in their current location.

Mr. Randolph suggested that they think about the strategy for the short session, as the goal is to put the marker out there and think about effective implementation the following year. He stated that for the Board to be more adept and claim the legislative bill introduction and consensus building, they need to be more aware of time limitations in addressing priorities -- keeping in mind short session versus long session parameters.

Mr. Kamptner referenced a map presented to the Board that shows the situation the County deals with related to Court Square, with unincorporated property owned by the County. He explained that relocation of the General District Court would be from the current building across the street into the City onto a property that currently contains the Levy Opera House, which would be demolished and replaced with a three-story General District Court building. Mr. Kamptner said the City would have a General District Court set, the County would have two completed and one shell on the new property. He noted that the City and County jointly owns what is known as the Levy property, but just a minor move falls within some legislative gaps.

Senator Deeds noted that Delegate Toscano and Delegate Bell already have pertinent legislation drafted.

Mr. Kamptner explained that the property is jointly held and state law requires that the County or City hold the land and improvements in fee, and it is unclear whether that could be jointly held property. He noted that the other issue is that State Code §16.1-69.35 gives the authority to the Chief Judge of the General District Court to determine where in addition to the County seat that court could be held -- so if the County seat is within their portion of Court Square, there is no assurance that a Chief Judge would allow General District Court to be held across the street on the Levy property. He explained that the two statutes are proposed for amendment to address the situation. During his review, he found two other statutes that deal with jurisdiction in civil and criminal cases that may also need to be revised -- which he

included as part of draft legislation to Delegates Bell and Toscano and were submitted to Legislative Services.

Mr. Kamptner said that in amending Virginia Code §15.2-2311.A, the law in 2017 allowed registered or certified mail to be used to serve a notice of violation. The 2017 amendment deleted the ability to use certified mail, which serves the same purpose as registered mail but is far less expensive. He noted that the new legislation would simply correct the inadvertent 2017 error.

Mr. Kamptner reported that legislation pertaining to carrying specified loaded weapons was a priority for the Board in 2017. Under current law there were eight cities and five counties that have the authority to make it unlawful for a person to carry specified semi-automatic weapons and shotguns in public areas. He noted that the types of weapons regulated under the enabling authority are semi-automatic center-fire rifles or pistols equipped at the time of the offense with a magazine that would hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a holding stock, and shotguns with magazines that would hold more than seven rounds. Mr. Kamptner stated that both the Board and City Council are requesting this. There is a bill pre-filed again this year.

Senator Deeds pointed out that the bill was killed on both the House and Senate sides last year, so he and other legislators are trying to bring it back up again. He stated that he carried this bill and one other that would allow localities to prohibit firearms -- but that bill did not get much discussion, whereas the newer one narrower in scope did.

Mr. Randolph mentioned that 20 rounds is a full magazine, which could be fired in less than three seconds.

Mr. Thomas Sikes, an audience member, asked what a "silencer" is, as the term has been replaced by "noise suppressor," and how the legislation would impact concealed carry. Ms. Mallek responded that those items would be addressed momentarily.

Mr. Kamptner stated that the fourth initiative is related to war memorials, explaining that the County's war memorial is located in front of Circuit Court -- with petitions circulating that support its removal and those that support its retention. He said that the petition supporting its removal was presented to the Board at its November 7 meeting, and the legislation was also supported by the City.

Ms. Dittmar clarified that Delegate Toscano carried the bill in the last session and pre-filed it, but it never made it out of committee -- nor did a myriad of similar bills that other legislators filed -- but he is carrying it again this year.

Mr. Kamptner noted that Delegate Toscano's bill was passed in subcommittee 6:2; Senator Jennifer Wexton's bill was passed indefinitely in committee 7:6, which was just a one-line amendment that was rather broad. He said that the one thing about this one that distinguishes it from the bill the previous session is related to providing context for the statutes. Mr. Kamptner said his research in looking at the definitions of "contextualize," "interfere," and "disturb," in the existing statute, which prohibit localities and people from interfering or disturbing the war memorials or monuments, seem to be that as long as contextualization does not interfere or disturb under existing law, a locality has that ability. He said there was also concern about making sure that is clarified in state law and declaratory of existing law, and the County's approach would need not disturb or interfere with the monument. Mr. Kamptner stated that there are several other statutes that refer back to Code § 15.2-1812, with one being Code § 1812.1, which impose civil liability -- and the City is dealing with that with their litigation. He noted that Code § 18.2-137 impose criminal liability for violating the statute. He said that the Board's underlying rationale in seeking enabling authority is to give local control over the war memorials and monuments that are located on the County's property.

Ms. Palmer asked for confirmation that there is nothing going through the current legislative session to address contextualization. Ms. Dittmar responded that drafts could be amended when they come back, so there is still time to do that.

Mr. Kamptner noted that Delegate Toscano's bill in the last session did include contextualization, with the one tweak now making it declaratory of existing law.

Mr. Randolph commented that the first verb last year was "remove," which was a red flag for some people reading it. Mr. Kamptner responded that the priority has been stated in the order of retention, relocation, removal, and contextualization.

Mr. Kamptner said that the TJPDC and Board also supports the impact fee legislation, which last year was SB944 and SB208, targeting grants for businesses that pay higher wages. Mr. Blount commented that that was from the JLARC report.

Mr. Gallaway clarified that the JLARC study that came out in July on workforce on small business incentives was a good document, scrutinized by the Economic Development Office, which supports some of the recommendations coming out of that report. He said that this seems to take some of the monies that are not as highly effective and combining them with ones that are effective, and they may also want to consider what tools other states use to incentivize businesses.

Mr. Kamptner stated that there is also legislation introduced that prohibits disposable plastic bags, straws, and bottles -- and Mr. Blount indicated that there would be legislation forthcoming, with a bill from last year also pre-filed this year as SB193 that would give localities that authority. He said that there is also a bill to reduce the cap on net energy metering. Currently under state law there is a cap of 1%, with Mr. Blount indicating that there is solar energy legislation coming in.

Mr. Blount stated that there is a coalition of people in the Northern Virginia area that is pursuing efforts with various stakeholders.

Ms. Mallek said that one aspect of that is to be able to generate solar power at the landfill and use it in public buildings, in addition to just using it onsite.

Mr. Kamptner stated that there is legislation related to funding the regional library system. The Director of the Jefferson-Madison Regional Library spoke with County departments a few months ago and requested support for full funding under the structure that existed for regional libraries under Code § 42.1-48. He said that the formula indicated that JMRL has been underfunded for years. In FY2019, JMRL was going to receive \$633,295 under the state formula -- which is \$469,393 less than what the formula called for under the Director's calculations. Mr. Kamptner stated that the funding levels has improved as the state emerged from the recession, but there is still a deficit. He said that JMRL uses that funding to purchase books and DVDs, so any funding gap would mean that the library would go to localities instead of the regional library system funding. He also noted that Mr. Blount has already spoken with counties and planning districts for increased funding through the telecommunications initiative.

Ms. Mallek asked if the courts legislation was only for this region or if it was a general approach that could just be standard. Mr. Kamptner responded that the language is written to address the local situation but is not specific -- so other localities with a similar arrangement could use it. He stated that the draft legislation shared with Delegates Bell and Toscano refers to the General District Court being on property just across the street, so it is narrow in its scope and effect. Mr. Kamptner said that he does not know what the circumstances are in other localities. In the research the County did a few years earlier, it was found that other localities have moved court facilities around without fully recognizing the limitations under state law.

Mr. Sikes reiterated his previous question, noting that a second issue is that a lot of people in the area have concealed carry permits and went through that process -- so he wonders how that would affect them. Senator Deeds responded that if the law prohibits carrying guns, it would not matter whether you have a concealed carry permit.

Ms. Mallek clarified that it would pertain only to those issues covered in the specific legislation.

Senator Deeds commented that he has not gotten the new legislation back yet and does not know about the silencer/noise suppressor issue -- and those semantic-type things are usually caught in drafting, but he would look into it.

Mr. Sikes said that he could not carry a concealed weapon into the County Office Building, but he could do that in a public space. Senator Deeds stated that the ordinance would override that.

Mr. Sikes asked if it would override the Second Amendment. Senator Deeds responded that it would not.

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#### Agenda Item No. 4. Legislators' Priorities/ Discussion.

Ms. Judy Wyatt apologized for Delegate Landes not being able to attend the meeting in person. She said that Delegate Landes is Chairman of the House Education Committee so it is natural that he had a lot of education-related measures drafted. She said that he has not seen everything that has been drafted yet out of the 15 items, but he did have a few higher education initiatives and Virginia 529, to make that better for parents. She stated that there is an early childhood success act underway in partnership with Kathy Glaser's foundation, but that draft has not been finalized yet. There is also an educational improvement scholarship fund. Ms. Wyatt added that there is also something related to the SOLs and verified credits. She said that Delegate Landes has also introduced HB1615, which looks at moving the primary date from the second to third Tuesday in June.

Ms. Mallek said she had heard they were going to move it into September, which she found incredible.

Ms. Wyatt clarified that HB1611 pertaining to the 529 legislation has also been introduced. Delegate Landes is working to reintroduce the bill for absentee voting for overseas veterans, possibly turning it into more of a study or pilot program.

Ms. McKeel said she was reminded that the County schools are about \$600+ per student behind in funding from where they were in 2007, which shows how much Albemarle is lagging -- and the number is not inflation adjusted so it could be much higher.

Mr. Gallaway stated that it could be funding or specific things they could go in and target, as funding tends to draw competing interests but specific items might generate broader support, and Jim Reginald's article talks about initiatives such as targeting low-income students. He said that if Albemarle

only staffed at the SOQ level, there would not be a complete school of educators and they would be missing things such as special education needs, physical education needs, fine arts needs, libraries, counselors, etc. Mr. Gallaway stated that in looking at high performing, average performing, or even low performing school divisions, there could not be proper education of children with just SOQ funding.

Ms. Wyatt commented that Delegate Landes is also looking at funding for school counselors, confirming that it is part of the 24 recommendations on school safety.

Ms. Mallek asked if there was a reintroduction of revenue-sharing legislation to try to reclaim the first line, which had been removed last year. Ms. Wyatt responded that she did not think so.

Ms. Jane Dittmar stated that Delegate Toscano had held many meetings this year to get a handle on the high cost of premiums in the area. He has also pre-filed something on "no excuse" early voting. She said that Delegate Toscano has done something almost every year on renewable energy, with a solar bill introduced for agribusiness to be able to bypass net metering. Delegate Toscano was able to get a study bill passed last year on solar storage. She noted that the study is being paid for by the state, with an interim report in the spring and a final report in September -- early enough to see what legislation could support it. Ms. Dittmar stated that Delegate Toscano believes this bill is key in pushing ahead renewables.

Ms. Dittmar reported that Delegate Toscano introduced a bill in the previous session that failed, which would have allowed localities to decide whether guns could be used at permitted events. She stated that the Attorney General's office liked the bill and studied it, pre-filing it this session. Ms. Dittmar said that Delegate Toscano has pre-filed 24 bills but is only allowed 15, so he has to cull that down. The deadline for the Division of Legislative Services is December 28 -- with a filing deadline of January 8, 2019.

Ms. Jordan Hargrave reported that Delegate Bell has about 40 pending matters and has not committed to many of them yet and is waiting for those drafts. Delegate Bells serves on the Crime Commission, SJ47, and the School Safety Committee. She said that Delegate Bell has pre-filed the General District Court bill but has not yet committed to carrying it because of other priorities.

Senator Creigh Deeds said the best time to talk to a legislator about an idea is not during the session, and generally the earlier the better. He suggested that talking to him in May or June is better. At this point, there is not much they can do. He reported that December 3 is the deadline for filing, with drafts returned December 28 and pre-filing no later than January 7. He stated that one of his top priorities is mental health. He added that they will be meeting this afternoon to try to iron out specific proposals for the year. He said he has requested seven or eight broad drafts to try to cover ideas, and the Commission has to complete its work by next year. Senator Deeds stated that they need a better structure and funding mechanism, and he ultimately wants to create a system with the 40 CSBs and 10 hospitals.

Senator Deeds said that he and Delegate Toscano have submitted five or six drafts that are aimed generally at preventing what happened in Charlottesville related to healthcare, and they want to make sure the Bureau of Insurance has the tools it needs to prevent that from happening. He said that he wants to make sure that the State Corporation Commission order refunds, similar to what utility companies do when there is overpayment due to excess profits such as Optima's.

Senator Deeds stated that there has been a lot of discussion about changing the electoral system, and he has introduced constitutional amendments on redistricting reform for about 15 years -- with momentum finally in place this year. He said that some people like the idea of an independent arbiter who sit outside of the legislative process, and as long as legislators are the ones drawing the lines for districts there would be some bias. Senator Deeds mentioned that one issue they have to deal with is the surplus and what to do with that surplus. He stated that there is an issue with conformity with federal tax law, so they need to start there and then see what they could do with what is left. He said that I-81 drives the economy and is the "NAFTA highway," carrying more truck traffic than any other road in the state -- with the Commonwealth Transportation Board commissioning studies that would reveal what is already known, that there are huge needs that cannot be afforded without another way to fund them.

Ms. Wyatt stated that Delegate Landes has several bills drafted pertaining to I-81.

Senator Deeds responded that he is eager to see those, noting that Senator Emmett Hangar had a bill last year to create a special funding mechanism for road funding. In 2013 they created a balkanization of the state by allowing Northern Virginia and Hampton Roads to raise their own money. He stated that the rest of the state has only enough for maintenance and is now in a situation of needing \$2 to \$4 billion over the next 20 years just to fix I-81 -- covering 320 miles between Bristol and Winchester and not funding things like new lanes. He said that they would have to raise that funding in the I-81 corridor, which would consume a lot of political capital. Senator Deeds commented that what happens in Northern Virginia and Hampton is important to the rest of the state -- but the reverse is also true.

Mr. Dill asked if there is a respected nonpartisan group that could analyze redistricting, as this tends to be confusing. Senator Deeds responded that there are 17 or 18 states that have some form of nonpartisan redistricting, with New Jersey addressing it outside of the legislative process and Iowa having final approval coming back to the legislature. He said there are groups in Virginia that are interested in this that have done a lot of work, but he does not know who they would use outside of the state for it.

Ms. Palmer commented that his balkanization comment brought to mind what happens in communities on education when they depend increasingly on property taxes to fund it and less from the state, as they end up with school districts that are wealthier and better funded. Senator Deeds commented that he does not know how that can be changed. He added that they need to incentivize people where possible and have the state provide adequate funding for the schools, noting that Virginia localities spent \$130 million on mental health funding -- with Fairfax County spending about \$120 million. He emphasized that the state wants to continue to incentivize localities like that but also wants other localities and the state to step up.

Ms. Palmer stated that truck drivers seem to try to save time by using rural roads, which make it difficult for locals but also challenges the drivers because the roads are often difficult to navigate. She said that Google Maps and similar apps do not list road restrictions and problems. She added that she downloaded three trucker apps to her phone -- and none of them said that tractor trailers could not make the turn she was questioning. Ms. Palmer noted that VDOT has said they cannot get in touch with Google Maps and she wondered if the state could help. Senator Deeds responded that he is not sure if the state could help, and VDOT people only use the WAZE app which is the best for paths. He stated that there was an idea for I-81 for trucks-only tolls, which would push them onto Route 11, Route 220, and Route 29, and he does not think that is a good idea.

Ms. Palmer said that obviously the County would be against that, adding that policemen are stopping tractor-trailer drivers who are going by the apps.

Senator Deeds commented that trucks get hung up on a stretch of Route 220 South between Hot Springs and Clifton Forge, and now there is a prohibition on a portion of that road -- but they are still using it.

Ms. Palmer said it seems that the trucking industry would be trying to do something about this because it would be better for their drivers not to get hung up for three or four hours.

Mr. Randolph stated that Albemarle County has ended up with \$5 million out of Dominion's environmental mitigation funds but no state money, and he would like for the state to keep that in mind and allow \$15 million for Biscuit Run to become a regional park -- which it was designed to be from the outset.

Senator Deeds asked if they have had any luck with other localities wanting to be involved. Mr. Randolph responded that they have declined because Nelson and Fluvanna have other parks to prioritize, and the City of Charlottesville has other priorities.

Mr. Gallaway introduced Mr. Cory Collinson, a student at PVCC, who spent eight years in the marines and is now pursuing a degree in business and possibly transferring to UVA.

Ms. Jordan Hargrave commented that there is seniority in the off years with the 15-bill limit, and she encouraged the County to submit ideas as early as possible.

Mr. Blount clarified that the Vice-Chair of Appropriations, Chair of House Education, Chair of Courts, and the Minority Leader are all local legislators, and good, strong representatives.

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**Recess.** At 10:27 a.m., the Board recessed and reconvened at 10:39 a.m.

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Agenda Item No. 5. Closed Meeting.

At 10:39 a.m., Mr. Gallaway **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- under Subsection (1), to discuss and conduct the annual performance review of the County Executive; and
- under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation between the Board and Global Signal Acquisitions, where the consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County and the Board, and
- under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to an existing wireless facility.

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

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

**(Note:** Mr. Randolph left during the Closed Meeting session.)

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Agenda Item No. 6. Certify Closed Meeting.

At 12:44 p.m., the Board reconvened into open meeting. Mr. Gallaway **moved** that the Board certify by a recorded vote that, to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Randolph.

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Agenda Item No. 7. Adjourn.

At 12:45 p.m., with no further business to come before the Board, Ms. Mallek adjourned the meeting.

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Chairman

Approved by Board
Date 02/06/2019
Initials CKB