

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 9, 2019, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

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: Deputy County Executive, Doug Walker, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m., by Mr. Walker.

Agenda Item No. 4. Election of Chair.

Mr. Walker explained that his role was to facilitate the nominations for election of a Chair. He then opened the floor for Chair of the Albemarle County Board of Supervisors for 2019.

Ms. Mallek **moved** to nominate Mr. Ned Gallaway for Chair for Calendar Year 2019. The nomination was **seconded** by Ms. McKeel.

There were no other nominations.

Mr. Randolph **moved** that nominations be closed. Mr. Walker closed the nominations.

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

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

Mr. Gallaway then assumed the role of Chair.

Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

Agenda Item No. 5. Election of Vice-Chair.

Mr. Gallaway thanked the Board for the opportunity to serve as Chair and said he looks forward to working with them in the New Year.

Mr. Gallaway opened the floor for nominations for Vice-Chair.

Ms. McKeel **moved** to nominate Mr. Rick Randolph for Vice-Chair for Calendar Year 2019. The nomination was **seconded** by Ms. Mallek.

As there were no further nominations, Mr. Gallaway closed the nominations.

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.
ABSTAIN: Mr. Randolph.

Agenda Item No. 6. Board 2019 Calendar - Set Meeting Times, Dates and Places for Calendar Year 2019.

Ms. Palmer announced that she would vote against the proposed meeting schedule, as she would have preferred to have more discussion prior to taking a vote. She questioned why they were losing an hour and starting meetings at 2:00 p.m. instead of 1:00 p.m., as members expressed concern about meetings running late into the evening.

Ms. Mallek recalled that they discussed the potential of moving the second meeting to 2:00 p.m. She said it would be fine with her to begin meetings at 1:00 p.m.

Ms. Palmer remarked that if they were to begin meetings an hour earlier, they might not have to utilize a third day as often for an additional meeting.

Mr. Walker noted that the intent was to have a consistent start time and to recognize the importance of the evening session for public hearings and certain items that would require more public involvement.

Ms. Palmer remarked that by starting meetings at 1:00 p.m., they would have more time for work sessions and might not have to use the third Wednesday of the month for work sessions as often.

Ms. McKeel expressed support for beginning both meetings at 2:00 p.m., as a shortened meeting was good for staff.

Ms. Palmer said that she was also thinking about staff when meetings go late into the night.

Ms. McKeel expressed hope that they could shorten the meeting by placing more items on the Consent Agenda.

Ms. Palmer said her suggestion for starting both meetings at 1:00 p.m., was in the hope that they could do more work, including work sessions, during the day and not go late into the night.

Ms. McKeel said she has no problem with the start time as long as both start at the same time.

Mr. Dill speculated that some meetings could be over by 5:00 p.m. and asked if they would take a break before the evening session. Ms. Palmer responded that the evening portion would still begin at 6:00 p.m. for public hearings. She said her understanding was that the additional Wednesday meetings, if needed, would be in the afternoon.

Mr. Dill remarked that a 1:00 p.m. start time for all meetings was most convenient for him.

Mr. Gallaway asked if there was any opposition to a 1:00 p.m. start time. Mr. Randolph noted that the Board reserves the right to change the time if it was not workable. He added that he supports the proposed start time of 1:00 p.m.

Ms. McKeel **moved** that the Board set the following schedule for meeting times, dates and places for Calendar Year 2019: first Wednesday of the month - 1:00 p.m., and the third Wednesday of the month - 1:00 p.m., with said meetings to be held in the County Office Building on McIntire Road; and the meeting dates for January 2020 as January 8 – 1:00 p.m., and January 15 – 1:00 p.m. The motion was **seconded** by Ms. Palmer.

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

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

NAYS: None.

Agenda Item No. 7. Adoption of Rules of Procedures.

Agenda Item No. 8. Adoption of Policies.

Mr. Kamptner stated that the Board's Rules of Procedures, and Board Policies as recommended in the Board's agenda packet are the same as those adopted last year. He said there was one typographical error in Section 5a, the reference to Rule 6b which should be Rule 5b. He added that he sent the Board some proposed revisions, has received responses from three Supervisors, and suggests another week or two for other Supervisors to respond. Should a Supervisor wish to change a rule, they are required to provide a notice of intention to amend the rules, and if this were the case, they could come back in February or March. Ms. Borgersen responded that it could be added to the February agenda.

Ms. Mallek **moved** that the Board adopt the Albemarle County Board of Supervisors Rules of Procedures and Albemarle County Board of Supervisors Policies until such future time as they are changed. The motion was **seconded** by Ms. McKeel.

Ms. Palmer asked Mr. Kamptner for confirmation that he would like Supervisors to submit comments to him rather than hold a public discussion. Mr. Kamptner responded that she was free to discuss this publicly, though he would like to give Supervisors the chance to read the comments of other Supervisors rather than have to do this spontaneously. He added that there would be a public discussion of the matter.

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

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

NAYS: None.

Ms. McKeel asked for consensus from the Board to review its Boards and Commissions application form, as she believes it needs to be updated and modernized. She noted that some questions are often not completed and thinks that certain responses should be required.

Mr. Gallaway commented that they have a public policy student who was working on the entire process and could consider this as well.

Board members concurred with reviewing its Boards and Commissions application.

**Albemarle County
Board of Supervisors**

Rules of Procedure

Adopted January 9, 2019

**Rules of Procedure
of the
Albemarle County Board of Supervisors**

1. Purpose

- A. General.** The purpose of these Rules of Procedure (the Rules) is to facilitate the timely, efficient, and orderly conduct of public meetings and decision-making, and they are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors (the Board).
- B. Rules Do Not Create Substantive Rights in Others.** The Rules do not create substantive rights in third parties or participants in matters before the Board.
- C. Compliance with These Rules.** The Rules that are parliamentary in nature are procedural, and not jurisdictional, and the failure of the Board to strictly comply with the procedural rules shall not invalidate any action of the Board. The Rules that implement the requirements of State law are jurisdictional only to the extent that Virginia law makes them so.

2. Board Members

- A. Equal Status.** Except for the additional responsibilities of the Chair provided in Rule 3(A), all Board members have equal rights, responsibilities, and authority.
- B. Decorum.** Members will act in a collegial manner and will cooperate and assist in preserving the decorum and order of the meetings.

3. Officers and Their Terms of Office

- A. Chair.** When present, the Chair shall preside at all Board meetings during the year for which elected. The Chair shall have a vote but no veto. (Virginia Code §§ 15.2-1422 and 15.2-1423). The Chair shall also be the head official for all of the Board's official functions and for ceremonial purposes.
- B. Vice-Chair.** If the Chair is absent from a Board meeting, the Vice-Chair, if present, shall preside at the meeting. The Vice-Chair shall also discharge the duties of the Chair during the Chair's absence or disability. (Virginia Code § 15.2-1422)
- B. Acting Chair in Absence of Chair and Vice-Chair.** If the Chair and Vice Chair are absent from any meeting, a present Board member shall be chosen to act as Chair.
- C. Term of Office.** The Chair and Vice-Chair shall be elected for one-year terms, but either or both may be re-elected for one or more additional terms. (Virginia Code § 15.2-1422)
- D. References to the Chair.** All references in these Rules to the *Chair* include the Vice-Chair or any other Board member when the Vice-Chair or the other member is acting as the Chair.

4. Meetings

- A. Annual Meeting.** The *Annual Meeting* is the first meeting in January held after the newly elected members of the Board qualify for the office by taking the oath and meeting any other requirements of State law, and the first meeting held in January of each succeeding year. At the Annual Meeting, the Board shall:
 - 1. Elect Officers.** Elect a Chair and a Vice-Chair.
 - 2. Designate Clerks.** Designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board, who shall have the duties stated in Virginia Code § 15.2-1539 and any additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)
 - 3. Establish Schedule for Regular Meetings.** Establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code § 15.2-1416)

4. **Establish Dates for Hearings on Zoning Text Amendments.** Establish the days on which public hearings may be held on citizen-initiated zoning text amendments.
 5. **Adopt Rules and Policies.** Adopt Rules of Procedure and Board Policies that will apply in the calendar year, subject to amendment under Rule 12.
- B. Regular Meetings.** *Regular Meetings* are those established at the Annual Meeting to occur at specified days, times, and places.
1. **Regular Meeting Falling on a Holiday.** If any day established as a Regular Meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)
 2. **Adjourning a Regular Meeting.** A regular meeting, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416) If a quorum was not established or was lost during the meeting, the Board members present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).
 3. **Continuing a Regular Meeting When Weather and Other Conditions Create Hazard.** If the Chair finds and declares that weather or other conditions are hazardous for Board members to attend a regular meeting, the meeting shall be continued to the next regular meeting date. The Chair's finding shall be communicated to the other Board members and to the general news media as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code § 15.2-1416)
 4. **Establishing Different Day, Time, and Place of Regular Meeting.** After the Annual Meeting, the Board may establish different days, times, or places for Regular Meetings by passing a resolution to that effect in accord with Virginia Code § 15.2-1416.
- C. Special Meetings.** The Board may hold special meetings as it deems necessary at times and places that it deems convenient.
1. **Calling and Requesting a Special Meeting.** A special meeting shall be held when called by the Chair or requested by two or more Board members. The call or request shall be made to the Clerk and shall specify the matters to be considered at the meeting.
 2. **Duty of Clerk to Provide Notice.** Upon receipt of a call or request, the Clerk, after consultation with the Chair, shall immediately notify each Board member, the County Executive, and the County Attorney. The notice shall be in writing and delivered to the person or to his place of residence or business, or if requested by a Board member, by email or facsimile. The notice shall state the time and place of the meeting and shall specify the matters to be considered. The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code § 15.2-1418) The Clerk shall also notify the general news media of the time and place of the special meeting and the matters to be considered.
 3. **Matters That May Be Considered.** Only those matters specified in the notice shall be considered at a special meeting unless all Board members are present.
 4. **Adjourning a Special Meeting.** A special meeting may be adjourned from time to time as the Board finds necessary and convenient. (Virginia Code § 15.2-1417) If a quorum was not established or was lost during the meeting, the Board members present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).
- 5. Order of Business for Regular Meetings**
- A. Establishing the Agenda.** The Clerk of the Board shall establish the agenda for all meetings in consultation with the County Executive and the Chair. The County Executive and Clerk shall review the agenda with the Chair and Vice Chair prior to the meeting. The Clerk shall set the order of business as provided in Rule 5(B), provided that the Clerk may modify the order of business to facilitate the business of the Board. The draft agenda shall be provided to the Board 6 days prior to the regular meeting date.
1. **Resolutions Proposed by Board Members.** Resolutions may be proposed by a Board member requesting the Board to take a position on an issue of importance to the Board. A Board member requesting the Board to adopt a resolution should

give notice of the intent to request action on the resolution on a specified meeting date and submit a draft of the proposed resolution. The Clerk will distribute the draft resolution with background information, if available, to all Board members. Board members may submit proposed changes to the proposed resolution to the Clerk in a redline format. The Clerk shall forward all comments received from Board members to the Board. The Board member requesting the resolution will then coordinate with the Clerk to prepare a resolution for consideration by the Board. The Clerk shall poll the Board members to determine if a majority of the Board members support adding the resolution to the agenda for consideration. If a majority of the Board members indicate support for considering the resolution, the resolution will be added to the proposed final agenda. If all Board members indicate support for the resolution, the resolution may be placed on the proposed consent agenda unless any member requests otherwise.

2. **Other Items Proposed To Be Added to the Clerk's Draft Agenda by Board Members.** Any Board member may propose to add items, other than Resolutions subject to Rule 5(A)(1), to the Clerk's draft agenda for action if notice of that item has been given in writing or by email to all Board members, the Clerk, and the County Executive by 5:00 p.m. 2 days before the date of the meeting or upon the unanimous consent of all Board members present. Any item that has been timely proposed and properly noticed shall be added to the end of the agenda for discussion or action unless a majority of the Board members present agree to consider the item earlier on the agenda.
3. **Proclamations and Recognitions Proposed by Citizens.** A request by a citizen to place a proclamation or recognition on the agenda must be made at least 4 weeks in advance of the meeting date. The request to advance a proclamation or recognition shall be submitted to the Clerk. If the request is made to a Board member, the person making the request will be directed to make the request to the Clerk. The Clerk will advise the person making the request of the process and submittal requirements. Upon submittal of the request, the Clerk will review the submittal for completeness and forward it to Board members for review. The Clerk shall poll Board members to determine if a majority of the Board supports adding the proclamation or recognition to the agenda. The Clerk will advise the person requesting the proclamation or recognition whether the proclamation or recognition will be considered by the Board.
4. **Public Hearings for Zoning Map Amendments; Prerequisites.** Public hearings for zoning map amendments are subject to the following rules in order for the item to be placed on the agenda and heard by the Board:
 - a. **Public Hearing Should Not Be Advertised Until Final Documents Received.** The Board's preference is that a public hearing for a zoning map amendment should not be advertised until all of the final documents for a zoning application have been received by the County and are available for public review. To satisfy this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than 2 business days prior to the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks' advance notice of the deadline.
 - b. **Effect of Failure to Timely Receive Final Documents.** If the County does not timely receive the required final documents, the public hearing shall not be advertised and the matter shall not be placed on the agenda unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If the matter is not advertised, a new public hearing date will be scheduled.
 - c. **Receipt of Final Signed Proffers.** Final signed proffers shall be submitted to the County no later than 9 calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Board members at the public hearing.
5. **Public Hearings; Zoning Map Amendments; Deferral at Applicant's Request.** Zoning map amendments advertised for public hearing shall be on the agenda for public hearing on the advertised date, provided that an applicant may request a deferral as follows:
 - a. **First Request Received Prior to Noon on the Wednesday of the Week Before the Public Hearing; Approval by Clerk; Matter Removed from Agenda.** If an applicant submits its first signed written

deferral request and it is received by the Clerk no later than noon on the Wednesday of the week prior to the scheduled public hearing, the Clerk will administratively grant the request and remove the matter from the Agenda. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. The staff also will make every effort to alert the public when a deferral is granted.

- b. Subsequent Request or Request Received Later Than Noon on the Wednesday of the Week Before the Public Hearing; Matter Remains on Agenda.** Any subsequent request for deferral for the same application previously deferred, or any request received by the Clerk later than noon on the Wednesday of the week prior to the scheduled public hearing, will be granted only at the discretion of the Board by a majority vote of those Board members present and voting. In considering whether to grant the deferral, the Board shall consider whether the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff also will make every effort to alert the public when a deferral is granted.

- B. Order of Business at Regular Meetings.** At regular meetings of the Board, the order of business shall generally be as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of the Final Agenda.
5. Brief Announcements by Board Members.
6. Proclamations and Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.
8. Consent Agenda.
9. General Business.
10. From the Board: Committee Reports and Matters Not Listed on the Agenda.
11. From the County Executive: Report on Matters Not Listed on the Agenda.
12. Adjourn.

- C. Closed Meetings.** A closed meeting may be held at any point on the agenda, as necessary. Generally, a closed meeting will be scheduled either at the midpoint of the agenda or at the end of the agenda prior to adjournment.

6. Rules Applicable to the Items of Business on the Agenda

- A. Adoption of the Final Agenda.** *Adoption of the Final Agenda* is the first order of business for a regular meeting of the Board. The Board may modify the order of business as part of its adoption of the final agenda. The final agenda shall be adopted by a majority vote of the Board members present and voting. No matter for action not included on the final agenda shall be considered at that meeting.
- B. Brief Announcements by Board Members.** *Brief Announcements by Board Members* are announcements of special events or other items of interest that are not considered committee reports and are not otherwise on the meeting agenda.
- C. Proclamations and Recognitions.** *Proclamations* are ceremonial documents or recognitions adopted by the Board to draw public awareness to a day, week, or month to recognize events, arts and cultural celebrations, or special occasions. *Recognitions* are ceremonial acknowledgements by the Board of a person for service or achievement.
- D. From the Public: Matters Not Listed for Public Hearing on the Agenda.** *From the Public: Matters Not Listed for Public Hearing on the Agenda* allows any member of the public to speak on any topic of public interest that is not on the agenda for a public hearing at that meeting. The following rules apply:
1. **Time.** Each speaker may speak for up to 3 minutes, provided that if the anticipated number of speakers may exceed 10, or for other reasons related to the Board efficiently conducting its business, the Chair may reduce the amount of time allowed for each speaker to speak to 2 minutes.
 2. **Place.** Each speaker shall speak from the podium.
 3. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker shall comply with Rules 6(D)(1) and 6(D)(2), shall address the Board and not the audience, and shall not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation.
- E. Consent Agenda.** The *Consent Agenda* shall be used for matters that do not require

discussion or comment and are anticipated to have the unanimous approval of the Board.

1. **Questions to Staff.** Board members should ask the County Executive or the staff member identified in the executive summary any questions regarding a Consent Agenda item prior to the Board meeting.
2. **Discussion and Comment.** There shall be no discussion or comment on Consent Agenda items at the Board meeting.
3. **Removing Item from Consent Agenda.** Any Board member may remove an item from the Consent Agenda. Any item removed from the Consent Agenda shall be moved to a specific time or to the end of the meeting agenda for further discussion or action. An item requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.
4. **Effect of Approval of Consent Agenda.** A motion to approve the Consent Agenda shall approve Consent Agenda items identified for action and accept Consent Agenda items identified for information.

F. **General Business.** *General Business* includes public hearings, work sessions, appointments, and other actions, discussions, and presentations.

1. **Public Hearings.** The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of the matter. The procedures for receiving a presentation from the applicant and comments from members of the public shall be at the discretion of the Board. However, unless otherwise decided, the following rules apply:
 - a. **Time.** The applicant shall be permitted up to 10 minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted to make 1 appearance for that public hearing and speak for up to 3 minutes on the matter, provided that if the anticipated number of speakers may exceed 10, the Chair may reduce the amount of time allowed for each speaker to speak to 2 minutes. Following comments by members of the public, the applicant shall be permitted up to 5 minutes for a rebuttal presentation.
 - b. **Place.** The applicant and each member of the public presenting and speaking shall do so from the podium.
 - c. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker shall comply with Rules 6(F)(1)(a) and 6(F)(1)(b), shall address the Board, speak to issues that are relevant to the matter for which the public hearing is being held, and shall not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation.
2. **Public Hearings; Zoning Map Amendments; Applicant's Documents Not Available During Advertisement Period.** If the public hearing is held without the applicant's final documents being available for review throughout the advertisement period due to the late submittal of documents, or because substantial revisions or amendments are made to the submitted documents after the public hearing has been advertised, it is the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application. In deciding whether to defer action or to deny the application, the Board shall consider whether deferral or denial would be in the public interest or would forward the purposes of this policy.

G. **From the Board: Committee Reports and Matters Not Listed on the Agenda.** *From the Board: Committee Reports and Matters Not Listed on the Agenda* shall be limited to matters that are not substantial enough to be considered as agenda items to be added to the final agenda. Reports include routine committee reports and information updates by Board members. Any *matters* discussed are not matters to be acted upon by the Board at that meeting.

H. **Report from the County Executive.** The *Report from the County Executive* is a report on matters that the County Executive deems should be brought to the Board's attention and provide updates, if necessary, to the monthly County Executive's Report.

7. Quorum

A. **Establishing a Quorum.** A majority of all of the members of the Board that is physically assembled shall constitute a quorum for any meeting of the Board, except as provided in Rule 8(B)(2). (Virginia Code § 15.2-1415)

- B. **Quorum Required to Act; Exceptions.** The Board may take valid actions only if a quorum is present. (Virginia Code § 15.2-1415) There are 2 exceptions:
 - 1. **Quorum Not Established; Adjournment.** If a quorum is not established, the only action the Board members present may take is to adjourn the meeting.
 - 2. **Quorum Not Established or Lost Because of Conflict of Interest.** If a quorum cannot be established or is lost because one or more Board members are disqualified because of a conflict of interest under the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3700 *et seq.*), the remaining members constitute a quorum for the conduct of business and have the authority to act for the Board.
- C. **Loss of Quorum During Meeting.** If a quorum was established but during a meeting the quorum is lost, the only action the Board members present may take is to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415)
- D. **Quorum Required to Adjourn Meeting to Future Day and Time.** A majority of the Board members present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning the meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

8. Remote Electronic Participation

The Board will permit a Board member to participate in a Board meeting electronically from a remote location, provided that:

- A. **Notification to Clerk of Inability to Attend Because of Emergency, Personal Matter, Disability, or Medical Condition.** On or before the day of the meeting, the Board member shall notify the Chair that the member is unable to attend the meeting due to an emergency or a personal matter or that the member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance. The member must identify with specificity the nature of the emergency or personal matter.
- B. **Quorum Physically Assembled; Approval of Remote Electronic Participation.** A quorum of the Board must be physically assembled at the primary or central meeting location. The Board members present must approve the participation; however, the decision shall be based solely on the criteria in Rule 8(A), without regard to the identity of the member or matters that will be considered or voted on during the meeting.
- C. **Duty of Clerk to Record Action.** The Clerk shall record in the Board's minutes the specific nature of the emergency, personal matter, disability, or medical condition, and the remote location from which the absent Board member participated. If the absent member's remote participation is disapproved because participation would violate this policy, the disapproval shall be recorded in the Board's minutes.
- D. **Audibility of Absent Member.** The Clerk shall make arrangements for the voice of the absent Board member to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent member cannot reasonably be heard, the meeting may continue without the participation of the absent member.
- E. **Limitation on Remote Electronic Participation in Calendar Year.** Electronic participation by the absent member as provided in this Rule shall not exceed 2 Board meetings in each calendar year.

(Virginia Code § 2.2-3708.1)

9. Conducting the Business of the Board

- A. **Enable Efficient and Effective Conduct of Business.** Meetings shall be conducted in a manner that allows the Board to efficiently and effectively conduct its business, without actual disruptions.
- B. **Minimizing Disruptions.** To minimize actual disruptions at meetings:
 - 1. **Speakers.** Members of the public who are speaking to the Board shall comply with Rules 6(D) and 6(F)(1), as applicable. Members of the public invited to speak to the Board during any agenda item other than From the Public: Matters Not Listed for Public Hearing on the Agenda or during a public hearing shall comply with Rule 6(D).
 - 2. **Persons Attending the Meeting.** Any person attending a Board meeting shall comply with the following:

- a. **Sounds.** Persons may not clap or make sounds in support of or in opposition to any matter during the meeting, except to applaud during the Proclamations and Recognitions portion of the meeting. Instead of making sounds, persons who are not speaking at the podium are encouraged to raise their hands to indicate their support or opposition to any item during the meeting. Cell phones and other electronic devices shall be muted.
- b. **Other Behavior.** Persons may not act, make sounds, or both, that actually disrupt the Board meeting.
- c. **Signs.** Signs are permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons attending the meeting.

Comment: The subject matter of this rule is addressed in Section I(1) of the current Rules.

- C. **Chair May Maintain Order.** The Chair may ask any person whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may order the removal of that person from the meeting.

10. Voting Procedures

- A. **Action by Motion.** Unless otherwise provided (See Rule 12(D)), any action by the Board shall be initiated by a motion properly made by a Board member and followed by a vote, as provided below:
 1. **Motion Must Be Seconded; Exception.** Each action by the Board shall be initiated by a motion that is seconded; provided that a second shall not be required if debate immediately follows the motion. Any motion that is neither seconded nor immediately followed by debate shall not be further considered.
 2. **Voting and Recording the Vote.** The vote on any motion shall be by a voice vote. The Clerk shall record the name of each Board member voting and how he voted on the motion.
 3. **Required Vote, Generally Required Vote for Specific Matters.** Each action by the Board shall be made by the affirmative vote of a *majority of the members present and voting* on the motion; provided that an affirmative vote of a *majority of all elected members* of the Board shall be required to approve an ordinance or resolution: (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Article VII, § 7, Virginia Constitution; Virginia Code §§ 15.2-1420, 15.2-1427, 15.2-1428)
 4. **Tie Vote.** A tie vote shall defeat the motion voted upon. A tie vote on a motion to approve shall be deemed a denial of the matter being proposed for approval. A tie vote on a motion to deny shall not be deemed an approval of the matter being proposed for denial.
 5. **Abstention.** If any Board member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chair and recorded by the Clerk.
- B. **Motion to Amend.** A *motion to amend* a motion properly pending before the Board may be made by any Board member. Upon a proper second, the motion to amend shall be discussed and voted on by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both Board members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
- C. **Motion to Call the Question.** The discussion of any motion may be terminated by any Board member making a *motion to call the question*. Upon a proper second, the Chair shall call for a vote on the motion to call the question without debate on the motion itself, and the motion shall take precedence over any other matter. If the motion is approved, the Chair shall immediately call for a vote on the original motion under consideration.
- D. **Motion to Reconsider.** Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the item was decided. The motion to reconsider may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the item for discussion in the exact position it occupied before it was voted upon.

- E. **Motion to Rescind.** Any decision made by the Board, except for decisions on zoning map amendments, special use permits, special exceptions, and ordinances, may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any Board member. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Decisions on zoning map amendments, special use permits, special exceptions, and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on the items as if it was a new item before the Board for consideration; otherwise, decisions on zoning map amendments, special use permits, special exceptions, and ordinances shall only be eligible for reconsideration as provided in Rule 10(D).

11. Other Rules: Robert's Rules of Order Procedure in Small Boards

Procedural rules that are not addressed by these Rules shall be governed by *Robert's Rules of Order Procedure in Small Boards*, which provide:

- A. **Not Required to Obtain the Floor.** Board members are not required to obtain the floor before making motions or speaking, which they can do while seated.
- B. **No Limitation on Number of Times a Member May Speak.** There is no limitation on the number of times a Board member may speak to a question, and motions to call the question or to limit debate generally should not be entertained.
- C. **Informal Discussion.** Informal discussion of a subject is permitted while no motion is pending.
- D. **When Vote Without Motion Not Required.** Sometimes, when a matter is perfectly clear to all present and if agreed to by unanimous consent of all Board members present and voting, a vote can be taken without a motion having been introduced. Unless agreed to by unanimous consent, however, all proposed actions of the Board must be approved by vote under the same rules as in other assemblies, except that a vote can be taken initially by a show of hands, which is often a better method.
- E. **Chair; Putting Question to Vote.** The Chair need not rise while putting questions to vote.
- F. **Chair; Speaking During Discussion.** The Chair can speak in discussion without rising or leaving the chair, and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), the Chair usually can make motions and usually votes on all questions.

12. Amendment of Rules of Procedure

These Rules of Procedure may be amended only as follows:

- A. **Rules Eligible for Amendment.** Any Rule may be amended.
- B. **Procedure to Amend.** Any Rule eligible for amendment may be amended only by a majority vote of the Board members present and voting at the next regular meeting following a regular meeting at which notice of the motion to amend is given. Notice of the motion to amend a rule may be made by any Board member. The motion to amend a rule may be made by any Board member. Upon a proper second, the motion shall be discussed and voted on. In deciding whether and how to amend a Rule, the Board shall consider that Rules 3, 4, 6(D), 6(F)(1)(a) through (c), 7, 8, 9(B), and 10(A)(3) address statutory or constitutional requirements.
- C. **Limitation on Effect of Amendment.** The Board's approval of a motion to amend one or more Rules shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

13. Suspension of Rules of Procedure

These Rules of Procedure may be suspended only as follows:

- A. **Rules Eligible for Suspension.** Rules 1, 2, 5, 6, 9(A), 10 (except for Rule 10(A)(3)), 11, and 12 may be suspended.
- B. **Procedure to Suspend, Generally.** Any Rule eligible for suspension may be suspended by a majority plus 1 vote of the Board members present and voting. The motion to suspend a rule may be made by any Board member. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the Board.
- C. **Suspension of Rules Pertaining to Motions When Uncertainty as to Status or Effect.** If one or more motions have been made on a matter, and there is uncertainty as

to the status or effect of any pending motions or how the Board is to proceed at that point, the Board may, by a majority vote of the Board members present and voting, suspend the rules in Rule 6 for the sole purpose of canceling any pending motions and to permit a new motion to be made. The motion to suspend a rule pertaining to any pending motions may be made by any Board member. Upon a proper second, the motion may be discussed and voted on.

- D. Limitation on Effect of Suspension.** The Board's approval of a motion to suspend one or more Rules shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

* * * * *

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012; 1-09-2013; 1-8-2014; 7-9-2014; 1-7-2015; 1-6-2016; 1-4-2017; 2-8-2017; and 1-3-2018).

**Albemarle County
Board of Supervisors**

Policies

Adopted January 9, 2019

**Policies of the
Albemarle County Board of Supervisors**

1. Travel Reimbursement

Board members will be reimbursed travel expenses pursuant to uniform standards and procedures that will allow Board members to travel for official County business purposes consistent with the prudent use of County funds as follows:

- A. Routine Travel Expenses.** Board members may be reimbursed for the following routine travel expenses at the County's authorized car mileage reimbursement rate, provided there are available funds:
- 1. Mileage for Board and Committee Meetings.** Mileage for travel by personal vehicle or other travel costs to scheduled Board meetings and Board committee meetings for committees to which a Board member is appointed, from home or work, if a work day, which is not part of routine personal travel.
 - 2. Mileage to Prepare for Matters to be Considered by the Board.** Mileage for travel by personal vehicle or other travel costs to events reasonably necessary to prepare for matters scheduled for consideration on the Board's agenda which is not part of routine personal travel (*i.e.*, site visits, informational meetings).
 - 3. Parades and Other Community Gatherings.** Parades and other community gatherings not advertised as Supervisor's town hall meetings to discuss County business. Travel to use the COB office between other personal travel or meetings, shall not be covered.
- B. Educational Conference Travel Expenses.** Board members may be reimbursed for the following educational conference travel expenses, provided there are available funds:
- 1. Regional, Statewide, National Meetings.** All necessary, actual and reasonable meal, travel and lodging costs (including gratuity and excluding alcohol) of attending regional, statewide or national meetings at which the Board member represents the County, as approved by the Board; and
 - 2. Legislative or Congressional Hearings.** All necessary, actual and reasonable meal, and travel (including gratuity and excluding alcohol) of attending legislative or congressional hearings relating to official County business.
- C. Matters for Which Board Members will not be Reimbursed.** Board members will not be reimbursed for the following travel expenses:
- 1. Political Events.** Travel to events which are political in nature (*i.e.*, campaigning or partisan events).
 - 2. Personal Expenses.** Personal expenses incurred during travel; or
 - 3. Travel Not Part of Duties.** Other travel which is not part of the statutory

governmental duties of the Board of Supervisors that are not provided for in Subsections (C)(1) or (C)(2).

D. Implementation. This policy will be applied and overseen in the following manner:

1. **Reimbursement Requests.** Reimbursement requests shall be made in writing on forms provided by the Clerk of the Board and shall itemize the date, number of miles of travel expenses and purpose of the meeting. Mileage for use of a personal vehicle shall be reimbursed at the County's authorized car mileage reimbursement rate. Other reimbursements shall be for the amount of costs expended and shall be documented by receipts for actual amounts paid.
2. **Clerk Review.** The Clerk, or his/her designee, will review all travel reimbursement requests and the Director of Finance will approve all travel reimbursement requests prior to reimbursement. No payment will be made for incomplete submissions or information.
3. **Exhaustion of Unexpended Funds.** When all allocated funds for Board reimbursements have been expended, there will be no further reimbursement for that fiscal year unless the Board appropriates additional funding.

2. Board Members Appointed to Boards, Committees, and Commissions

The Board appoints its members to a variety of boards, committees, and commissions to represent the interests of the Board on those entities. It is important that the Board have confidence that its policies and positions are being reflected in that representation.

- A. **Voting Representatives.** The Board members who are appointed to boards, committees, and commissions are required to vote on matters that come before those entities in a manner which is consistent with the policies and positions of the Board as reflected in previously adopted resolutions or official actions of the Board on those matters.
- B. **Liaison Representatives.** The Board members who are appointed to boards, committees, and commissions as liaisons are to act as a resource for the board, committee, and/or commission and are to report to the Board on the activities of the board, committee, and/or commission.

3. Boards and Commissions

A. Review and Creation of Boards and Commissions Shall be as Follows:

1. **Annual Report.** By October 1 of each year, all boards and commissions shall submit a report to the Board to include key activities that support their mission and a summary of their activities and attendance.
2. **Annual Evaluation.** On an annual basis, the list of active boards and commissions will be evaluated and purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior twelve-month period.
3. **Combining Functions and Activities.** Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.
4. **Short-Term Task Forces and Ad Hoc Committees.** Any newly created task force or ad hoc committee which is intended to serve for a limited time period may be comprised of magisterial or at-large members at the discretion of the Board. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.

B. Appointments to Boards and Commissions Shall be as Follows:

1. **Appointments, Generally.** All appointments to boards and commissions based upon magisterial district boundaries will be made by the Board. The Board will consider and/or interview candidates recommended by the supervisor of that district.
2. **Compilation of List of Expired Terms and Vacancies.** Prior to each day Board meeting, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next 60 days. The Board will then advise the Clerk which vacancies to advertise.
3. **Advertising Positions.** In an effort to reach as many citizens as possible, notice of boards and commissions with appointment positions available may be published through available venues, such as, but not limited to, the County's

website, A-mail, public service announcements, and local newspapers. Interested citizens will be provided a brief description of the duties and functions of each board, length of term of the appointment, frequency of meetings, and qualifications necessary to fill the position. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.

4. **Application Period.** All interested applicants will have a minimum of 30 days from the date of the first notice to complete and return to the Clerk a detailed application, with the understanding that the application may be released to the public, if requested. No applications will be accepted if they are postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.
5. **Distribution of Applications.** Once the deadline for accepting applications is reached, the Clerk will distribute all applications received to the members of the Board prior to the day meeting for their review. For magisterial appointments, the Clerk will forward applications as they are received to the supervisor of that district who will then recommend his/her appointment.
6. **Interviews; Appointments Without Interviews.** From the pool of qualified candidates, the Board, at its discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held during the next day meeting.
7. **Appointments Within 90 Days.** All efforts will be made to interview selected applicants and make appointments within 90 days after the application deadline. For designated agency appointments to boards and commissions, the agency will be asked to recommend a person for appointment by the Board.
8. **Vacancies Filled as They Occur; Exception.** All vacancies will be filled as they occur, except that vacancies occurring in Community Advisory Councils will be filled on an annual basis at the time regular terms expire unless there are more than three vacancies on any Council at the same time with more than three months remaining from the annual appointment date.
9. **Appointees Required to File Real Estate Disclosure Form.** As a condition of assuming office, all citizen members of boards and commissions shall file a real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act and thereafter shall file the form annually on or before January 15.
10. **Termination of Appointment for Excessive Absences.** If a member of a board or commission does not participate in at least fifty percent of a board's or commission's meetings, the Chair of the body may request the Board terminate the appointment, if permitted by applicable law, and refill it during the next scheduled advertising period.

Agenda Item No. 9. Review of Board of Supervisors Operating Guidelines.

Mr. Kamptner said he would like to correct what he said about the notice to amend the Board's Operating Guidelines. He said this could be delayed to a later meeting because current rules require that a motion be made at the next regular meeting. He said staff would work this out and let the Board know when the notice needs to be provided.

Ms. Mallek **moved** that the Board indefinitely defer discussion of the Board's Operating Guidelines. The motion was **seconded** by Mr. Randolph.

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

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

Agenda Item No. 10. Adoption of Final Agenda.

Ms. McKeel **moved** that the Board adopt the final agenda. The motion was **seconded** by Ms. Mallek.

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

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

Agenda Item No. 11. Brief Announcements by Board Members.

Mr. Dill announced that the Community Investment Collaborative (CIC) Entrepreneurship Workshop graduation was held the previous night at the African-American Heritage Center. He said it was an intensive six-week program; it was great to see so many entrepreneurs, there were hundreds in attendance, food was served by a former student, and it was a great evening.

Mr. Dill announced that he has made a decision to not run for reelection this fall and would do as good a job as possible in the coming year.

Ms. Mallek said she would make an announcement a week from today, on January 16, 2019, at 1:00 p.m., in the County Office Building lobby.

Ms. Palmer announced that she would be leaving the meeting early today.

Mr. Randolph advised that on January 7, 2019, he and VDOT representative Mr. Joel DeNunzio drove together to the VDOT office in Richmond to meet with Deputy Commissioner Rob Kerry, who reports directly to Commissioner Valentine, as well as Regional Director, Mr. John Lynch. The goal of the meeting was to explore opportunities with VDOT for state funding for any of the access ways to Biscuit Run. He said they learned several things, with the most important being that the State defines Biscuit Run as State property. He remarked that some State officials had suggested it was no longer State property since the County was leasing the property. He said he also learned that the County would qualify for \$475,000 per access point under the Transportation Alternatives Program if it were to allow bicycles. He noted that the County's master plan for Biscuit Run proposes three access points which comes close to having a significant impact and reducing the cost of assuring public access.

Mr. Randolph reported that a third question was whether VDOT had explored the possibility of a roundabout at the Avon Street/Route 20/Biscuit Run intersection, and he learned that it has not been discussed, although VDOT conducted a study to consider three possible entryways. He said the consensus was that it considers an L-shaped intersection at the confluence of Avon Street Extended and Route 20. He noted that a roundabout would cost \$3.0 to \$4.0 million; crash statistics maintained by VDOT indicates a roundabout was not warranted, however, the cost to make improvements was \$1.21 million. The potential funding from the Transportation Alternatives Program would be \$475,000, and would be move the overall cost down. He remarked that Mr. Kevin McDermott wants to explore other state funding opportunities that were not discussed, and he described the meeting as being very productive.

Ms. Mallek remarked that the CTAC committee had sketches of a roundabout made during the period of 2000–2008.

Agenda Item No. 12. Proclamations and Recognitions:

There were none.

Agenda Item No. 13. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Lonnie Murray of the White Hall District addressed the Board. He said that water protection ordinance buffers are known as "resource protection areas" under the Chesapeake Bay Act. He said there was a second type of buffer, "water resource management areas," that he thinks would be very valuable for the growth area as the Board considers improvements to address issues of water quality. He said these are contiguous to the resource protection areas and must touch a resource protection area or an existing buffer. He noted that they have flexibility as to where to designate them, there are no prohibited land uses, and they must meet the performance criteria of local ordinances. He said that about one-half of Bay area localities have designated their entire jurisdiction as a resource management area and said Albemarle could possibly designate the entire growth area or County as a resource management area.

Mr. Murray presented a slide with performance criteria listed:

- 1) No more land shall be disturbed than was necessary to provide for the proposed use or development.
- 2) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use or development proposed.
- 3) Localities must ensure Best Management Practice (BMP) maintenance through agreements with the owner or developer.
- 4) All development exceeding 2,500 square feet shall be accomplished through a plan of development process.
- 5) Land development shall minimize impervious cover consistent with the proposed use or development.

- 6) Any land disturbing activity that exceeds 2,500 square feet (including construction of single-family homes and septic tanks and drain fields) shall comply with the local erosion and sediment control ordinance.
- 7) On-site sewage treatment systems not requiring a VPDES permit shall; a) be pumped out at least once every 5 years and b) provide a reserve sewage disposal site.
- 8) Stormwater Quality Criteria: No net increase in phosphorus.
- 9) Agricultural lands shall have a soil and water quality conservation assessment.
- 10) Silvicultural activities were exempt provided they adhere to the water quality protection procedures prescribed by the Department of Forestry.
- 11) Local governments shall require evidence of all wetlands permits required by law prior to authorizing grading or other on-site activity.

He stated that pump-outs are required and noted that the Board has asked for this many times. He presented a slide with a color-coded map of resource management and resource protection areas. He said they could have smaller resource protection areas, noting that Nelson County has 50-foot resource protection areas.

Mr. Murray emphasized that the County's current policy was to remove intermittent streams, which he described as a barbaric practice that he would like to see discontinued. He said that the University of Virginia has demonstrated that intermittent streams could be preserved without the loss of development space.

Ms. Marta Keane, resident of Rio District, addressed the Board. She said she was speaking as CEO of the Jefferson Area Board on Aging (JABA) and would like to share what was happening with the organization. She reported that JABA was in the process of moving to Yancey School, their first day of operation would be January 10, 2019, and they would hold an open house in the spring. She said they are happy to be part of the Esmont community and expand their offerings and membership. She said they have finished Medicare Part D and Affordable Care Act insurance counseling, along with Legal Aid Justice. She said they doubled the number of Medicare Part D counseling sessions to County residents from 2015 to 2018, met with 1,039 County residents, and saved them \$550,000. She said that they served 128 residents in rural areas through mobile units. She said that for the entire Region 10 area, they served 2,300 individuals and saved them \$1.2 million.

Ms. Keane reminded the Board that JABA holds weekly "Getting Started in Medicare" sessions throughout the year. She next addressed the Humanes Project, noting that two years ago County staff met with JABA to determine how to help high utilizers of emergency medical services, which they have expanded to the Fire Marshal, JABA, Department of Social Services, and University of Virginia and Sentara Martha Jefferson Hospital. She noted that their brochures are in rescue squad ambulances; they are working with the County Attorney on HIPPA and privacy issues. Lastly, the team was looking at a strategic plan and action steps that would be presented in April.

Ms. Nicole Scro, former attorney with Williams Mullen, addressed the Board and said she recently started a real estate development company and hopes to bring applications before the Board in the future. She said she has submitted an application for a position as a development representative with Places 29/Rio Community Advisory Committee (CAC). She stated that she was familiar with some applications and existing developments and they have recently contracted for two acres at the intersection of Belvedere and Rio Road East. She remarked that at this meeting's closed meeting, the Board would be discussing the Galaxie Farm lien in Scottsville and stated that she would remain present to answer any questions.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board and said he would discuss the proposed stream health initiatives. He complimented staff for the three extremely productive meetings he attended and the positive way in which they are moving the process forward. He emphasized that County staff's original proposal for the stream initiative called for only sediment banks that exist in Albemarle County to be used as incentives; however, the County does not have any sediment banks. He noted that for years the County chose to be part of the Chesapeake Bay regulations, though they were not mandated to do so, because they were naturally intertwined. He asked why the Board would preclude a stream sediment bank from the rest of the Commonwealth, remarking that it was counterintuitive and perhaps in conflict with each other. He expressed appreciation to staff for the way they looked at the proposals, especially Exhibit C, which he said laid out the pluses and minuses. He suggested that the Board forgo some things at this time, which does not mean that they are a bad idea in the future when there was a sediment bank, as voluntary requirements such as sediment bank deposits results in cost increases to developers, which are ultimately paid for by the end user. He noted that the original proposal called for any land disturbance that required a permit to have an agreement in lieu of, and in Exhibit C, staff wanted to lower the level from 10,000 square feet to 6,000 square feet, which it was in the City. He said that a complete omission would be wrong.

There were no further comments from the public.

Agenda Item No. 14. 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. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Randolph.
NAYS: None.

Item. No. 14.1. Crozet Park Lighting Special Exception Request.

The Executive Summary forwarded to the Board states that the subject property for these Special Exception (SE) requests is Claudius Crozet Park, which is zoned RA Rural Areas and which is located within the Crozet Development Area. The property owner (Claudius Crozet Park, Inc.) is proposing the installation of outdoor athletic lighting at an existing ball field to accommodate nighttime use of the field by the Peachtree League, as shown on the Minor Site Plan Amendment SDP-2018-00077 (Crozet Park Phase III – Athletic Field Improvements), which is currently under review. The applicant (Mr. Scott Collins, P.E., Collins Engineering) has requested the following two Special Exceptions:

1. SE request to waive the outdoor lighting standards requiring the use of full cutoff luminaires for the proposed outdoor lighting at an athletic facility, pursuant to County Code §18-4.17.5; and
2. SE request to modify (increase) the maximum permissible height for proposed poles supporting outdoor luminaires at an athletic facility from thirty-five (35) feet to seventy (70) feet, pursuant to County Code §18- 4.17.5.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the two special exceptions with the conditions of approval specified therein.

Please see Attachment B for full details of staff's analyses and recommendations.

By the above-recorded vote, the Board adopted the following Resolution to approve the two special exceptions subject to the proposed conditions:

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS
TO MODIFY AND WAIVE OUTDOOR LIGHTING REQUIREMENTS
FOR SDP-2018-00077 "CROZET PARK PHASE III –
ATHLETIC FIELD IMPROVEMENTS (MINOR AMENDMENT)"**

WHEREAS, the Owner of Tax Map Parcel 056A2-01-00-072A0 (the "Property") filed requests for special exceptions in conjunction with SDP 2018-00077 Crozet Park Phase III – Athletic Field Improvements (Minor Amendment) to waive the outdoor lighting standards requiring the use of full cutoff luminaires for the proposed outdoor lighting at an athletic facility, and to modify (increase) the maximum permissible height for proposed poles supporting outdoor luminaires at an athletic facility, as shown on the pending plans under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception requests and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-33.49, and 18-4.17.5, the Albemarle County Board of Supervisors hereby approves the special exceptions for SDP-2018-00077 "Crozet Park Phase III – Athletic Field Improvements (Minor Amendment)" as described above, subject to the condition(s) attached hereto.

* * *

**SDP-2018-00077 Claudius Crozet Park Phase III – Athletic Field Improvements
(Minor Amendment) – Special Exception Conditions**

1. The maximum permissible height of the poles supporting outdoor luminaires at the Crozet Park athletic facility shall be seventy (70) feet.
2. Outdoor lighting of the Crozet Park athletic facility shall not continue past 10:00 pm.
3. All outdoor lighting shall meet the specifications identified in the data sheets for the light structure system and the luminaire and driver included in the application materials submitted by Collins Engineering under letter dated November 5, 2018, regarding Claudius Crozet Park Phase III Athletic Field Improvements (Lighting Plan) – Request for Special Exception, Exception Request for modification to max height of lighting & full cutoff luminaries.

Item No. 14.2. Resolution of Intent Zero Lot Line ZTA.

The Executive Summary forwarded to the Board states that currently, minimum non-infill side setbacks in residential districts are 0 feet. Building separations for non-infill residential structures are 10

feet unless a building shares a common wall. Additionally, in R-10 and R-15 districts, if the abutting lot is zoned residential other than R-10, R-15, RA, or Monticello Historic District, the building separation increases by 1 foot for every 1 foot the building exceeds thirty-five feet in height.

The current requirements for non-infill side setbacks and building separations result in an unbalanced advantage of lot utilization to the property owners who develop their lots before their neighbors. Additionally, a building placed too close to a shared lot line can result in trespass onto a neighboring property, either during the building's construction or during maintenance of the property. An amendment of County Code § 18-4.19 to require minimum side setbacks for non-infill residential development would eliminate this unfair lot utilization and unintended trespass. If the Board adopts the attached Resolution of Intent (Attachment A), staff would bring a proposed zoning text amendment to the Planning Commission and the Board of Supervisors in 2019. Because this is a focused issue, staff does not anticipate the need for an extensive public engagement process outside of that for the zoning text amendment.

Staff does not anticipate that adopting the Resolution will result in the need for additional staff or funding.

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

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

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance includes general regulations for setbacks in residential districts pursuant to Albemarle County Code § 18-4.19; and

WHEREAS, minimum side setbacks for non-infill residential districts are 0 feet; and

WHEREAS, building separations for non-infill residential structures are generally 10 feet, unless a building shares a common wall; and

WHEREAS, the Board of Supervisors has determined that minimum side setbacks should be established to a distance greater than 0 feet.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-4.19 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

Item No. 14.3. Phases I and II Zoning Text Amendments Relating to Agricultural Operations.

The Executive Summary forwarded to the Board states that on July 1, 2014, new State legislation became effective limiting localities' ability to regulate activities associated with bona fide agricultural operations. On November 12, 2014, Albemarle County adopted zoning regulations to implement this new legislation. Similar State legislation relating to farm wineries, breweries and distilleries (FWBD) is also implemented through our zoning regulations. A growing interest in holding events at FWBD coupled with the lack of a minimum agricultural product requirement to obtain a State Alcoholic Beverage Control ("ABC") license for FWBDs raised concern about the potential for them to be established on sites with no connection to agriculture, contrary to the underlying purposes of the State's zoning laws, the Rural Area chapter of the County's Comprehensive Plan, and the express purpose of the Rural Areas zoning district.

In an attempt to strike a balance between fostering the economic success of these agricultural enterprises and safeguarding the property rights of surrounding neighbors, the County undertook an extensive stakeholder engagement beginning in March, 2016. It culminated in a zoning text amendment relating to FWBD events adopted on January 18, 2017. This amendment included: curfews for outdoor amplified music, increased setbacks, neighbor notifications for zoning clearances and minimum onsite planted acreage requirements. Because the 2017 ordinance amendment was focused on FWBD, it did not include "agricultural operations," a separate class under State law. With additional experience since November 2014, we see a benefit in a similar regulatory scheme for events at agricultural operations.

Staff suggests a zoning text amendment that considers incorporating the provisions for FWBD adopted in January 2017. Because these provisions resulted from an extensive stakeholder process and have been in use for almost 2 years, we anticipate that limited staff resources will be necessary for the proposed amendment. Staff believes the proposed zoning text amendment would be the first phase of further related amendments.

Phase I ordinance work will eliminate the imbalance and align regulations relating to events at agricultural operations with those for events at FWBDs. These regulations include informing neighbors of applications for zoning clearances for events at agricultural operations. This is to better allow neighbors and agricultural business owners to proactively work together.

Other questions about the eligibility and allowances for events at agricultural operations will need more extensive stakeholder engagement and is a suggested second phase. Because this involves more extensive staff resources that will need to be balanced with other Board priorities, we recommend that the second phase be considered with the Community Development work program to be discussed in February. Specifically, the second phase will include consideration of a) how to evaluate whether an agricultural operation is a primary use devoted to the bona fide production of crops, animals or fowl for the purpose of qualifying for events and b) what is the meaning of "farm to table dinners" relating to allowed events. Staff recommends that we provide a public engagement plan for Board approval prior to beginning phase II work.

Staff does not anticipate that adopting the Phase I Resolution of Intent will result in the need for additional staff or funding. Phase II will necessitate additional resources unless it is considered in the context of the Community Development Department work program.

Staff recommends that the Board adopt the attached Resolutions of Intent.

By the above-recorded vote, the Board adopted the following Resolutions of Intent for Agricultural Operations Phase I and Phase II:

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance includes provisions relating to events at farm wineries, breweries, and distilleries that were adopted January 18, 2017 after extensive stakeholder engagement; and

WHEREAS, these provisions differ from those for events at "agricultural operations"; and

WHEREAS, there is good cause for aligning provisions for events at all of these types of bona fide agricultural uses; and

WHEREAS, additional guidance can be helpful for owners of agricultural operations, neighbors, and staff.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-5.1.58 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

* * * * *

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance includes provisions related to events held at agricultural operations; and

WHEREAS, the Zoning Ordinance has no definition of "farm to table dinner"; and

WHEREAS, though the definition of "devoted to the bona fide production of crops, animals or fowl" allows agricultural operations to qualify as a primary agricultural use for the purpose of holding events, it contains numerous criteria that are difficult to assess and therefore administer; and

WHEREAS, additional guidance can be helpful for owners of agricultural operations, neighbors, and staff.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-3.1 and 18-5.1.58 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

Item No. 14.4. Acquisition of Conservation Easements (ACE) Appraisals and Purchases for FY 2018 Applicant Class.

The Executive Summary forwarded to the Board states that under County Code § A.1-111(A), the Board determines which open-space easements to purchase under the County's Acquisition of Conservation Easements (ACE) program: "From the list of applications received under section A.1-110(D), the board of supervisors shall designate the initial pool of parcels identified for conservation easements to be purchased. The size of the pool shall be based upon the funds available for easement purchases in the current fiscal year and the purchase price of each conservation easement in the pool

established under section A.1-111(B)." If any applicants withdraw from consideration, other applicants may be substituted until the eligible applicants or available funding is exhausted.

On June 13, 2018, the Board adopted the ACE Committee's recommendation to approve the final ranking order for the FY 2018 applicant pool and appraise the top four eligible properties: Dollard, Walker, Ruddock and Pulliam. (See Attachment A for the criteria scoring). Because it was anticipated that Mr. Pulliam might acquire some adjoining land to push his application above the eligibility threshold, staff and the ACE Committee obtained preliminary Board approval to appraise his property in the event that it reached the eligibility threshold. Since this has not yet occurred, an appraisal has not been ordered for the Pulliam tract.

If the County purchases the three (3) remaining easements, the County would have acquired easements on 51 properties and protected the open-space resources on 9,621 acres. The County has acquired these 51 easements at a cost that is 20% less than the appraised easement value due to the use of grants and donations, and adjustments to price based on owner income.

All 3 properties under consideration scored enough points to be eligible for ACE funding. With \$946,419 of County funding available for this class (carry-over and reimbursements from Virginia Department of Agriculture and Consumer Services' (VDACS" Office of Farmland Preservation), plus \$109,893 left over from a 2018 VDACS Farmland Preservation grant, and \$250,000 from the FY18 appropriation, the County has \$1,306,312 in available ACE funding, enough funds to acquire easements on all 3 properties. The large carry-over resulted when applicants from last year's class withdrew after rejecting the County's invitations to sell the County an easement.

Each of the 3 appraisals submitted was reviewed by the Appraisal Review Committee (ARC) in mid- September and approved in early December. Once the appraisals were accepted, staff calculated the average adjusted gross income from the previous 3 years for each landowner, as required by the ordinance. Payment to landowners earning more than the minimum adjusted gross income threshold of \$55,000 is adjusted according to a sliding scale found in the ACE Ordinance.

The acquisition of easements on these 3 properties would eliminate 24 development rights and protect:

1. 337 acres of farm and forest land
2. approximately 5,400 of state road frontage
3. approximately 13,000 feet of riparian buffers (with mandatory livestock exclusion)
4. 219 acres of "prime" farm and forest land
5. 2 working family farms
6. 1 property in the Southern Albemarle Rural Historic District
7. 1 property in the watershed of the Totier Creek Reservoir

Funding for the purchase of these conservation easements would be paid from existing funds in the CIP-Planning-Conservation budget (line-item 9010-81010-580409) and grants received from the VDACS Office of Farmland Preservation (see Attachment B).

The ACE Committee and staff recommend that the Board:

- 1) Authorize staff to invite the owners of Dollard, Walker, and Ruddock properties to make written offers to sell conservation easements to the County for no more than:
 - \$170,100 for the Walker easement (representing 70% of full easement value after the required adjustment for income)
 - full value of \$178,500 for the Dollard easement
 - full value of \$225,500 for the Ruddock easement; and
- 2) Accept offers from any or all of these owners to sell conservation easements for no more than the above amounts; and
- 3) Authorize the County Executive to sign on behalf of the County the Deeds of Easement and related forms for all three easements once such documents are approved by the County Attorney.

By the above-recorded vote, the Board:

1. **authorized staff to invite the owners of Dollard, Walker, and Ruddock properties to make written offers to sell conservation easements to the County for no more than:**
 - **\$170,100 for the Walker easement (representing 70% of full easement value after the required adjustment for income)**
 - **full value of \$178,500 for the Dollard easement**
 - **full value of \$225,500 for the Ruddock easement; and**
2. **accepted offers from any or all of these owners to sell conservation easements for no more than the above amounts; and**
3. **authorized the County Executive to sign on behalf of the County the Deeds of Easement and related forms for all three easements once such documents are approved by the County Attorney.**

Item No. 14.5. County Grant Application/Award Report, ***was received for information.***

The Executive Summary forwarded to the Board states that pursuant to the County's Grant Policy and associated procedures, staff provides periodic reports to the Board on the County's application for and use of grants.

The attached Grants Report provides a brief description of a letter of intent to award made during this time period.

The budget impact is noted in the summary of each grant.

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

GRANT REPORT ACTIVITY – November 16, 2018 through December 12, 2018

There were no applications made during this time.

Letter of Intent to Award received during this time.

Granting Entity	Grant Project	Type	Amount Awarded	Match Required	Match Source	Department	Purpose
Virginia Department of Housing and Community Development	Vibrant Communities Initiative 2018: Southwood Redevelopment Partnership Phase 1	Federal	CDBG \$1,000,000 for infrastructure ----- HOME \$1,250,000 for 20 new construction homebuyer units	\$0	N/A	Community Development in Partnership with Greater Charlottesville Habitat for Humanity	This initiative would provide \$1,000,000 in Community Development Block Grant (CDBG) funds for the first phase of Southwood Redevelopment infrastructure and \$1,250,000 in HOME funds that would be used for building 20 affordable homes in Phase 1 of the Southwood Redevelopment.

Comprehensive Look at Potential Five Year Financial Plan Grant Impacts:

The following chart includes grants that are expected to end within the next five years and an estimate of the County's cost over the next five years if the grant-supported position, project or program is continued after the grant ends. The continuation of those positions, projects and programs will be considered as part of the County's annual budget process.

Byrne Justice Grants have a match of 25% in the 2nd year, 50% in the 3rd, 75% in the 4th and 100% in 5th year.

Grant Entity	Grant Name	Designation of Current Budget Match	Expected End Date	FY19	Potential Financial Impact - Includes Five Year Plan salary assumptions				
					FY20	FY21	FY22	FY23	FY24
Virginia Department of Criminal Justice Service	FY16 Byrne/Justice Assistance Grant (JAG) Law Enforcement	General Fund	6/30/2020	\$34,975 grant funds/ \$104,925 County match	\$ 144,226.95	\$ 148,657.00	\$ 153,227.39	\$ 157,942.74	\$ 162,807.84
					\$ 144,226.95	\$ 148,657.00	\$ 153,227.39	\$ 157,942.74	\$ 162,807.84

Item No. 14.6. Albemarle County Service Authority (ACSA) Quarterly Report, **was received for information.**

Item No. 14.7. Board-to-Board, December 2018, A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

Item No. 14.8. Albemarle Broadband Authority (ABBA) Quarterly Report, **was received for information.**

The Executive Summary forwarded to the Board states that the Albemarle Broadband Authority (ABBA) was incorporated on August 21, 2017. The ABBA Board of Directors re-elected William "Bucky" Walsh as Chair during its annual organizational meeting on August 22, 2018. This report is being provided as information on ABBA's work to date.

ABBA held eleven public meetings in 2018. The agendas and meeting minutes are posted for public review on the County's website. ABBA also updated the Broadband Initiative website to provide citizen tools.

During October 2018, ABBA collected broadband input from citizens throughout County. The broadband input documented the areas of the County where broadband service is lacking.

The broadband input became documentation for the submittal of three applications for Virginia Telecommunication Initiative (VATI) Grants. The three grant applications represent a total request of \$507,548 from DHCD while contributing \$140,100 if all three applications are offered funding. The expected announcement date is in late January 2019.

ABBA is finalizing the close-out of a prior VATI funded project with Comcast. The project in Greenwood, VA was completed ahead of schedule and under budget.

In addition to the VATI grant processes ABBA also completed negotiations with CVEC in support of CVEC's goals to bring fiber broadband to its Albemarle members. The negotiations included working alongside the County Finance Department, County Attorney Department, County Economic Development

Office and the Economic Development Authority. A tax grant agreement was completed on Dec. 14, 2019.

In 2019 ABBA will continue its work partnering with the County, Internet Service Providers and others to add broadband service in the County rural areas. If VATI funds are offered and accepted, ABBA will be responsible for managing the ensuing broadband projects and relationships with the ISPs. As of this writing, the County FY 20 budget will include \$800,000 in ABBA funds for the purpose of matching grants and other cost sharing opportunities for broadband.

There is no other further budget impact.

Agenda Item No. 15. Stream Health in Development Areas.

The Executive Summary forwarded to the Board states that during a work session on December 6, 2017, the Board approved staff recommendations to develop proposals for improving stream health and water quality in the County. The work was to be done in two phases: The County's Development Areas would be addressed in phase one, followed by work on the Rural Area in phase two. Staff recently completed developing proposals for phase one, including discussions and meetings with the public, and now seeks Board direction on implementation of recommendations.

Staff conducted a public review of the County's stream buffer regulations in 2017, culminating in a work session with the Board on December 6, 2017. In 2018, staff shifted the focus of their efforts to begin considering potential strategies and measures to improve stream health in the Development Areas while remaining true to the County's Growth Management Policy. None of the strategies or measures considered should limit or hinder growth and development in the County's Development Areas.

Staff reviewed the results and material from the 2017 public review process, analyzed other information, and conducted internal discussions. In October 2018, staff developed a set of thirteen proposals aimed at improving stream health in Development Areas. Attachment A is a list of the proposals as presented to the public in subsequent meetings. Attachment A also contains notes (highlighted in yellow) that help clarify and explain some of the proposals and address questions that were commonly asked during meetings.

During October and November of 2018, staff solicited public comments and feedback about the proposals. Staff participated in several Community Advisory Committee meetings, conducted a public meeting, held two small group meetings, and offered an online survey for people to provide ideas and comments.

After this public engagement process, staff continued to analyze the proposals and consider the public input received. Attachment B lists the stream health proposals and includes significant pros, cons, and observations and comments (if any) about each.

Attachment C is a brief summary report describing the process by which the proposals were developed and evaluated. The summary report also includes staff recommendations, with very brief explanations, of the actions that staff feels should be taken on each of the proposals.

There is no budget impact at this time. Future recommendations and decisions regarding stream health proposals, including implementation and compliance, could have significant budget impacts. Based on current priorities and workload, staff anticipates this will require a reprioritization of efforts rather than a request for additional staff or funding.

Staff seeks direction from the Board regarding actions to take on the stream health proposals in Attachment A. Staff recommends the Board follow the recommendations provided in Attachment C for staff actions on the proposals.

Mr. David Hannah, Natural Resources Manager, presented and stated that he was seeking direction from the Board as to how to proceed with the proposals, which are contained in the Board's agenda information. He acknowledged the contributions of Mr. Frank Pohl, County Engineer; Mr. Bill Fritz, Development Process Manager/Ombudsman; and Mr. Mark Graham, Director of Community Development, who would lend their expertise and be available to answer questions. Mr. Hannah said he would summarize the staff's recommendations, though he would not review all the individual proposals, to allow time for discussion. He thanked Supervisors for their participation at CAC meetings held in October and November, at which the proposals were reviewed and discussed. He noted that the public engagement process on stream buffer regulations occurred in 2017, which concluded with a Board work session on December 6, 2017. He noted that the Board approved several staff recommendations:

- Develop stream buffer proposals for Development Areas and Rural Area
- Work on Development Areas first
- "Stream Buffer" was expanded to include Stream Health and Water Quality

He informed the Board that all documents relating to the review process are available at www.albemarle.org/streambuffer. Mr. Hannah said that in 2018, he, along with Mr. Pohl and Mr. Fritz, reviewed the ideas and results of the 2017 engagement process, solicited ideas from staff, and

developed 13 proposals to improve stream health, which are included in the Board's information. He listed the following four proposal categories:

- New or Revised Regulations
- Incentives for Residential Development
- Incentives for Non-Residential Development, and
- County Actions.

Mr. Hannah said that the proposals are geared towards Development Areas only, each proposal was intended to improve stream health, and the staff have tried to be consistent with the County's growth management strategy and not limit or hinder development in any way within the development areas.

Mr. Hannah stated that the staff began a second public engagement to talk about the 13 proposals, held meetings with six CACs, a public meeting, two small group meetings, conducted an online survey with 37 responses, and communicated with the public via a-mail, email and other communications. He noted that Attachment B (copy on file) contains the proposals along with significant pros and cons for each proposal, as well as comments and observations made at public meetings. He noted that Attachment C (copy on file) consists of a summary report with staff recommendations as well as a 14th proposal, which would provide updates to the Water Protection Ordinance to provide clearer wording and updated information. He emphasized that this would not change the substance or intent of the Water Protection Ordinance. He next explained that staff divided the 14 proposals into three categories: items to begin work on now (9), items to consider next, a thorough Comprehensive Plan analysis needed (2), and items that could be reevaluated in the future (3). He added that none of these proposals are fully developed as they are all still conceptual and would require more work and research, as well as legal consultation and consultation with state agencies.

Mr. Hannah reviewed the nine proposals they could work on now, describing them as practical, doable within a reasonable amount of time, and without significant impacts on County staff and resources:

- #12 – education and outreach - about stream health and stream buffers;
- #13 – work with partners to facilitate stream health projects;
- simple updates to Water Protection Ordinance;
- #1 – implement Steep Slope standards on projects in Development Areas – would not change the current designation or protection of preserved slopes, but does have potential to significantly help with erosion and sediment control issues;
- #3 – require mitigation plans if temporary erosion and sediment control measures are allowed within stream buffer areas – would help protect buffers where buffers are currently vegetated and where they have buffers that are not vegetated, the mitigation plans could help improve and enhance the buffer area;
- #5 – expand definition of Common Plan of Development – intent to prevent cumulative impacts of small areas of land disturbance that occurs over a period of years; this would not affect the projects that currently fall under the definition of Common Plan of Development; currently the definition applies only to subdivisions. Staff wants to be able include individual parcels and individual projects in the definition and oversight. The County Engineer has had some conversations with Virginia DEQ and thinks the County is okay, but does need to do a little more homework;
- #6 – increase fees for Water Protection Ordinance violations – intent was to address recurring violations and repeated noncompliance with the ordinance and to recover the County's cost associated with the violations. There was a lot of support for this during the public meetings and a lot of people wanted to label them fines as opposed to fees, but fees are the actual ordinance term;
- #2 – reduce the threshold for area of land disturbing activity to invoke the Virginia Erosion and Sediment Control Program regulations – reduce to something less than 10,000 square feet; staff does not think the threshold should be eliminated, but needs to do some research to come back with a documented and justified number; and
- #9 – incentivize onsite stormwater treatment and purchase of nutrient credits from a nutrient bank in the County.

Ms. Palmer asked Mr. Hannah for examples of partners. Mr. Hannah furnished the examples of the Thomas Jefferson Water and Soil Conservation District, Rivanna Water and Sewer Authority, and several nonprofits, although he has not talked with them as much.

Ms. Mallek asked for more detail on #3. She said that when one talks about the demolition of a sewer line and the installation of a few pitiful trees afterwards, it really does not cut it. Mr. Hannah responded that he does not know how much control they have over a public project like a sewer line and deferred to the County Engineer. He said the County would potentially allow temporary control measures within 50 landward feet of the buffer, with a temporary silt fence as an example, which could improve the condition and quality from what it had been before.

Ms. Mallek recalled that several years ago, Mr. Mark Graham told her that silt fences only captured 40 percent of material, and she expressed hope that there have been technological improvements since then.

Addressing #5, Ms. Mallek asked for confirmation that developers would no longer be able to build a parking lot one year and then build another one the next, and that it would be all or nothing and one did the right drainage to begin with. Mr. Hannah confirmed that this was the intent.

Addressing #9, Mr. Hannah emphasized that there was currently not a bank online in the County, though they expect there could be a bank or multiple banks in the future. He said that rather than requiring the two conditions to qualify for a special exception to zoning requirements, staff recommends that the two conditions be used as factors when considering the approval of a special exception, which would require a minor revision to the Zoning Ordinance. He said the staff are not sure whether the Code of Virginia would allow them to implement this and would have to do some legal homework should the Board want to move forward.

Mr. Kamptner stated that this would probably involve Department of Environmental Quality approval of a more restrictive requirement.

Ms. Mallek questioned whether they would need a requirement for it to be local, as they have had this legislatively for a long time but have not been able to enact it and people go to Appomattox instead to buy their cheaper credits.

Mr. Hannah said he thought the language does not allow localities to go to banks to buy credits with any certain locality.

Ms. Mallek said that several years ago, she was told by VACO that the County had the power to do everything they want. She asked what the cost would be for the County to have its own bank from which the County and others could buy. Mr. Hannah responded that staff was looking into this, though they do not yet have a definitive answer.

Ms. Palmer asked if they could designate areas for improvement, as when the Rivanna Water and Sewer Authority planted trees at Buck Mountain Creek with mitigation money. Mr. Hannah responded that he was not familiar with that. Mr. Mark Graham, Director of Community Development, responded that what RWSA did was slightly different and related to impacts on a stream and wetlands, which was a different program than nutrient credits. He said the opinion of the Attorney General related to wetland banks, and there was some question as to whether this applied to nutrient banks. He said the County needs to do a little more work to get through these details.

Mr. Randolph suggested the staff do this on a countywide basis if the state does not approve and potentially work through VAPDC and VACO, as it would be regional if a planning district are involved, which provides more flexibility and adaptability. He said the staff may want to create a subgroup with a few Board members involved to explore its viability. Mr. Hannah remarked that there was a group of staff members who was very interested in this.

Ms. Mallek remarked that philosophically they should be mitigating where their problems are and not 100 miles away. She said she hopes they could find a way to get the proximity much closer.

Mr. Gallaway remarked that staff was seeking direction to move forward on eight proposals and asked if Board members had comments or would like to have a discussion before they move to the others that are not on the list.

Mr. Randolph referred to Attachment B, which he described as informative as it provides a sounding board as to how people felt about each proposal. He recounted that when he lived in Connecticut, he had an intermittent stream in his backyard and worked with three watershed organizations. He expressed concern with costs and staff time as they do not have a clear understanding of what would be involved, and he asked Mr. Hannah if he could come back with a clearer picture of the staff time involved to implement each item as well as simpler ways to work through VACO and other counties in order to minimize the impact. He expressed that he would like to see the benefits exceed the costs.

Mr. Gallaway asked Mr. Hannah if he would come back with costs. Mr. Hannah responded that he would provide more details, including the impact on County resources.

Ms. Mallek asked who would do the extra work. She noted that #1 was prevention of disaster and remarked that it was always better to prevent something than to clean it up afterward. She said there may be some extra staff time to look at a plan to make sure that what was being proposed would do the job.

Mr. Hannah remarked that he does not see any of the nine items recommended being terribly resource intensive, though he agrees that they need more information.

Ms. Mallek asked that Mr. Hannah provide a definition or example of what an agreement in lieu of a plan was, adding that she thought it was simple. Mr. Hannah responded that an agreement in lieu of a plan could be very simple for smaller projects and could just have the necessary information and consist of just a couple of pages of what would be done to mitigate impacts.

Ms. Mallek remarked that they have had a lot of damage with smaller projects because they have not been able to require the kind of standards they need.

Ms. Palmer addressed #2 and asked if they are talking about land disturbance for development, redevelopment, or both. Additionally, with regard to fines, she asked if they are talking about just initial construction or also maintenance of the buffer over the long term. Mr. Hannah responded that the threshold was land disturbance activity of 10,000 square feet or greater and could be new development or redevelopment. He said the fees are for recurring or non-compliance violations, and he thought it pertained to revising and having to submit an application multiple times for one activity.

Ms. Palmer remarked that the staff has done great work and she looks forward to hearing more about the impact. She inquired as to at what stage this would go to the Planning Commission. Mr. Kamptner responded that it would only go to the Planning Commission if changes are made to Zoning or Subdivision Ordinances. He added that if it was in Chapter 17, the Water Protection Ordinance, it would not have to go to the Planning Commission.

Ms. McKeel asked for confirmation that these currently would not. Mr. Kamptner responded that steep slopes are currently regulated under the Zoning Ordinance and would go to the Planning Commission.

Ms. Palmer expressed that at some stage, she would like to hear from the Planning Commission.

Ms. Mallek suggested that they hold a joint work session.

Mr. Gallaway remarked that there seems to be consensus to move forward on the items that have been proposed. He asked Board members if there are items not on the list they would like to discuss.

Ms. Mallek requested that they look at these items individually.

Mr. Hannah reviewed items under the category of Proposals to Forego at this time – Requires Thorough Comprehensive Plan Analysis. He said that Items #7, #8 and all sub-items requires incentives for residential development. He explained that there was the potential for the incentives to create conflicts in some chapters of the Comprehensive Plan objectives and goals. He said that the issue that arose most often was that to reach the densities recommended in the Comprehensive Plan, they might sacrifice stream health.

Ms. Mallek asked Mr. Hannah to distinguish between Items #2 and #4. Mr. Hannah explained that #2 deals with erosion and sediment control regulations from the state, while #4 deals with stormwater management regulations from the state.

Ms. Mallek asked for confirmation that they both look at reducing the size of the land disturbance in order to have regulations be involved. Mr. Hannah confirmed that in #2, they are looking to reduce the threshold while in #4 the staff are not sure that it would provide enough benefit to move forward with an analysis.

Mr. Randolph addressed #6, increased fees for water protection ordinance violations. He stated that a public comment was made that fees could escalate with repeated violations, and he expressed support for a frequency scale with fees increasing with the number of violations. He addressed #7, remarking that the density question has many ripple effects. He asked Mr. Hannah to include the implications on traffic impacts, infrastructure impacts, and unintended consequences of a density bonus.

Mr. Walker asked the Board for confirmation they would like to schedule a joint meeting with the Planning Commission. There was consensus among the Board, with Mr. Gallaway remarking that direction was clear that they move forward on the recommended items.

(Note: Ms. Palmer left the meeting at 2:19 p.m.)

Agenda Item No. 16. Community Field Survey Final Report.

The Executive Summary forwarded to the Board states that while establishing the action objectives of the County's FY 17-19 Strategic Plan, the Albemarle County Board of Supervisors identified the revitalization of aging urban neighborhoods as a high priority. A key objective stemming from this priority included direction that by January 2019, there will be increased support for planning efforts and improvement actions to address neighborhood level needs.

On November 1, 2017, the Board of Supervisors approved Appropriation #2018040 which included funding to the Community Development Department (CDD) for contract services with the Thomas Jefferson Planning District Commission (TJPDC) to complete the pilot neighborhood level community field survey, initiating in January 2018 and concluding in June 2018.

Neighborhood 7, in the Ivy and Barracks Road area, was selected as the initial survey area for the pilot phase of the project (Attachment A). This area was selected because of its relatively compact neighborhoods and older housing stock; a primary goal of the pilot phase being to refine the process for future phases.

The community field survey provided a baseline information on existing physical conditions within the defined area. The survey included information on the condition of:

- Bike and pedestrian facilities
- Street lighting
- Signage
- Transit Stops
- Parks and public spaces
- Residential facilities

County staff has identified multiple applications for the information gained from the community field survey, such as:

Small Area and Master Planning Applications:

The information provided by the community field survey provides a methodology to determine the current state of the neighborhood prior to the development of a plan; it establishes a baseline independent of the small area plan and aids and informs the development of the goals for planning exercises.

Community Development Block Grants:

The survey provides an opportunity to obtain the data necessary to leverage federal funds that could be used to target revitalization efforts in specific areas. With the information provided by inventorying the existing conditions of a neighborhood, staff is confident that the County will be in a stronger position to apply for and receive Community Development Block Grants to support future efforts.

Facilities and Environmental Services:

The information collected will provide necessary and substantial support to the County's work on addressing the aesthetic appearance of high visibility urban public spaces and improving the physical conditions in the aging urban core areas; allowing for the scoping of current conditions and forming the baseline from which an infrastructure and public works strategy can be developed.

At the Board's January 9th meeting staff will present the results (Attachment B) of the Phase I pilot and associated opportunities and takeaways. If the Board is supportive of staff's approach for Phase II, staff will work with TJPDC to finalize the scope of that work. If successful, this approach could be broadened over time; staff anticipates that there could be savings realized by reducing the costs of small area plans over time.

There is no budget impact associated with the presentation of the Phase 1 Pilot Final Report. The FY 19 budget currently includes funding for a proposed phase II.

Staff recommends that the Board:

1. Receive for information, the final report on the Community Field Survey Phase 1 Pilot
2. Endorse staff's approach for Phase II.

Ms. Siri Russell, Director of Equity and Inclusion, and Mr. Mark Graham would be co-presenting this presentation. She stated that this initiative was undertaken under the Board's strategic objective to increase support for planning efforts to address neighborhood-level needs. She listed the following two desired outcomes:

- update on initial analysis of Phase 1 results, and
- endorsement to move forward with Phase 2.

Mr. Graham explained that for the Phase 1 area, they are looking for a pilot area of an older neighborhood with a history of repeated issues that could be used to establish measures to make sure they are getting into revitalization issues and that was small enough to easily study. He reminded the Board that it appropriated funds in November 2017; fieldwork was conducted between March and June, 2018. He presented a slide that listed existing conditions that were reviewed: bike/pedestrian facilities, utility and light poles, storm drains, signage, VDOT signage, crosswalks, fire hydrants, park amenities, bus stops, and residential structures.

Mr. Andrew Gast-Bray, Director of Planning, continued the presentation with a focus on planning applications. He recalled that Mr. Randolph had asked if this was part of master and small area plans. He agreed that it was and said the advantage of doing it this way was that it allows for economy and time saving. He said that if a community wants to start working on this kind of work once the process has been established, the community itself could be trained to do this, which would save time when doing the small area plan. He added that by decoupling from the cadence of master planning, which are based on certain time frames, they would be less likely to miss out on some of the urgencies that pop up and allow them to co-align specific plans for infrastructure elements such as stormwater and street lighting. He emphasized that some plans do not necessarily co-align with the exact boundaries of a small area plan, so this kind of work allows for more flexibility in that process. He then invited questions.

Mr. Michael Freitas, Chief of Public Works, presented on Facilities and Environmental Services applications. He said this effort would establish a baseline of existing infrastructure, would augment existing data sets, and the data collected would help to prioritize and evaluate future projects. He said the data includes the location of sidewalks, sidewalk width and material composition, and condition.

Mr. Randolph asked if County records indicate when a sidewalk was constructed. Mr. Freitas responded that this data was probably not accessible in one place, especially with older sidewalks.

Mr. Freitas continued that the study would also help to evaluate levels of service and identify areas for improvements regarding lighting or aesthetics. He invited questions.

Mr. Michael Dellinger, Building Official, presented on Findings for Residential Structures. He noted that the Thomas Jefferson Planning District Commission had conducted a similar survey from the public right-of-way without going on to individual properties. He said the consensus of the survey was that it was mostly overall sound structures, and he categorized structure conditions: sound, sound with minor repairs, minor to moderate repairs, moderate to major repairs, dilapidated, and under construction. He said that 71% (786) of the 1,108 structures evaluated were determined to be structurally sound, which he said meant they did not have any visible deficiencies, though they may have some cosmetic flaws.

Mr. Dellinger stated that the study identified 20% (218) of the structures as sound with minor repairs required, such as chipped or peeling paint, loose shingles, and minor rot around windows or doors. He remarked that these are issues that a homeowner has the capability to address themselves without the service of a professional. Under the category of minor to moderate repairs, he said they identified 4% (42) of houses as falling under this. He remarked that the average person may not have the ability to perform these repairs and provided examples including rotting fascia, and missing pieces of the building or shingles. He said they found 1% (10) of the buildings fell under the category of moderate to major repairs that require the work of a professional, with a structural deficiency such as interior walls exposed to the elements, a need for roof replacement, leaning chimneys, and sagging window frames. He said they did not find any structures that fell under the category of dilapidated, which he explained means unfit for occupancy and most likely would be more expensive to repair than to demolish. He said that 1% (7) of structures are under construction and 4% (45) are commercial right of ways.

Ms. McKeel asked under what category a house declared as "blighted" with vultures living in the attic and could fall. Mr. Dellinger responded that as it did not have a structural issue, it would not be categorized as dilapidated. He said it would likely fall under the minor to moderate or moderate to major repair category.

Mr. Dellinger continued that they were asked to make a comparison to what was under the Virginia Property Maintenance Code. He expressed his preference that the name be changed to "Virginia Building Maintenance Code," as some categories that some feel should fall under property maintenance are not actually those categories under what the actual building maintenance code are. He next listed some items that have been deleted from the Property Maintenance Code:

- sanitation, garbage, or rubbish enforcement
- tall grass and weed enforcement
- motor vehicle enforcement
- restrictive covenant enforcement
- graffiti enforcement
- erosion and sediment or water runoff enforcement

Mr. Dellinger next provided an explanation of property maintenance, stating that it was the maintenance of structures in accordance with regulations in place at the original date of construction and provided for minimum building safety regulations for occupants. He said that prior to 1974, there was not a building code for residential structures in Virginia. He explained that when evaluating a structure that was constructed prior to 1974, they look to the definition of an unsafe or unfit structure to determine if it would apply, and if it does not fall under this definition, they do not have any code to fall back on to compel an owner to do something about a structure.

Ms. Mallek remarked that a tree through the roof and broken windows would mean a building was not intact and therefore, it becomes a safety issue. Mr. Dellinger confirmed this to be the case if the building was inhabited.

Ms. Mallek recalled the case of a building in her district that had been damaged by fire and left because the owners are out of state. She said they are able to get them to pull it down and make it secure.

Mr. Dellinger remarked that it was a little weird how the Fire Prevention, Building, or Property Maintenance Codes work hand in hand, as once a building obtains a certificate of occupancy, responsibility is turned over to the fire marshal. He explained that if it was found to be an unsafe structure, then it has to be reported to the Building Official for him to take action. He noted that a new property maintenance code has just been published and the State has taken out all the unenforceable language so it was down to three pages.

Ms. McKeel said she would like to have a copy of the new property maintenance code.

Mr. Kevin McDermott, Transportation Planner, presented on Bicycle/Pedestrian Facilities findings. He stated that prior to this study, they did not have a good record of where these facilities existed throughout the County. Now this is in a GIS database from which they can build on in the future. He commented that they have few bicycle/pedestrian facilities outside of the University of Virginia area around some new private developments. He remarked that the assessment determined overall the sidewalk conditions to be "pretty good" and meet the minimum width requirements.

Mr. McDermott presented a slide with a list of key takeaways:

- The TJPDC provided GIS data of bicycle and pedestrian facilities for the entire County.
- Data could be used in Master, Corridor, and Small Area planning processes.
- Allows for improved public information presentations to help convey existing conditions and future plans.
- Identification of system gaps and condition reports could assist in prioritizing funding to appropriate needs.

Mr. McDermott mentioned that there are sidewalk areas of concern that are in bad shape. The County will work with VDOT to try to direct some funding for maintenance of the sidewalk or if the County needs to initiate a public project to redo the entire sidewalk.

Mr. Randolph remarked that it was important to differentiate between infrastructure that lends itself to pedestrian use versus a dedicated bicycle lane that allows people to commute and reduce congestion. He said this would help them as they establish a regional bicycle transportation network. Mr. McDermott responded that although the map he presented showed it as one, the data breaks this out and the County separated them when creating its own maps into four categories: bicycle lane, sidewalk, shared-use path, and Class A or Class B trails.

Ms. Mallek asked if the obstruction data includes the locations of places where a telephone pole was in the middle of a sidewalk. Mr. McDermott confirmed this, noting that the TJPDC took GPS points and photographs of each obstruction.

Ms. Amy Smith, Assistant Director of Parks and Recreation, presented on parks amenities and said that although this study area did not have any public parks or green spaces, there are a lot of park-like amenities included in the apartments and neighborhoods. She described these as benches, picnic tables, shelters, pools, cul-de-sac green spaces, bocce courts, a horseshoe pit, and a community garden. She said their primary takeaway was the need to connect neighborhoods to trail systems and the parks outside of the neighborhood. She said the data would be valuable as they make connections to recreation spots. She noted that Charlotte Humphris Park was located just to the north of the study area and would request a master plan next year.

Ms. Russell resumed presenting with proposals for the Phase II area, which she said includes Neighborhoods 1 and 5 and are classified as opportunity zones. These areas are outlined in a map of the County she presented. She asked for Board participation and suggestions. Staff recommends the following: update on initial analysis of Phase I results; and endorsement to move forward with Phase II.

Mr. Graham remarked that this interdepartmental work has encouraged them to "look outside of their little boxes" and think about how they respond to and serve County residents.

Ms. McKeel remarked how Mr. Trevor Henry had brought Mr. Joel DeNunzio of VDOT into the neighborhoods to look at duplicative signage that could be combined and reduced, which makes an amazing difference in how older neighborhoods look, and suggested these ideas be piloted.

Mr. Graham agreed that this was having all sorts of spinoff benefits they had not anticipated.

Ms. Mallek asked for confirmation that the same type of data would be collected in the opportunity zones, which would be helpful as new projects come forward. Mr. Graham confirmed this.

Mr. Randolph asked what the source of funding was for Phase II. Ms. Russell responded that funding was already in the FY 19 budget.

There was agreement among members that staff should proceed.

Recess. The Board recessed its meeting at 2:51 p.m. and reconvened at 3:07 p.m.

Agenda Item No. 18. Virginia Department of Transportation (VDOT) Quarterly Report.

Mr. Joel DeNunzio, VDOT Charlottesville Residency Administrator, presented and said he would begin by discussing 2018 and where they are and where they are going. He said that 96.6% of bridges are not structurally deficient, which he described as a very high score and great news, and nine bridges in the County were rehabilitated with six by the State, two by contractors, and the bridge over Ivy Creek on Route 250 was replaced. He said they invested \$38 million in 2018 for pavement in the Culpeper District. He said that 94.7% of the interstate was determined to be in fair or better condition, above the 82% target, while primaries are at 82.7% fair or better and secondaries are 59.8%, which was below the target of 65%. He said he expects this score to improve over the next couple of years.

Mr. DeNunzio next reviewed safety measures to keep VDOT and contract workers safe. He said they began using LED flagger panels and portable rumble strips.

Mr. Dill asked if any workers are killed last year. Mr. DeNunzio responded that no VDOT workers were killed in the Culpeper District, though he was fairly certain a contract worker was killed in another area.

Mr. DeNunzio continued with his summary of safety innovations, including the installation of centerline and edge line rumble strips, which he said are especially beneficial in the rural areas to enhance driver safety. He said these would be installed on all primary roads, and they are evaluating the potential for installations on some secondary roads and have installed them in the centerline on Garth Road. He said they have had noise complaints, though he believes the overall safety benefit far outweighs the noise and they are careful about proximity to residences.

Mr. DeNunzio reported that the County was very successful with SMART SCALE applications and they would soon learn what they would receive funding for; Mr. McDermott has a list of these projects. He reported that the Hydraulic Planning Advisory Panel was successful with projects applied for Smart Scale funding. He said they are still struggling to recover from spring flooding, especially in Free Union. He recounted that public hearings were held in the fall regarding six Smart Scale applications that they are moving forward with. He reminded the Board that they completed the rebuild of the Earlysville/Rio Road West traffic signal.

Mr. DeNunzio reviewed the January report and said the six SMART SCALE projects are known as the "design-build bundle." He noted that the project manager was in Richmond earlier in the day for an Alternative Technical Concepts meeting, wherein VDOT accepts ideas from contractors and engineers, and he would provide the Board with feedback from the meeting. He said that technical proposals on this package of projects would be received on April 16, with a contract to move forward expected by June 19. He said that a public hearing would be held in May to review the Route 240/250 roundabout project, with the date and location to be determined. He said the I-64/Route 20 interchange was experiencing morning backups on the westbound side exiting to Route 20. They are also looking to do that off Route 20. He said they have developed a pavement marking diagram and would make changes to the traffic pattern to allow free flow off the ramp.

Mr. Dill asked for more information about this. Mr. DeNunzio explained that they are looking to do two things: keep traffic coming out of Charlottesville in the rightmost lane and not allow it to move to the left lane so that traffic coming across the interstate would have its own lane and not stop in the median. He said that once they cross the Route 20 traffic going towards Charlottesville, they could move freely into the designated lane and allow more vehicles to clear the queue. He explained that the second remedy was to have a right free flow lane, though they are not sure they would be able to do this as there are issues with the interchange.

Mr. Dill remarked that it was not quite clear whether two cars could fit in the center lane and then people are coming down the hill pretty fast.

Mr. DeNunzio said he would review maintenance updates, mostly in Free Union because it was hardest hit by the rains. He began with Fox Mountain Road, for which he said they have taken environmental staff out to get permitting for drainage issues, and they will conduct a traffic count. He said that Mr. Justin Deal with VDOT would evaluate this for a potential classification as a rural rustic road. He said they are getting environmental clearances to make improvements to the surface of Bluffton Road, which has not held up well as the area does not have good drainage. He noted that Ridge Road was closed due to the emergence of an artesian spring that washed out the underside of the road and they are trying to get utilities relocated. VDOT is working towards getting a spring box in place in order to get the road reopened. He said they have an incremental plan to move forward with Decca Lane; he met with Ms. Palmer about this last year. He said they have environmental clearance to replace the culvert along Catterton Road and would procure a culvert replacement. He concluded and invited questions.

Ms. McKeel reminded him that she recently contacted him about several families along Georgetown Road who are no longer able to exit their driveway. She said that a homeowner informed her that a VDOT representative had come out to assess the situation. Mr. DeNunzio responded that he does not know the resolution on this and offered to follow up through email.

Ms. McKeel said she has been receiving complaints about the sight distance at the old Senior Center and asked him to comment. Mr. DeNunzio responded that he, Mr. McDermott, the police, and district traffic representatives would get together with some community members there to establish traffic-calming measures. He said they have conducted a speed study and there was adequate sight distance looking left but not from the stop bar, which was fairly far back so that trucks could make the left turn. He said they placed skip lines so that drivers know where they could come out and be able to see; however, people are driving well above 25 mph and they would make traffic-calming attempts to lower speeds.

Ms. Mallek added that it was incredibly dangerous for pedestrians and reminded Mr. DeNunzio that the original plan had called for a light there. Mr. DeNunzio responded that a signal analysis was conducted in March 2018 and it was determined that a signal was not warranted.

Ms. Mallek remarked that once someone was killed, they would get a light, and many of those over the age of 70 cannot get across very fast.

Ms. McKeel noted that they have the infrastructure to install a light once it was warranted. Mr. DeNunzio confirmed this.

Ms. McKeel remarked that between Leonard Sandridge Road and the Barracks Road East exit on Route 250 the traffic was often backed up and it exposes a vehicle to trucks coming around the curve, especially when the students are in town. Mr. DeNunzio said he contacted the traffic engineers in late December and asked what they could do. He said he thought the problem was at the signal on the loop road to Route 29 North as well as the left turn to Hydraulic Road. He said the City was still getting its signal system, but the Angus Road signal, still operated by VDOT, has not been coordinated with the rest of the corridor. He said he has asked them if there was anything they could do to reduce the queues, and he recounted that it was not nearly as bad the last time he visited the site in the afternoon.

Ms. McKeel remarked that it was not always backed up, though the area was quite congested.

Ms. Mallek remarked that the same thing occurs going west at Bellair. She recalled that a few years ago, they discussed the potential for a right-turn only lane at Old Ivy Road up to Faulconer Drive. Mr. DeNunzio responded that once the road was resurfaced, it would be restriped this way. Ms. Mallek said it would really help to return it to being westbound only.

Mr. Dill remarked that several years earlier, someone was killed at the I-64 Exit 124 ramp. He said that despite some traffic lights, cars traveling past Peter Jefferson Place do not see the cars coming out so he always comes to a complete stop. He recounted a recent close call where a car ran a red light going eastbound on Route 250, and if he had pulled out he would be dead. He said that somehow because of the way the bridge was, they do not see the light right away and it seems that cars are often slamming on their brakes or swerving.

Mr. Randolph said he echoes this and described it as a "slingshot dragster phenomenon," with cars accelerating to be first into the one lane and unaware of vehicles exiting at Shadwell to go east. He suggested that a staff member stand there at rush hour, as they would get a horrific insight into the dynamics at work.

Mr. DeNunzio noted that he uses this exit every morning to get to the office.

Mr. Randolph said he was not dealing with all the traffic at the end of the day when people are impatient.

Mr. DeNunzio said he waits until the light turns green. He said he does not know if there was a solution.

Mr. Dill suggested that they have a flashing light.

Mr. DeNunzio said they should see a great improvement once they build the diverging diamond interchange, which should be under construction by the end of the year. He said the right on red was not necessary with a diverging diamond, and this should address most of the problem. He said they have been mowing the area under the bridge to allow for good sight distance and he offered to speak with people to see if there are ideas for what to do in the meantime. He said the traffic could be merged down but then it hurt operations and causes other problems that could lead to safety issues.

Ms. McKeel commented that in some areas the road markings are not visible, especially on Ivy Road. Mr. DeNunzio responded that the striping truck was winterized and work cannot be done this time of year. He said he was awaiting a response to his question as to whether they retrace every road every year or whether they only retrace roads with the greatest need. He said the paint has glass beads in it that improves reflectivity, though he does not know how it holds up at night in the rain.

Ms. McKeel remarked that it would be interesting if the Research Council would assess what works and what does not. She noted that VDOT recently repaved Canterbury Hills and her vehicle picked up rocks in the brake on three separate occasions, and she suggested a study to determine the size of gravel that was used by contractors. Mr. DeNunzio responded that it was a 4.75 mix, which he described as a very fine mixture, and that was only the second time he used that mix in Albemarle.

Ms. McKeel noted that some signs on the interstate that are hardly readable because they are so dirty. Mr. DeNunzio said he noticed this at the intersection warning signs at Route 250 and Route 240; it was more noticeable this time of year because it got dark early, and that he sent a request to have these signs replaced. He invited Supervisors to inform him of signs that are losing visibility so he could have them replaced. He said that as crews go around to do snow assessments they could also review signage.

Ms. McKeel thanked Mr. DeNunzio and Mr. Henry for the pilot where they removed redundant signage in older neighborhoods, as it made the neighborhoods look much better visually. Mr. DeNunzio remarked that as signs need to be replaced, they would combine them.

Ms. Mallek remarked that she has been getting questions about heavy gravel trucks going to lumber jobs and causing damage. She said her reply has been that everyone was entitled to use the roads and they cannot be fined for creating ruts. Mr. DeNunzio responded that they could make sure they are properly maintaining their entrances and not tracking things or off-tracking on to the road.

Ms. Mallek asked if the rumble strip on Rheas Ford Road south of Earlysville Road that was put in five years ago could be refreshed, noting that it has helped tremendously in stopping T-bones, but it has now flattened and barely make any noise. Mr. DeNunzio said he would talk about this when he goes to Earlysville.

Mr. Dill recalled that he heard on NPR that 1.3 million people die every year in car crashes around the world.

Agenda Item No. 17. Rivanna Water and Sewer Authority (RWSA) Quarterly Report.

Mr. Bill Mawyer, Rivanna Solid Waste Authority and Rivanna Water and Sewer Authority Executive Director, presented. He said there was a lot of good news about the new transfer station at the Ivy landfill as traffic and tonnage was increasing, with a tripling of the number of tons accepted during the first week of 2019 compared with 2018.

Mr. Mawyer said he has three videos to show the Board about large projects that are either underway or potentially coming underway in the next year or so. He said the Crozet water treatment plant would be renovated to increase its production capacity from 1 million gallons per day to 2 million gallons per day. He said they would do work on the Beaver Creek Dam, including the raw water pump station and the reservoir itself. He then presented a video with an overview of the Crozet Drinking Water System project. He said that plant work was currently underway; the contractor should get started on real renovations in about a month. For the Reservoir work, they are in discussions with the Service Authority about rates, affordability, and whether it could get started in 2021.

He next presented a video with an overview of the Observatory Water Treatment Plant. The Observatory Plant is the oldest in the urban system and is truly in need of renovation. He noted that there was a misconception that the plant only services University of Virginia, though in combination with the South and North Rivanna plants it also serves all of Charlottesville and the urbanized area of Albemarle County.

Mr. Mawyer next presented a video on the South Rivanna Water Treatment Plan and its planned renovation. He said that they have started preparing the site for the Birdwood waterline project and, weather permitting, would begin pipe installation in February.

Ms. Mallek asked if he was working on right-of-way design for the pipeline. Mr. Mawyer confirmed this. He said there are not many private properties that would be impacted, as they are in discussions with the School Board about going through Jack Jouett Middle School as well as the University of Virginia Foundation about utilizing their property on the south side of Garth Road and at Birdwood. He said they would have to get together with private property owners of Ingleside Farm and are working on the exact alignment. He said they have targeted the period between March and May to meet with property owners.

Ms. McKeel said she was thrilled that they would be able to use school property. Mr. Mawyer cautioned that they have spoken with their facilities people but the School Division must agree.

Mr. Randolph remarked that Mr. Mawyer presented over \$85 million of CIP projects and asked if he would present an estimate of the monthly impact on residential bills. Mr. Mawyer responded that they are talking with the Albemarle County Service Authority and the City on the impacts to retail rates. Mr. Randolph said it would also be helpful to know Rivanna's raw water costs. Mr. Mawyer said Rivanna is also trying to develop its budget.

Ms. Mallek recalled that at the discussion of the use of chloramine versus GAC, every attendee expressed a willingness to pay a bit more in order to do it right.

Mr. Mawyer remarked that the cost to replace the GAC media in the GAC contactors was about \$1 million per year and represents a new item added to the budget for this year, representing a 3% increase to the Authority's costs.

Mr. Randolph asked if this was deemed to be hazardous waste when it was disposed of. Mr. Mawyer said he does not think so, and it could be regenerated at the plants so it was not waste.

Agenda Item No. 19. County Transportation Planner Quarterly Report.

Mr. Kevin McDermott, Principal Transportation Planner, presented. He noted that Supervisors have received copies of the full report and he would review highlights. He said that a total of 10 transportation priority projects were submitted by the County, TJPDC, and MPO. He said the Commonwealth Transportation Board announced it would release the initial scores at its meeting next Tuesday. He said they are moving forward with revenue-sharing and transportation alternatives projects that were awarded through the TAP and revenue-sharing programs last year:

- Commonwealth Drive/Dominion Drive sidewalks – contracting with design firm
- Crozet Square/Oak Street improvement – in design
- Cale E.S. crosswalk – contracting design firm
- Jouett/Greer/Albemarle – in design

Mr. McDermott stated that a major push made was to work on the update to the transportation priorities list, noting that two years ago they reevaluated all the recommended projects and came up with a ranking system. He said he attached an update on these projects to the quarterly report and pointed out that 15 of the 20 first tier projects received some construction funding through VDOT, grants, or the CIP process. He said that 10 of the 20 projects had planning activities directed at them. He continued that 6 of

the 20 second tier projects had some construction funding, and 8 of 20 projects had planning activities. He said they are placing the information in a GIS database to make it easily accessible and he has created a map of the projects, which he would like to make available to the public. He remarked that some of the updated transportation priority projects would be removed, others would be broken up, and additional projects would be added. He said that he would schedule a work session to review this information in the next few months.

Mr. McDermott provided an update on major planning projects, stating that the Avon Street Corridor Plan was underway with construction estimated to take six to nine months. He said they have asked the consultant to conduct a traffic analysis at some key intersections and design concepts, which would push the cost to \$90,000, an additional \$15,000, and he expects to make a request to the Board for this additional funding at a later date. He noted that they meet monthly with 5th and Avon Street CAC to guide the process, and hope to use this as a model for future corridor plans.

Mr. McDermott next reviewed the MPO Long Range Transportation Plan. He said the project was underway and they have been looking at the constrained projects list, with an open house scheduled for January 14, 2019. He urged Supervisors to attend to see what was presented. He next reviewed the Rural Long-Range Transportation Plan, informing the Board that it was completed and has been posted to the TJPDC website, with the Board to consider whether to adopt this into the Comprehensive Plan. He next reviewed the Ivy Creek Natural Area Entrance Safety Assessment, which he said would review the entrance off of Earlysville Road. He said a draft report recommends a multi-phase approach and they hope to submit an application for the first phase, which would be a recreation access grant from the state. He said this would involve vegetation clearing and grading from Earlysville Road to the first parking lot so they could bring it in to the state system, which would make future projects eligible for additional state funds, including highway safety improvement and revenue sharing. He remarked that if this phase does not adequately address concerns, they could add a full left-turn lane. He said the next step was to go to the Ivy Creek Natural Area Board to make sure they are willing to move forward with the recommendations, after which they could move forward quickly. He said they are also working on the Pantops Master Plan update and the Rio/29 Small Area Plan, which has been approved, and they are working on implementation.

Mr. McDermott next reviewed transit projects. He said that the Transit Development Plan was underway, though it has been delayed as CAT and JAUNT continues to work with the consultant and the state. He remarked that the plan would make quite an improvement to service throughout the County. He said the first phase of the CAT bus stop improvements was complete with the addition of shelters and benches to several bus stops. He said they would evaluate stops that have the most use for the second phase and use grant money that CAT gets from the state. He said the Regional Transit Partnership continues to meet. He stated that they have also been working on the Perrone/JAUNT/Albemarle County autonomous shuttle approved by the Board to identify how the route could work and have had preliminary discussions with JAUNT about a Crozet express transit service, which was recommended in the Crozet Master Plan.

Mr. McDermott next reviewed the bicycle and pedestrian program. He reminded the Board that it recently approved funding for quality-of-life projects for which they are working with a consultant on cost and design concepts to see if they could go forward with TAP grants this year or use direct County funds. He said the Jefferson Area Bicycle and Pedestrian Plan update was ongoing and very close to completion, with an open house scheduled for January 14, 2019, and he invited Supervisors to attend. He next reviewed Bicycle and Pedestrian Facilities Inventory and Mapping. He said they had been cleaning up the information obtained from TJPDC to get a comprehensive database for the entire County, which could be used for transportation planning and for presentations to the public. He next reviewed Sunset Bridge Repair and Replacement and explained that the pedestrian bridge was wiped out from the rains. He said that VDOT has made temporary improvements, they are looking to replace this with a new bicycle/pedestrian bridge to connect the City and County, and they are working with the City to determine potential funding sources. He added that the City was willing to take on maintenance, as VDOT does not take responsibility for bicycle/pedestrian bridges.

Ms. Mallek recalled that the City closed the bridge to vehicles because it did not want County residents driving through the neighborhoods to get to work, and she wondered why it was the County's responsibility to fix it. Mr. McDermott responded that his understanding was that when residential apartments went in along Sunset in the County, the bridge was going to have to be improved to accommodate more traffic. He said that the City did not want this to happen and closed the bridge.

Ms. Mallek added that it transferred the misery to Old Lynchburg Road. Mr. McDermott said they are looking at other options to solve overall transportation problems in that area, noting that they are assuming the bridge would remain bicycle/pedestrian. He explained that Sunset goes up a very steep hill with winding curves once it enters the City, and it was not appropriate to handle a lot of traffic so it was probably best to keep it bicycle/pedestrian and look at other options to address vehicular traffic.

Ms. Mallek noted that there are many students in that area. Mr. McDermott agreed, adding that one-half the residents at Eagle's Landing are students.

Ms. McKeel asked if they could partner with the University of Virginia. Mr. McDermott responded that they would like to.

Mr. Dill commented that he was at a conversation where this was discussed, and they basically said they could not do something that was not even adjacent to the University.

Ms. McKeel suggested that they pursue this now as there was new leadership at the University.

Mr. McDermott noted that it would not be a big project and said he would reach out to the University and see if the County could get some grant money.

Ms. Mallek added that there was a connection to Stribling Avenue in the swamp, and they have to be careful about staying out of the wetland.

Mr. McDermott reviewed development projects and presented a list of those that the staff have been working most heavily on:

- Southwood Rezoning
- Woolen Mills Redevelopment/WillowTree
- Belvedere Development Phases and The Center
- Barnes Lumber Property Redevelopment
- Arden Place II
- Brookhill Development Phases
- Wetzel Property – although no applications have been received
- Galaxie Farm Rezoning
- Stonefield Development.

Mr. McDermott reviewed reported transportation issues and presented a list:

- Miller School Road/Owensville Road Thru Truck Restriction Study
- Morgantown Road Speeding Concerns
- Fontana Neighborhood Traffic Calming Program
- Key West Neighborhood Speeding Concerns
- Gilliams Ridge RR Crossing Quiet Zone

He noted that Supervisors Mallek and Randolph have asked if Route 810 in the northwest part of the County, which passes through Greene County into Madison County, could be designated as a scenic byway. He said a fact-finding meeting was held with Department of Conservation and Recreation officials, and they have been collecting additional data. He said that should the Board wish to pursue this, they would request a review from Department of Conservation and Recreation and Department of Transportation, which would issue a report on their findings. He said this would be followed by a public hearing and then a resolution. He noted that the Greene County Board of Supervisors voted to move forward with this, as they have a lot of support from residents.

Ms. Mallek said this was a fabulous idea, as it does not impact landowners' ability to use their property. She commented that it was a way to bring some attention to beautiful country areas, would be the first link of three of the Shenandoah chimneys, and would contribute to the goal of the Blue Ridge Heritage Project to create an eight-county travel itinerary. She added that she has not heard of any concerns from anyone in her district.

Mr. Dill asked if there are any implications such as maintenance. Ms. Mallek responded that the state installs the signs and creates maps.

Mr. McDermott said there would be no additional maintenance obligation of the County and explained that the road has to be considered safe enough and determines to have certain features to be considered scenic. He noted that this could impact towers located within a certain distance of a scenic byway to the next tier level.

Mr. Dill asked where the southern end of the byway was. Mr. McDermott responded that the byway would go from the Route 240/Route 250 byway through Crozet, connect and follow Route 810. He said it would connect with Garth Road, as well as scenic byways in Madison County.

Ms. Mallek remarked that Route 20 was designated as a National Scenic byway.

Mr. McDermott asked Supervisors if they would like him to put in a request for an evaluation by Department of Conservation and Recreation.

Mr. Gallaway and Ms. Mallek authorized Mr. McDermott to proceed.

Mr. Randolph said he has received emails about road cleanup and discussed this with Mr. DeNunzio. He said the prisoners are probably anxious to get out and they have plenty of road surface that need litter pick up.

Ms. Mallek noted that the roads in the country are a disaster.

Ms. McKeel described the litter along Earlysville Road as appalling.

Ms. McKeel suggested that staff reach out to the schools to educate students about litter and potentially involve University of Virginia.

Ms. Mallek remarked that it would be wonderful if the legislature would authorize the use of speed cameras with tickets by mail, as it was impossible to have a police officer on every street to slow people down. She said people would slow down and there would be fewer highway deaths.

Mr. Gallaway asked Mr. McDermott for the person who leads the traffic-calming aspect of the quarterly report. Mr. McDermott responded that the staff could do this; he recently looked at Fontana and would look at Greenbrier, if the Board requested.

Mr. Gallaway commented that the VDOT report makes it sound as if this was in motion and he was a bit confused as to whether the County or VDOT was responsible. Mr. DeNunzio responded that it would require a bit of money, as Hillsdale/Greenbrier was a unique situation. He said that normally the County was responsible for traffic calming, but he agreed to take responsibility since it was a unique situation, while Mr. McDermott has addressed calming in Fontana. Mr. Gallaway asked that Mr. DeNunzio make a note in its report who was taking the lead, i.e., VDOT or County, as it would be helpful.

Agenda Item No. 20. Closed Meeting.

At 4:30 p.m., Mr. Dill **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia

1. Under Subsection (1) to discuss and consider:
 - Appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and
 - The assignment of County personnel who provide emergency services; and
2. 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
3. Under Subsection (5), to discuss grants related to the expansion of two existing businesses where no previous announcement has been made of the businesses' interests in expanding their facilities in the County; and
4. Under Subsection (6), to discuss and consider the investment of public funds for additional public services in a portion of the Scottsville Magisterial district, where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County; and
5. Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to a possible agreement with a volunteer rescue squad.

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 Mr. Randolph.
NAYS: None.
ABSENT: Ms. Palmer.

Agenda Item No. 21. Certify Closed Meeting.

At 6:08 p.m., Mr. Dill **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 are 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 Mr. Randolph.
NAYS: None.
ABSENT: Ms. Palmer.

Agenda Item No. 2. Boards and Commissions:

Item No. 2a. Board Member Committee Appointments.

Mr. Randolph **moved** that the Board make the following Board Committee appointments for 2019:

Norman Dill:

- Audit Committee with said term to expire December 31, 2019.
- CIP Oversight Committee with said term to expire December 31, 2019.
- Darden Towe Park Memorial Committee with said term to expire December 31, 2019.
- High Growth Coalition with said term to expire December 31, 2019.
- Pantops Community Advisory Committee, Board liaison, with said term to expire December 31, 2019.
- Places 29 (North) Community Advisory Committee, Board liaison, with said term to

- expire December 31, 2019.
- Rivanna River Basin Commission with said term to expire December 31, 2019.

Ned Gallaway:

- Audit Committee with said term to expire December 31, 2019.
- Darden Towe Park Memorial Committee with said term to expire December 31, 2019.
- Piedmont Workforce Network Council (designee in absence of Chair) with said term to expire December 31, 2019.
- Places 29 (Rio) Community Advisory Committee, Board liaison, with said term to expire December 31, 2019.
- Property Committee with said term to expire December 31, 2019.
- Regional Transit Partnership with said term to expire December 31, 2019.

Ann Mallek:

- Acquisition of Conservation Easement (ACE) Committee, Board liaison, with said term to expire December 31, 2019.
- Agricultural and Forestal Advisory Committee, Board liaison, with said term to expire December 31, 2019.
- Charlottesville-Albemarle Convention and Visitor's Bureau Executive Committee, with said term to expire December 31, 2019.
- Crozet Community Advisory Committee, Board liaison, with said term to expire December 31, 2019.
- Historic Preservation Committee, Board liaison, with said term to expire December 31, 2019.
- High Growth Coalition with said term to expire December 31, 2019.
- Rivanna River Basin Commission with said term to expire December 31, 2019.
- Workforce Investment Board, Board Liaison, with said term to expire December 31, 2019.

Diantha McKeel:

- Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2019.
- Economic Development Authority, Board Liaison, with said term to expire December 31, 2019.
- Places 29 (Hydraulic) Community Advisory Committee, Board liaison, with said term to expire December 31, 2019.
- Police Department Citizens Advisory Committee, Board liaison, with said term to expire December 31, 2019.
- Regional Transit Partnership with said term to expire December 31, 2019.

Liz Palmer:

- 5th and Avon Community Advisory Committee with said term to expire December 31, 2019.
- Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2019.

Rick Randolph:

- 5th and Avon Community Advisory Committee with said term to expire December 31, 2019.
- CIP Oversight Committee with said term to expire December 31, 2019.
- Hazardous Materials Local Emergency Planning Committee with said term to expire December 31, 2019.
- Property Committee with said term to expire December 31, 2019.
- Village of Rivanna Community Advisory Committee, Board liaison, with said term to expire December 31, 2019.

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 Mr. Randolph.

NAYS: None.

ABSENT: Ms. Palmer.

Item No. 2b. Vacancies and Appointments.

Mr. Randolph **moved** that the Board make the following appointments:

- **reappointed** Mr. Hamilton Moses, Mr. G. David Emmitt, Mr. David Mitchell, and Mr. Peter Taylor to the Albemarle Conservation Easement Authority (ACEA) with said terms to expire December 31, 2021.
- **appointed** Ms. Elizabeth Sutphen to the Agricultural and Forestal District with said terms to expire April 17, 2022.
- **appointed** Mr. Stan Binstead to the Architectural Review Board with said terms to expire November 14, 2022.

- **reappointed** Mr. Donald Long, joint city/county representative to the Charlottesville/Albemarle Joint Airport Commission with said terms to expire December 31, 2019.
- **reappointed** Mr. David Ferrall, as the White Hall District representative to the Equalization Board with said term to expire December 31, 2019.
- **appointed** Mr. Martin Silverman to the Jefferson Area Board for Aging (JABA) with said term to expire December 31, 2019.
- **appointed** Ms. Nicole Scro to the Places 29 (RIO) Community Advisory Committee with said term to expire September 30, 2019.
- **appointed** Ms. Anne Johnson to the Solid Waste Alternatives Advisory Committee (SWAAC) with said term to expire May 31, 2023.
- **appointed** Mr. Mike Gaffney to the Rivanna Solid Waste Authority and Rivanna Water & Sewer Authority with said term to expire December 31, 2020.

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 Mr. Randolph.

NAYS: None.

ABSENT: Ms. Palmer.

Agenda Item No. 23. From the Public: Matters Not Listed for Public Hearing on the Agenda.

As no one came forward to address the Board, Mr. Gallaway closed this portion of the meeting.

Agenda Item No. 24. **FY 2019 Budget Amendment and Appropriations.**

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

The cumulative total of the FY 2019 appropriations itemized below is \$9,000,883.63. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2019 Budget Amendment totals \$9,000,883.63. The estimated expenses and revenues included in the proposed amendment are shown below:

PROPOSED FY 2018-19 BUDGET AMENDMENT

ESTIMATED REVENUES

Local Revenues	\$	624,952.37
States Revenues	\$	639,666.22
Federal Revenues	\$	474,088.93
Bond Proceeds	\$	485,537.00
General Fund Balance	\$	1,884,123.50
Other Fund Balances	\$	<u>4,892,515.61</u>
TOTAL ESTIMATED REVENUES	\$	<u>9,000,883.63</u>

ESTIMATED EXPENDITURES

General Fund	\$	1,601,060.86
Special Revenue Funds	\$	595,472.87
School Programs	\$	4,842,435.84
Emergency Communications Center	\$	4,387.60
Capital Projects	\$	<u>1,957,526.46</u>
TOTAL ESTIMATED EXPENDITURES	\$	<u>9,000,883.63</u>

The budget amendment is comprised of a total of thirty-five (35) separate appropriations. Twenty-three (23) have already been approved by the Board as indicated below:

- Ten (10) appropriations approved 10/3/2018;
- One (1) appropriation approved 10/10/2018;
- Seven (7) appropriations approved 11/7/2018; and
- Five (5) appropriations approved 12/5/2018.

Twelve (12) appropriation requests for approval on 1/9/2019 are the remaining as described in Attachment A.

This request is also for the Board's adoption of a Resolution of Intent to Reimburse Expenditures Related to Capital Projects with Proceeds of a Borrowing for these projects and is contingent on the

Board's approval of Appropriation #2019055. The Resolution would allow the County to use up to \$118,337.00 in borrowed proceeds to reimburse the capital budget for expenditures incurred prior to the programmed borrowing of funds for these projects.

After the public hearing, staff recommends that the Board:

1. adopt the attached Resolution (Attachment B) for local government and school projects and programs as described in Attachment A, and
2. adopt the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment C).

Appropriation #2019054 **\$32,952.00**

Source: Federal Revenue \$ 32,952.00

The Emergency Communication Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate \$32,952.00 in Virginia Department of Emergency Management Local Emergency Management Performance grants to the ECC. This total amount includes \$25,452.00 awarded to the County of Albemarle and \$7,500.00 awarded to the City of Charlottesville. This funding will support emergency management salary and operating costs.

Appropriation #2019055 **\$118,337.00**

Source: Bond Proceeds \$ 118,337.00

This request is to appropriate \$118,337.00 in borrowed proceeds to fund increased costs for the Police Department's Mobile Command Center Replacement, originally funded in FY 18. This includes \$116,017.00 in increased costs for technological advancements over the originally budgeted amount of \$188,593.00 and \$2,320.00 for the cost of issuance. A borrowing resolution is included as Attachment C for this appropriation.

Appropriation #2019056 **\$0.00**

Source: Water Resources CIP fund balance \$ 322,072.00
 Water Resources Fund fund balance (\$ 322,072.00)

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

This request is to decrease the budgeted use of Water Resources Fund fund balance by \$322,072.00 and increase the budgeted use of Water Resources CIP fund balance by the same amount to properly recognize the correct revenue sources.

Appropriation #2019057 **\$0.00**

Source: State Revenue \$ 32,155.00
 Use of Water Resources CIP Fund Balance (\$ 32,155.00)

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

This request is to appropriate \$32,155.00 in State grant revenues for the RiverRun Stream Restoration, which is part of the Large-Scale Best Management Practice (BMP) Retrofits on Private Lands Project, and to reduce the use of Water Resources CIP Fund balance by \$32,155.00 because the grant revenues from the State are greater than expected.

Appropriation #2019058 **\$675.00**

Source: Local Revenue - Donations \$ 675.00

This request is to appropriate \$675.00 in donations received in FY 19 to support the Sheriff's volunteer reserve programs. These contributions will support the various reserve programs such as Project Lifesaver, TRIAD, Search and Rescue, child fingerprinting, and any other community programs and activities in which the Reserves are involved.

Appropriation #2019059 **\$0.00**

Source: Reserve for Contingencies* \$ 50,000.00

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

This request is to appropriate \$50,000.00 from the Reserve for Contingencies to the Office of Equity and Inclusion pursuant to the Board of Supervisors' actions at its November 14, 2018 meeting. The Board endorsed staff's approach for the development of projects related to the Community Remembrance Project. A total of \$50,000 is requested to support local history exhibits in Lane McIntire building (including soil exhibit) and five state historic markers.

After approval of Appropriations #2019059 and #2019060, the FY 19 General Fund Reserve for Contingencies balance will be \$189,145.00. Of that amount, \$39,219.00 is for unanticipated expenses that may require ongoing funding and \$149,926.00 is for expenses that may require one-time funding.

Appropriation #2019060		\$112,772.00	
Source:	General Fund fund balance	\$	112,772.00
	Reserve for Contingencies*	\$	177,772.00

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

This request is to appropriate \$112,772.00 from General Fund fund balance and \$177,772.00 from the Reserve for Contingencies to the Rivanna Solid Waste Authority (RSWA) Service contribution to fund the County's share of operational expenses. This amount includes funding for services provided to the County during FY 18 and for anticipated increases in FY 19.

- The FY 18 RSWA audit identified an additional \$67,772.00 due from the County. This was primarily due to increased hours of operation at the McIntire Recycling Center, maintenance on the electrical systems, and paving related to utility work at the center.
- The FY 18 budget included \$45,000.00 for the development of a Master Plan for a recycling convenience center at the Ivy Material Utilization Center. This project was budgeted in FY 18 but will be expended in FY 19.
- After adoption of the FY 19 budget, RSWA provided the County with updated estimates for operational costs that will require an additional \$177,772.00 above the adopted budget.

After approval of Appropriations #2019059 and #2019060, the FY 19 General Fund Reserve for Contingencies balance will be \$189,145.00. Of that amount, \$39,219.00 is for unanticipated expenses that may require ongoing funding and \$149,926.00 is for expenses that may require one-time funding.

Appropriation #2019061		\$0.00	
Source:	Regional Firearms Training Facility Capital Fund	\$	116,218.88

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

This request is to reallocate the Capital Contingency for the Regional Firearms Training Facility to the Regional Firearms Training Capital Reserve per the Operational Agreement between the County, the City of Charlottesville and the University of Virginia.

Appropriation #2019062		\$556,070.00	
Source:	General Fund fund balance	\$	556,070.00

This request is to appropriate \$556,070.00 in General Fund fund balance for the following items that are planned to be one-time expenses. At the December 12, 2018 Board of Supervisors meeting, the Board provided direction by consensus to appropriate in January funding for any one-time uses that are needed prior to the FY 20 annual budget process. Discussion of additional proposed uses of General Fund fund balance in FY 19 and FY 20 will be part of the FY 20 annual budget process with the Board of Supervisors.

Police

- 250,000.00 to provide vehicle storage at the County Office Building located on 5th Street Extended. This funding will be budgeted in the Capital Fund budget.
- \$28,300.00 in capital outlay equipment including ballistic helmets, gas masks, and radar units.

Facilities and Environmental Services

- \$150,000.00 for professional services for a facilities master plan of County local government facilities to analyze current and estimated future space requirements and develop and evaluate multiple conceptual approaches.
- \$27,775.00 for a vehicle for the Environmental Services Division;
- \$6,160.00 to continue a pilot program offering recycling services at County office buildings for the duration of FY 19.

Parks and Recreation

- \$64,600.00 for a vehicle to support the trail maintenance program.

Voter Registration and Elections

- \$29,235.00 for scanning and digitizing voter registration applications and cancelled voter registration cards. The Virginia Department of Elections has been increasingly encouraging localities to scan and digitize their records of voter registration applications.

This proposed use of the General Fund fund balance will not reduce the County's 10% unassigned fund balance or 1% Budget Stabilization Reserve; however, it does reduce the amount of FY 18 undesignated funds that would be available for other uses in the future.

Appropriation #2019063		\$ 200,308.01
Source:	Albemarle Broadband Authority (ABBA) Fund fund balance	\$ 200,308.01

This request is to re-appropriate \$200,308.01 in ABBA Fund fund balance to the ABBA. The Albemarle Broadband Authority was formed by the Board of Supervisors in August 2017. The goal of the Albemarle Broadband Authority is to extend affordable broadband internet service access to every customer in Albemarle County. The County serves as the fiscal agent for the ABBA.

Appropriation #2019064		\$4,163,107.00
Source:	Local	\$ 288,092.80
	School Special Revenue Fund Balances	\$ 3,875,014.20

This request is to appropriate the following School Division appropriation requests approved by the School Board on December 6, 2018. The following requests are to appropriate the prior year fund balance of various special revenue funds to be expended in accordance with the specific requirements for each individual fund:

- Requests the appropriation of \$51.90 for Title I Fund to support reading/language arts and math instruction for students with achievement levels that do not meet expected standards in the seven elementary schools with free- and-reduced lunch program participation percentages above the county average. Title I Fund is responsible for the following major programs and/or services: reading/language arts instruction, math instruction, parental involvement, and support for homeless students.
- Requests the appropriation of \$408.46 for the Migrant Fund to identify and serve all eligible Migrant students residing within the regional district (Albemarle, Alleghany, Augusta, Charlottesville, Chesterfield, Culpeper, Cumberland, Fluvanna, Goochland, Greene, Hanover, Louisa, Lunenburg, Madison, Nelson, Nottoway, Orange, Rockbridge, Staunton and Waynesboro).
- Requests the appropriation of \$253,228.20 for Miscellaneous Grants Fund to support various small grants received by the School Division. These grants typically are under \$5,000, with the majority of them between \$500 to \$1,000. Grants received may be for a very wide variety of area including the arts, field trips, classroom specific projects, school-wide projects, etc. The primary criteria for grants included in this fund are that they are non-recurring and under \$25,000.
- Requests the appropriation of \$19,819.19 for Miscellaneous Grants-CTE/TECH fund to support various grants received by the School Division designated solely for career and technical education or technology education. These grants may range from under \$5,000 and up to \$25,000. Grants received are typically used for the purchase of technology equipment, industry certification exams, licensure tests and occupational competency assessments for students enrolled in high school CTE courses, and project specific expenses which may include travel, field trips and supplies.
- Requests the appropriation of \$8.00 for Adult Education Fund to provide educational opportunities, including assistance in preparing for the General Equivalency Diploma (GED) exam, learning English as a Second Language (ESOL), and developing basic educational skills, to adults whose skills in reading, mathematics, and other subjects are below the 12th grade level in support of the Division's strategic plan. The Adult Education Fund is responsible for the following major programs and/or services: general equivalency diploma classes, ESOL classes, and family literacy classes.
- Requests the appropriation of \$10,981.04 for the Economically Dislocated Worker's Fund to collaborate with institutions, agencies, and businesses, when requested, to provide tutoring and classes tailored to the individualized needs of particular students. The Economically Dislocated Worker's Fund is responsible for the following major programs and/or services: tutoring for high school students, workplace, family Lit and ESOL classes, and instruction in basic math and reading.
- Requests the appropriation of \$1,118.45 for the Alternative Education Fund (ISAP or Individual Student Alternative Education Plan) to supplement existing General Equivalency Diploma (GED) services by developing specialized occupational training and employment necessary for students 16 years of age or older to become productive and contributing citizens. The Alternative Education Fund is responsible for the following major programs and/or services: academic services, occupational services, and counseling.
- Requests the appropriation of \$1,956.54 for the Algebra Readiness Fund is to provide mathematics intervention services to middle school students who are at risk of failing the Algebra I end-of-course test. The Algebra Readiness Fund is responsible for the following major programs and/or services: math tutoring in middle schools.
- Requests the appropriation of \$613.33 for the KOVAR Corporation Grant to assist Virginians with intellectual disabilities through providing funding for specific projects and needs as sought after in an annual grant process. Most recently these funds have been used to purchase iPad mini devices equipped with software to improve communication for students with intellectual disabilities at all grade levels.
- Requests the appropriation of \$3,213.71 for the School Improvement Grant to raise student achievement in the Commonwealth's persistently lowest achieving schools. B.F. Yancey was the approved school and the funds are used to facilitate the required implementation of the priority school reform model.
- Requests the appropriation of \$32,883.75 for the Community Based Instruction Program (CBIP) of the Regional Reimbursement Program, facilitated through the Piedmont

Regional Education Program (PREP), to assist local school divisions in providing a free and appropriate educational program for students with more moderate to severe Autism or who have multiple disabilities. Albemarle County participates with 8 other neighboring school systems in the PREP. The regional approach seeks to provide high-quality services in a cost-effective manner. The CBIP Program is responsible for the following major programs and/or services: Special Education Services for students with autism that require a significant level of support; and Special Education Services for students with multiple disabilities that require a significant level of support.

- Requests the appropriation of \$120,000.00 for the ED Program of the Regional Reimbursement Program, facilitated through the Piedmont Regional Education Program to assist local school divisions in providing a free and appropriate educational program for students with more moderate to severe emotional disabilities served in our public school programs. Albemarle County participates with 8 other neighboring school systems in the Piedmont Regional Education Program (PREP). The regional approach seeks to provide high-quality services in a cost-effective manner. The ED Program is responsible for the following major programs and/or services: Provision of special education services for students with emotional disabilities served in the public schools.
- Requests the appropriation of \$34,737.89 for the Pre-School Special Education Fund to provide supplemental support for the existing pre-school programs that serve students eligible for special education services. The Pre-School Special Education Grant is a 15-month Federal grant that runs from July 1 through September 30. This grant supports educational programming for pre-school special education students between the ages of two and five. Special education services provided through this grant include funding for part-time teaching assistants to serve pre-school students during the regular school year. The Pre-School Special Education Fund is responsible for the following major programs and/or services: Specialized instruction for children with disabilities ages 2-5.
- Requests the appropriation of \$14,392.83 for the Carl Perkins Grant to support relevant, challenging academic and technical education (CTE) courses where students acquire knowledge and learn relevant technical applications of current and emerging careers while preparing for postsecondary studies and employment. The CTE curricula are focused around six program-specific areas: business and information technology, family and consumer sciences, health and medical sciences, marketing, technology education and engineering, and trade and industrial. Standard CTE course offerings are available in all middle and high schools. Advanced coursework and programs are also available through the three high school academies and dual enrollment coursework.
- Requests the appropriation of \$5,082.64 for the Special Education Jail Program to provide special education and related services to all eligible students incarcerated in the Charlottesville-Albemarle Regional Jail. The Individuals with Disabilities Education Act mandates that special education and related services be provided to all eligible students, including those who are incarcerated. Albemarle County Public Schools provides special education services to eligible inmates housed in the Albemarle-Charlottesville Regional Jail. The Virginia Department of Education will reimburse the School Division for the costs associated with these services. This grant provides special education services to all eligible students aged 18 through 21.
- Requests the appropriation of \$1,955.64 for the Project Graduation Grant to provide remedial instruction for students who received passing grades for standard credit-bearing courses but failed the required SOL assessment needed to verify credits to complete their diploma requirements. Courses supported are Algebra I, Geometry, Algebra II, English: Reading, English: Writing, Science, and/or History.
- Requests the appropriation of \$5,000.00 for the Professional Partnership for School Leadership Preparation Grant to offer an alternative approach to administrative preparation that give candidates the knowledge and skills they need to become effective school administrators.
- Requests the appropriation of \$2,556.89 for the Integrated English Literacy and Civics Education (IELCE) grant to incorporate civics education into adult English Language Learners (ELL) classes where many participants are parents of Albemarle County students. Parents participating in their own educational pursuits positively affects their children's learning. The project incorporates instruction and activities, such as workforce preparation and digital literacy, to enhance the development of skills needed to enter the workforce and transition to postsecondary education. The IELCE Project is responsible for the following major programs and/or services: academic skills classes, intensive English language classes offered at various times and locations, technology training for ESOL students, collaboration with CATEC in preparing students to engage in the IT classes leading to stacked certifications, and intensive collaboration with the Virginia Workforce Center to provide services.
- Requests the appropriation of \$74,478.03 for the Investing in Innovation program (i3 grant). The Investing in Innovation Program is a natural progression from the growing emphasis in education on the "maker curriculum" in elementary, middle and high schools. This approach emphasizes project-based learning in which students develop their creativity and critical analysis skills as well as their ability to work in teams and communicate their findings.
- Requests the appropriation of \$251,819.03 for the Community Education Fund to provide quality attention, thoughtful guidance, authentic experiences and engaging activities to enhance and expand the learning of Albemarle County Students in an extended-day learning program. These programs are self-sustaining, funded entirely by the tuition and fees collected for their use. The Community Education Fund is responsible for the

following major programs and or services: after-school enrichment program, student holiday and spring break programs.

- Requests the appropriation of \$53.74 for the Reading First Federally funded grant designated for Benjamin F. Yancey Elementary School. The grant funds supported a comprehensive K-3 reading instructional program and the implementation of prevention and intervention services to include; hiring a literacy coordinator to work with staff to provide high quality research based classroom reading instruction grades K-3, purchasing research based instructional materials to be used for reading instruction in K-1, providing professional development related to implementing the research based reading instructional materials purchased, purchasing research based intervention materials to be used for reading intervention in grade 2 and 3 classrooms and purchasing a variety of pleasure reading books for students to read in addition to those books read during core reading instruction time.
- Requests the appropriation of \$41,190.49 for the Families in Crisis Grant to provide an effective structure to meet the needs of homeless students, ensuring they receive equitable access to division services in order to succeed in school. The Families in Crisis Grant is responsible for the following major programs and/or services: tutoring, assistance with school registration, transportation to the school of origin, collaboration with service agencies, counseling, home/School collaboration, and family engagement.
- Requests the appropriation of \$76,720.96 for the Drivers Safety Fund to offer driver's education behind-the-wheel and motorcycle safety programs operating on a fee-for-service basis in support of the Division's strategic plan. The Drivers Safety Fund is responsible for the following major programs and/or services: drivers Ed at Albemarle High School, drivers Ed at Monticello High School, drivers Ed at Western Albemarle High School, and motorcycle rider training course.
- Requests the appropriation of \$79,163.50 for the Open Doors Fund to provide continuing education for approximately 3,000 community participants through a diverse range of tuition courses offered throughout the year; these courses foster lifelong learning skills in support of the Division's strategic plan. The Open Doors Fund is responsible for the following major programs and/or services: continuing education courses.
- Requests the appropriation of \$126,190.91 for the Summer School Fund to offer summer programs to students in grades K-8 who fail to meet academic standards in the areas of language arts or mathematics, and to high school students in grades 9-12 (with payment of fees) who either want to replace a grade earned during the regular school session or earn required credits for graduation in support of the Division's strategic plan. The Summer School Fund is responsible for the following major programs and/or services: elementary remedial summer school, middle remedial summer school, high school summer school, SOL retakes and summer enrichment programs.
- Requests the appropriation of \$95,519.93 for the SAFE Schools Fund to focus on implementing programs that are grounded in evidence based practice and address locally identified goals and objectives. The initiative is rooted in the belief that schools and communities working in partnership can achieve the goal of a safe and supportive school environment for our children in support of the Division's strategic plan. The SAFE Schools Fund is responsible for the following major programs and/or services: School safety; alcohol, tobacco and other drug use; and behavioral, emotional and social supports.
- Requests the appropriation of \$91,081.31 for the Healthy Students Fund to focus on implementing programs that are grounded in evidence based practice and address locally identified goals and objectives. The initiative is rooted in the belief that schools and communities working in partnership can achieve the goal of a safe and supportive school environment for our children in support of the Division's strategic plan. The Healthy Students Fund is responsible for the following major programs and/or services: Mental Health Services; and Early Childhood Learning.
- Requests the appropriation of \$7,189.41 for the Community Public Charter School Fund to provide an alternative and innovative learning environment, using the arts, to help children in grades six through eight learn in ways that match their learning styles; developing the whole child intellectually, emotionally, physically and socially. Seeking to serve students who have not succeeded in school, the program will close their achievement gap by offering a balance of literacy tutorials and an arts-infused curriculum. The Community Public Charter School Fund is responsible for the following major programs and/or services: 6th - 8th grade instructional program, literacy and arts infused education, choice theory school development, and mastery learning.
- Requests the appropriation of \$53,559.90 for the McIntire Trust Fund to award two county high school graduates at each of the comprehensive high schools, one boy and one girl, based upon their outstanding character and scholarship, with a medal and cash award, and to also award middle and high schools for the social and cultural development of their students. The McIntire Trust Fund is responsible for the following major programs and/or services: medal and cash award to two students and income allotted to middle/high schools.
- Requests the appropriation of \$16,766.88 for the Foundation for Excellence Fund to award teachers of all grade levels and subject areas with funds to support individual projects through an annual grant process. The Foundation for Excellence Fund is responsible for the following major programs and/or service: individual teacher projects.
- Requests the appropriation of \$50,931.24 for the School Bus Replacement Fund to provide consistent funding for replacement vehicles.
- Requests the appropriation of \$1,137,694.20 for the Computer Equipment Replacement Fund to ensure all eligible school staff and student designated computers and other

- instructional technology is replaced as it becomes obsolete, unsupported or unserviceable and retired from service.
- Requests the appropriation of \$1,234,090.21 for the Textbook Replacement Fund to provide teaching staff with necessary and contemporary learning resources that support implementation of Curriculum Framework, planning, instruction and assessment systems that promote student learning and close the achievement gap, as well as prepare all students to be college and workforce ready when they graduate. Funds that remain at the end of the fiscal year will be used to purchase learning resources and textbooks for students and teachers. The Textbook Replacement Fund is responsible for the following major programs and/or services: learning resources/textbooks for school needs, learning resources/textbook adoptions in core content, digital learning resources, and online database subscriptions.
- Requests the appropriation of \$30,556.00 for the Internal Service - Vehicle Maintenance Fund to reflect the cost of repairing vehicles not operated by the school division and provide the school division with some revenue stream associated with these repairs. The Internal Service - Vehicle Maintenance Fund is responsible for the following major programs and/or services: government vehicle repair and fuel purchases. This fund is used as a means to capture costs that are not associated with the operation of our bus operations and facilities fleets. Local fire, rescue, police, and other qualifying organizations utilize these resources.
- This request is to appropriate \$288,092.80 in local recovered revenue and rebates for the E-rate program. This program is designed to ensure that all eligible schools and libraries have affordable access to modern telecommunications and information services. The E-rate program, which was established by the Federal Government, provides discounts for eligible telecommunications services, depending on economic need and location (urban or rural). The level of discount is based on the percentage of students eligible for participation in the National School Lunch Program or other federally approved alternative mechanisms. These funds will be used to provide students and staff reliable access to technology.

Appropriation #2019065		\$459,328.84	
Source:	Local	\$	56,586.96
	State	\$	13,989.95
	Federal	\$	388,751.93

This request is to appropriate the following School Division appropriation requests approved by the School Board on December 13, 2018:

- This request is to appropriate \$52,500.00 to the Community Public Charter School (CPCS) Fund. The CPCS received State funds from the Virginia Department of Education in the amount of \$12,500.00 to be used to pay for dance studio equipment, audio, video lab equipment, and quality work projects. The CPCS Fund also received anonymous donations totaling \$40,000.00 to be used for salaries, benefits, and educational materials.
- This request is to appropriate \$1,489.95 in State revenue from the Virginia Department of Education (VDOE) and \$16,586.96 in local revenue from the City of Charlottesville to support the Individual Student Alternative Education Plan (ISAEP) for salaries, benefits, and two Lenovo ThinkPad 11e 3rd Gen. The mission of the ISAEP is to supplement existing General Equivalency Diploma (GED) services by developing specialized occupational training and employment necessary for students 16 years of age or older to become productive and contributing citizens.
- This request is to appropriate \$329,647.51 in Federal revenue received from the Virginia Department of Education to support the Title I Fund for salaries, benefits, contracted services and educational materials that support Title I. The Title I Fund supports reading/language arts and math instruction for students with achievement levels that do not meet expected standards in the seven elementary schools with free-and-reduced lunch program participation percentages above the county average. The Title I Fund is responsible for the following major programs and/or services: reading/language arts instruction, math instruction, parental involvement, and support for homeless students.
- This request is to appropriate \$59,104.42 in Federal revenue received from the Virginia Department of Education to support the Title II Fund for teacher salaries, benefits, professional development, and staff development materials that support Title II. The Title II Fund supports preparing, training and recruiting high quality teachers, principals, and paraprofessionals through professional development in best practices in curriculum, assessment, and instruction. The Title II Fund is responsible for the following major programs and/or services: professional development reimbursement, instructional coaches, and private school PD funds.

Mr. Andy Bowman, Budget Manager, presented and reminded the Board that Virginia Code requires the County to hold a public hearing when there was an amendment that exceeded one percent of the currently adopted budget. He said the total amount for consideration before the Board was approximately \$9.0 million, noting that Attachment A (set out above) has details for all appropriations. He said they include \$4.6 million for the School Division, consisting of primarily grants and other restricted uses of funds approved by the School Board at its December meetings. He noted that it includes funding for the Community Remembrance Project and one-time uses of funds that are timelier than the FY20

budget process. He said that it also includes reappropriating funding for Albemarle Broadband Authority, support for the Rivanna Solid Waste Authority, replacement of the police department's mobile command center, and various federal and state grants, among other items. After the public hearing, he said that staff recommends the Board adopt the resolutions in Attachments B and C (copies on file). He invited questions.

Mr. Gallaway opened the public hearing.

As no one came forward to address the matter, Mr. Gallaway closed the public hearing.

Ms. Mallek **moved** that the Board adopt the proposed Resolution to Approve Additional FY19 Appropriations. The motion was **seconded** by Ms. McKeel.

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

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

**RESOLUTION TO APPROVE
 ADDITIONAL FY 19 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 19 Budget is amended to increase it by \$9,000,883.63;
- 2) That Appropriations #2019054, #2019055, #2019056, #2019057, #2019058, #2019059, #2019060, #2019061, #2019062, #2019063, #2019064 and #2019065 are approved; and
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2019.

**COUNTY OF ALBEMARLE
 APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2018099	4-1000-43100-443100-312366-1004	71,974.97	SA2018099 FY18 PMD Services Reconciliation
2018099	4-1000-43100-443300-312366-1004	-2,424.00	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-32018-432010-312366-3140	-3,044.16	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-32028-432020-312366-3140	10,892.08	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-41020-441200-312366-9999	-10,009.40	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-41020-443310-312366-6114	-1,740.29	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-41020-443310-312366-9999	-2,446.98	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-41020-443320-312366-9999	-5,072.19	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-41020-443340-312366-9999	-5,481.35	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-41020-443350-312366-9999	-6,604.11	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-41020-443360-312366-9999	-4,589.26	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-41350-441200-312366-9999	18,569.66	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-42042-442040-312666-1210	-2,970.85	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-43100-443200-312366-9999	-9,379.40	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-71018-443330-312366-9999	-1,643.38	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-71018-443370-312366-9999	-990.42	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-71020-471020-312366-7100	-28,744.92	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-91046-443100-312366-9999	-16,296.00	SA2018099 FY18 PMD Services Reconciliation
2018099	4-9010-93010-493010-930009-9999	69,550.97	SA2018099 FY18 PMD Services Reconciliation
2018099	3-1000-51000-351000-512031-9999	69,550.97	SA2018099 FY18 PMD Services Reconciliation
2018100	4-1000-93010-493010-930003-9999	-14,165.13	SA2018100 FY 18 Debt Service Reconciliation
2018100	4-1000-93010-493010-930011-9999	-30,102.44	SA2018100 FY 18 Debt Service Reconciliation
2018100	4-1000-93010-493010-930010-9999	-340,287.47	SA2018100 FY 18 Debt Service Reconciliation
2018100	4-1000-93010-493010-930202-9999	384,555.04	SA2018100 FY 18 Debt Service Reconciliation
2018100	3-9100-51000-351000-510100-9999	-384,555.04	SA2018100 FY 18 Debt Service Reconciliation
2018100	3-9100-51000-351000-512004-9999	384,555.04	SA2018100 FY 18 Debt Service Reconciliation
2018100	4-9910-95000-495000-920083-9999	-30,102.44	SA2018100 FY 18 Debt Service Reconciliation
2018100	3-9910-51000-351000-512004-9999	-30,102.44	SA2018100 FY 18 Debt Service Reconciliation
2018100	4-9900-95000-495000-310000-9999	-13,582.63	SA2018100 FY 18 Debt Service Reconciliation
2018100	3-9900-15000-315000-150253-9999	73.12	SA2018100 FY 18 Debt Service Reconciliation
2018100	3-9900-33900-333900-330063-1006	510.00	SA2018100 FY 18 Debt Service Reconciliation
2018100	3-9900-24000-324000-240404-9999	-0.62	SA2018100 FY 18 Debt Service Reconciliation
2018100	3-9900-51000-351000-512004-9999	-14,165.13	SA2018100 FY 18 Debt Service Reconciliation
2018100	3-9010-51000-351000-512004-9999	-340,287.47	SA2018100 FY 18 Debt Service Reconciliation
2018100	3-9010-51000-351000-510100-9999	340,287.47	SA2018100 FY 18 Debt Service Reconciliation
TOTAL		51,731.80	

Ms. Mallek **moved** that the Board adopt the proposed Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

ABSENT: Ms. Palmer.

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the "Borrower") intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt to pay the costs of the Police Department's Mobile Command Center Replacement in an amount not currently expected to exceed \$118,337.00.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This Resolution shall take effect immediately upon its passage.

**CAPITAL IMPROVEMENT PROGRAM
BOND FUNDED PROJECTS
FY 19**

General Government	Amount (\$)
Cost of Issuance	\$2,320
Police Department's Mobile Command Center Replacement	\$116,017
General Government Subtotal	\$118,337
Total Debt Issue - FY 19 Projects	\$118,337

Agenda Item No. 25. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek provided an update on the work of the CACVB Executive Committee, which she said was preparing for next Wednesday's meeting. She said that City Council member, Ms. Kathy Galvin, believed there was consensus for her proposal to add two more people to the board. She said the Committee has proposed having two elected officials from each jurisdiction serve on the board and to

convert the two non-voting industry representatives to voting members. She said various ideas are being floated, with some wanting four business representatives and hoteliers, while Mr. Roger Johnson, the Committee Chair, cautioned about the board getting too big. She said there was great support for having a representative from the arts community as a voting member. She said that she and Ms. Galvin discussed having a representative from the recreation industry, as this would be a category that was different from anything else around the table. She stated that Mr. Kamptner would have a packet ready for them the following week.

Mr. Kamptner said he would send out a revised draft of the agreement.

Ms. Mallek asked Supervisors to consider whether they should have the committee of the whole as part of the CIP instead of just a couple and have all Supervisors informed of the dates. She emphasized that it was important they all are part of the information loop.

Mr. Randolph remarked that there was a lot more discussion on not what was actually proposed for funding but the process by which communication would occur between the School Division and the Board of Supervisors about strategic objectives that factor into the CIP. He said Mr. Dill had raised an important point about trying to look at the overall goals and objectives and trying to frontload that so they become more strategically oriented as to the CIP priorities. He said he always felt the CIP, which involves the highest level of strategic prioritization for the County, was looked at as the "caboose at the end of the train," and they need to move this up as a priority. He said they became habituated to making short-term, incremental decisions on allocations, which add up to millions, and this could affect capital projects. He said the minutes taken by Ms. Lori Allshouse captured the spirit of the discussion. He said there was tremendous symmetry between School Board representatives and the Board representative about what they needed to collaborate on in terms of strategic priorities and implications for both sides of the ledger: School, and County budgets.

Ms. McKeel said her takeaway was that the Supervisors would be notified when the meetings are scheduled.

Mr. Dill remarked that he was not sure if the allowance of non-members of the committee to come with the members was the solution, and they need to talk more about objectives. He said that it was somewhat unclear as to what was and what was not a capital improvement project versus normal budgeting. He said the CIP put an artificial fence around things and used the examples of police training and a police robot, which they have classified as capital expenses but could also be considered personnel and training expenses. He suggested that they consider changing the nature of the CIP to reflect more long-term project goals with more Board involvement.

Addressing Mr. Dill's comments about police training, Mr. Randolph agreed there was an operational side but said the primary motivation was to address the insufficiency of current training, which requires them to go to Blue Mountain. He stated that the benefit of having this in the CIP, they could develop an edifice for an operational police training program and create the potential for officers to be trained outside of the County, which would cut down operational costs, and money could be deployed to other productive areas. He said they could train officers more quickly and at less cost, and they could train other people. He stated that he views this as building-related, and with the right building, they would see operational benefits.

Ms. Mallek stated that to her the CIP was the dollars and cents, and borrowing with the operational side was all the people.

Ms. McKeel emphasized that they should not drop discussion of the Board of Zoning Appeals and hopes it could be placed on the agenda soon. She noted that Mr. Kamptner had suggested some tweaks to help the process, including the addition of a retainer attorney.

Mr. Kamptner agreed to send the Board his ideas. He said there was an attorney to represent the County but not to represent the Board of Zoning Appeals.

Ms. Mallek added that they need to work on a succession plan.

Agenda Item No. 26. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Walker, on behalf of Mr. Richardson and Mr. Henry, offered congratulations to the Chair and Vice-Chair for their election. He acknowledged the great support that staff received from Ms. Mallek and Mr. Dill, and emphasized that staff looks forward to serving the Board as well as the community.

Mr. Gallaway said he has enjoyed his serving on the Board and thanked Ms. Mallek and Mr. Dill for making the first year easy for him.

Agenda Item No. 27. Closed Meeting.

There was no need for an additional Closed Meeting.

Agenda Item No. 28. Adjourn to January 16, 2019, 2:00 p.m., Lane Auditorium.

At 6:33 p.m., the Board adjourned the meeting to January 16, 2019, 2:00 p.m., Lane Auditorium.

Chairman

Approved by Board
Date 06/05/2019
Initials CKB