

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 6, 2019, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The night meeting was held at 6:00 p.m.

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

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:02 p.m., by the Chair, Mr. Gallaway.

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Randolph requested that Item 8.3 from the Consent Agenda be removed.

Mr. Kamptner stated that believes Human Resources would like §P-61 of Item 8.3 be removed. He said that staff wants to do a little more work on the shift differential language in the policy.

Mr. Randolph agreed that any time a shift differential was proposed, it was a good idea to spend extra time working on it. He then amended his request to remove that section only from the policy.

Mr. Gallaway **moved** that the Board approve the removal of §P-61 from the personnel policy under Item 8.3 on the Consent Agenda. The motion was **seconded** by Ms. Mallek.

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

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

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

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

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

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

Mr. Gallaway introduced the County staff and presiding security officers, Lt. Terry Walls and Officer Jason Freishtat, at the dais.

Mr. Randolph reported on the Virginia Association of Planning District Commissions meeting in Richmond on Friday morning. He announced that the Pentagon has appointed a Rear Admiral in Hampton Roads to work on resiliency planning for military sites in Virginia in the event of rising waters as a result of a changing climate in the Norfolk area. He said the Admiral would work with the Planning District Commissions in Hampton Roads, and there would be an attempt to make the Admiral aware of the importance of the Chesapeake Bay region to the welfare of the military. There may be an opportunity, given the level of military sites in this community, to also have a dialogue. He said the second item that came up was that the Northern Virginia Planning District Commission has joined with the Hampton Roads Planning District Commission to support a wind farm located off the Virginia coast, and he encouraged them to seek the support of counties in the region. He noted that windfarms reduce dependency on coal and natural gas by generating electricity.

Ms. Mallek announced that they were able to successfully push back on the "weddings equal growing corn" bill at the legislature. She said there would need to be a tremendous effort in the Senate to fight back against the homestay bill sponsored by Senator Evan, who was trying to wipe out the ability of local governments to regulate homestays.

Ms. McKeel observed that Senator Evan was concentrating on the number of days of operation. She said they need to be very thoughtful about how the County crafts theirs in terms of parking and other regulations.

Mr. Gallaway noted that the item was specific to Fairfax County.

Ms. Mallek commented that this was only temporary.

Mr. Randolph noted that Mr. David Blount sent an email to all members of VAPDC indicating that the House and Senate bills on broadband were \$1 million apart within a \$19 million to \$20 million level.

Agenda Item No. 6. Proclamations and Recognitions:

There were none.

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

Mr. Brad Sheffield, Director of JAUNT, addressed the Board. He expressed his support for a pay increase for Albemarle County Public School bus drivers and emphasized that there was a systemic shortage of drivers with public transportation in general. He expressed support for the County's regional approach to public transit and to address the shortage of drivers.

Agenda Item No. 8. Consent Agenda.

(Discussion: Ms. Palmer pulled her minutes of October 10, 2018 and asked that they be carried forward to the next meeting.)

Ms. Palmer **moved** that the Board adopt the Consent Agenda, as amended. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

Mr. Randolph **moved** that the Board add a discussion of Board rules, procedures, and policies to the February 20, 2019 agenda. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

Item No. 8.1. Approval of Minutes: September 27, October 10, November 5, December 3 and December 4, 2018.

Ms. McKeel had read the minutes of September 27, 2018, and found them to be in order.

Mr. Randolph had read the minutes of November 5, 2018, and found them to be in order.

Mr. Gallaway had read the minutes of December 3, 2018, and found them to be in order.

Mr. Dill had read the minutes of December 4, 2018, and found them to be in order.

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

Item No. 8.2. FY 2019 Appropriations.

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

The total change to the FY19 budget due to the appropriations itemized in Attachment A is \$638,257.00. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the appropriations for local government projects and programs as described in Attachment A.

Appropriation #2019066		\$473,366.00
Source:	Special Revenue Fund fund balance	\$ 473,366.00

This request is to re-appropriate \$473,366.00 in State grant revenue from the Virginia Department of Housing and Community Development (DHCD) for the 2018 Virginia Telecommunications Initiative (VATI) to construct broadband access in underserved areas. For this project, the County partnered with Comcast to expand broadband to the Greenwood area of Albemarle County which includes the Greenwood Community Center. This re-appropriation is to complete the project and close out the grant fund.

Appropriation #2019067		\$48,404.00
Source:	Federal Revenue	\$ 48,404.00

This request is to appropriate \$48,404.00 in Federal grant funds from the Byrne Justice Assistance Grant Program to purchase civil disturbance response equipment and personal protective gear, including tactical first aid kits, field force team gear, and ballistic helmets and face shields.

Appropriation #2019068		\$3,500.00
Source:	Federal Revenue	\$ 3,500.00

The Emergency Communication Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate:

- \$3,500.00 in Federal revenue in Radiological Emergency Preparedness Program (REPP) funds. These funds will be used for training for Office of Emergency Management staff and to develop another public outreach campaign to promote the CodeRED Emergency Alert system.

Appropriation #2019069		\$109,500.00
Source:	Fire Rescue Services Fund fund balance	\$ 945,017.46
	Capital Improvements Fund fund balance	(\$ 835,517.46)

From FY 16 to FY 18, Fire Rescue system operating expenses and related revenues were accounted for separately from the General Fund in a Fire Rescue Services Fund. At the July 12, 2017 Board of Supervisors meeting, the Board directed staff to to discontinue the Fire Rescue Services Fund and move the Fire Rescue Services budgets back into the General Fund.

- This request to appropriate the remaining balance from this discontinued fund is as follows:
- \$835,517.46 to the Capital Improvements Fund to support the system-wide apparatus replacement program. There is also a corresponding reduction in the planned use of Capital Improvements Fund fund balance.
 - \$59,500.00 to the General Fund to support one-time costs in the Fire Rescue Department, including preparation for a full recruit school later in 2019, and a vehicle to better transport larger recruit schools and related equipment.
 - \$50,000.00 to the Burn Building Training Center Maintenance/Replacement capital project. The current project scope and budget does not include repairs to the existing structure; however, since the time of the initial budget, repair estimates have been reduced. This funding will provide repairs to maintain the existing structure for an additional five years while a longer-term solution continues to be evaluated.

Appropriation #2019070		\$15,000.00
Source:	Donations Fund fund balance	\$ 15,000.00

This request is to appropriate \$15,000.00 from the Fire Rescue Donations Fund to the Department of Fire Rescue. These donations will support various efforts, such as station recruitment and retention efforts, the car safety seat program, public education, and one-time equipment or station furnishing purchases.

Appropriation #2019071		\$ (49,241.00)
Source:	State Revenue	(\$49,241.00)

This request is to reduce the budget for the Chapel Hills Stream Restoration project by \$49,241.00 due to reduced project costs. There is a corresponding reduction in State revenues from a Virginia Department of Environmental Quality (DEQ), Stormwater Local Assistance Fund (SLAF) Grant based on these reduced costs.

Appropriation #2019072		\$ 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 Department of Finance in support of the financial management of capital projects. This funding will allow the County to enter into a contract with an accounting or consulting firm to 1) supplement and improve the County's current debt management functions including updating information for current issuances and the establishment of a systematic reconciliation process; and 2) implement financial management improvements for the County's capital program.

After approval of this appropriation, the FY 19 General Fund Reserve for Contingencies balance will be \$139,145.00. Of that amount, \$39,219.00 is for unanticipated expenses that may require ongoing funding and \$99,926.00 is for expenses that may require one-time funding.

Appropriation #2019073	\$37,728.00
Source: Other Fund Balance	\$37,728.00

This request is to appropriate \$37,728.00 from a Subdivision/Road Performance Bond to complete the remaining improvements and coordinate VDOT (Virginia Department of Transportation) acceptance into the Secondary State Highway System for the Stillhouse Ridge Subdivision.

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 19 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2019066, #2019067, #2019068, #2019069, #2019070, #2019071, #2019072, #2019073 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2019.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2019066	3-1217-24000-324000-510100-9999	473,366.00	SA2019066 VATI/Comcast Grant
2019066	4-1217-12200-412200-392000-9999	473,366.00	SA2019066 VATI/Comcast Grant
2019067	3-1255-33000-333000-330412-1003	48,404.00	SA2019067 DCJS Grant #19-A4651AD16 - Protective Equipment
2019067	4-1255-31013-431010-800100-1003	48,404.00	SA2019067 DCJS Grant #19-A4651AD16 - Protective Equipment
2019068	3-4100-24000-324000-240549-9999	3,500.00	SA2019068 ECC EDI Funds
2019068	4-4100-31045-435600-360000-1003	3,000.00	SA2019068 ECC EDI Funds
2019068	4-4100-31045-435600-550100-1003	500.00	SA2019068 ECC EDI Funds
2019069	3-1805-51000-351000-510100-9999	945,017.46	SA2019069 Close out FR Services Fund
2019069	4-1805-93010-493010-930009-9999	59,500.00	SA2019069 Transfer to FR Training
2019069	4-1805-93010-493010-930010-9999	885,517.46	SA2019069 Transfer to CIP-Apparatus Program
2019069	3-1000-51000-351000-512092-9999	59,500.00	SA2019069 Transfer from FR Fund for FR Training
2019069	4-1000-32014-432010-800500-1003	25,000.00	SA2019069 FR - recruit transport vehicle
2019069	4-1000-32015-432010-312000-1003	17,500.00	SA2019069 FR - recruit school contract services
2019069	4-1000-32015-432010-360005-1003	17,000.00	SA2019069 FR - recruit school advertising
2019069	3-9010-51000-351000-512042-9999	885,517.46	SA2019069 Transfer from FR Fund for Apparatus Program
2019069	3-9010-51000-351000-510100-9999	-835,517.46	SA2019069 CIP FB: Offset by increases FR Fund transfer
2019069	4-9010-32010-432010-811301-3140	50,000.00	SA2019069 Repairs for Burn Building Training Center Maintenance/Replacement project
2019070	3-8405-51000-351000-510100-9999	15,000.00	SA2019070 App FB: FR Donations to GF
2019070	4-8405-93010-493010-930009-9999	15,000.00	SA2019070 Transfer: FR Donations to GF
2019070	3-1000-51000-351000-512008-9999	15,000.00	SA2019070 Transfer: FR Donations to GF
2019070	4-1000-32016-432010-580015-1003	15,000.00	SA2019070 FR Donations
2019071	3-9100-24000-324000-240052-1008	-49,241.00	SA2019071 Chapel Hills SLAF Grant Adjustment - Mandated TMDL Project
2019071	4-9100-82040-482060-800605-1301	-49,241.00	SA2019071 Chapel Hills SLAF Grant Adjustment
2019072	4-1000-99900-499000-999990-9999	-50,000.00	SA2019072 CIP Administration
2019072	4-1000-12143-412140-320000-1001	50,000.00	SA2019072 CIP Administration
2019073	3-9023-49900-341000-410700-9999	37,728.00	SA2019073 Stillhouse Ridge Subdivision Bond
2019073	4-9023-91000-491000-940070-9999	37,728.00	SA2019073 Stillhouse Ridge Subdivision Bond
TOTAL		3,196,548.92	

Item No. 8.3. Personnel Policy Amendments.

The Executive Summary forwarded to the Board states that beginning next spring, local government and school employees will be using a new, online time and attendance system to manage their timekeeping, attendance, and leave. In addition to improving the accuracy of records and employees having the ability to access their information on a real-time basis, the new system will be compatible with several existing systems, such as payroll, and the scheduling applications used by police, fire and rescue, and the school division for substitute teachers, in addition to other benefits. The company implementing the new system is Kronos, a nationally-recognized expert in this field that has extensive experience with many leading governmental and private sector organizations. Several personnel policies related to leave

and pay are being updated and reorganized in order to facilitate this process and to realign or correct current practice.

Personnel policies unrelated to the Kronos project also are being updated and added to conform with the County's commonality practices between local government and the schools (§ P-08).

The attached proposed personnel policies (Attachment A) include the following changes:

§ P-02 Definition of Employee Status

- Clarifies language, adds new terms

§ P-05 Effect of Criminal Conviction or Arrest

- Updates language for clarity, consistency, and current practice.

§ P-24 Recruitment and Selection of Employees (formerly Recruitment and Selection of Personnel)

- Updates title and language for clarity, consistency, and current practice.

§ P-60 Salary Administration and Position Classification

- Removes section on Shift Differentials (now listed under § P-61 Staff Schedules, Time Tracking, and Compensation Policy)

§ P-61 Staff Schedules, Time Tracking, and Compensation Policy (formerly Overtime/Compensatory Time Policy)

- Changes title for clarity. Updates language for clarity, consistency, and current practice. Incorporates all pay related processes and programs into one comprehensive policy. Clarifies expectations for staff schedules including alternative schedules and flex time. Adds new terms for clarity. Establishes and clarifies rules for time recording, increments, and reductions in pay for exempt and non-exempt employees. Clarifies how compensatory time leave is earned and paid out. Standardizes eligibility and pay rate for on-call compensation and for call-back compensation. Establishes new rules and rates for receiving shift differential pay. Clarifies pay for non-exempt employees during building closures. Moves leave specific information to the new Leave Program policy.

§ P-87 Professional Learning Time and Leave (formerly Professional Leave)

- Changes title for clarity. Clarifies expectations around paid and unpaid professional learning by creating 3 tiers of professional learning.

§ P-89 Workers' Compensation

- Updates language for clarity and current practice.

New § P-XX Athletic Coaches

- Explicitly clarifies that coaches are volunteers even when receiving certain fees and reimbursements.

New § P-XX Coverage Due to Weather and/or Emergency

- Clarifies impact to staff schedules and leave during weather and/or emergency closures of work site. New terms added for consistency to include liberal leave. Establishes building closure periods to be set by the County Executive/designee, allowing retroactive designation based on conditions and providing paid leave to employees during these emergency periods. Creates a new category for the County Executive/designee to close a single location if needed, such as a power outage only impacting one building. Establishes essential personnel pay during building closures for specified staff.

New § P-XX Leave Program

- Incorporates all leave-related processes and programs into one comprehensive policy. Updates language and structure of policy sections for clarity, consistency, and current practice. Updates terms and sections per legal review to include updates to Family and Medical Leave Act section of policy to officially capture federal amendments to the act. Identifies leave as a potential reasonable accommodation on a case-by-case basis under the Americans with Disabilities Act. Adds new terms. New household member definition expands when bereavement leave may be approved. Clarifies and updates general guidelines and responsibilities for leave usage, reporting, and approval. Clarifies paid leave usage, unpaid leave usage, and application of time worked throughout the policy. Establishes that non-exempt employees will be paid for a holiday when they work the holiday and that exempt employees may bank the holiday after it occurs through the remainder of the fiscal year (use it or lose it). Establishes a personal leave bucket for 10 and 11 month employee(s) to mirror School Division. Establishes a maximum cap for sick leave accrual for VRS Hybrid Plan employees and officially establishes VRS mandated Income Replacement Program for same. Establishes practice of allowing unpaid leave for maternity and employee's debilitating or life-threatening illness or injury regardless of FMLA eligibility. Clarifies use of unpaid leave and leave of absences procedures and approval processes.

§§ P-05 and P-24 will become effective immediately.

The section on personal leave in the newly created Leave Policy for 10 and 11 month employees will become effective on July 1, 2019. All other policies will become effective upon the launch of the time and attendance system (Kronos), which is expected to be March 1, 2019.

The Office of Management and Budget (OMB) anticipates a budgetary impact for General Government of approximately \$10,000 related to On-Call policy changes. Other changes are not anticipated to have significant impacts; however, OMB will continue to monitor as part of regular budget processes.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to amend, delete, and add personnel policies as set forth above.

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

RESOLUTION

WHEREAS, the Board of Supervisors has adopted County of Albemarle Personnel Policies pursuant to Albemarle County Code Section 2-901; and

WHEREAS, the Board desires to amend Section P-05, Effect of Criminal Conviction or Arrest; and Section P-24, Recruitment and Selection of Personnel, effective immediately; and

WHEREAS, the Board desires to amend Section P-02, Definition of Employee Status; Section P-60, Salary Administration and Position Classification; and P-89, Workers' Compensation, effective upon the implementation of Kronos, which is expected to be March 1, 2019; and

WHEREAS, the Board desires to delete Section P-41, Release Time for Advanced Study; and to move and amend the provisions from the deleted policy to Section P-87, Professional Leave; and to further amend Section P-87, renaming it Professional Learning Time and Leave, effective upon the implementation of Kronos, which is expected to be March 1, 2019; and

WHEREAS, the Board desires to delete a portion of Section P-80, Absences; and to move and amend the provisions from the deleted portion to Section P-61 at a later time; and

WHEREAS, the Board desires to delete the remaining portion of Section P-80, Absences; to delete Sections P-81, Holidays; P-82, Unpaid Leave of Absence; P-83, Military Leave; P-84, Annual Leave; P-85, Sick Leave; P-88, Emergency Leave; and P-90, Family and Medical Leave Act; and to move and amend the provisions from all of these deleted policies to a new policy, Leave Program, effective upon the implementation of Kronos, which is expected to be March 1, 2019, except Section XIX, which is effective July 1, 2019; and

WHEREAS, the Board desires to add two new policies, Coverage Due to Weather and/or Emergency; and Athletic Coaches, effective upon the implementation of Kronos, which is expected to be March 1, 2019.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby approves the changes to the County of Albemarle Personnel Policies, as described hereinabove, and as set forth on the attached document, attached hereto and incorporated herein, which shall be effective as described hereinabove.

Item No. 8.4. Recommendation of Extended Hours at Ivy Materials Utilization Center.

The Executive Summary forwarded to the Board states that in 2018, the Rivanna Solid Waste Authority (RSWA) completed a renovation of the Ivy Materials Utilization Center to expand its ability to accept a greater volume of solid waste, in a manner that allows larger commercial haulers to utilize the facility. The capacity of the new facility is much greater than the amount of solid waste received historically.

On December 14, 2018, at the request of the County of Albemarle Board of Supervisors, the RSWA board authorized a reduction in solid waste tipping fees from \$66 dollars per ton to \$52 dollars per ton. The change brought the facility's rate in line with similar facilities in the region. It was believed that a more competitive rate would increase the tonnage processed by the facility to a level sufficient to offset the additional costs of third-party waste disposal.

Initial data indicates a marked increase in deliveries of solid waste to the expanded facility since the lower rate went into effect on January 1, 2019. The limited available dataset - 15 days at the time of this writing - shows an increase from 25.4 tons/day (average from January 2017 and January 2018) to 66.0 tons/day. Projected over the course of a full year, tonnage received would more than meet the 8,800 additional tons required to offset the reduced revenue rate, by approximately 2,500 tons per year.

Consideration is now being given to expanding the days of operation of the facility - currently Tuesday through Saturday - to include Mondays. It's believed that the tonnage which could be received by opening Mondays would equal the average tonnage being received Tuesday through Saturday. In other words, it's expected that the additional day would produce a similar amount of waste as other days and would not diminish the amount of tonnage received on other days. As such, Albemarle staff project an increase of 20% total tonnage/week above the current rate.

Due to the limited period of performance upon which a decision may be made, staff recommends that the facility be opened Mondays for a pilot period of six months. During that period, RSWA would provide regular reports to its board and to the Board of Supervisors.

To add the additional day of service, it would be necessary to increase staff by two forty-hour employees, at a cost ranging from \$7,211/month (for temporary employees) to \$8,008/month (for benefitted full-time employees).

Should the data trend experienced in the first three weeks of the new rate schedule continue as it has, the collective decisions to reduce rates and to open the facility Mondays would result in sufficient revenue to offset additional labor costs. The budget neutral optimization of the facility's capacity.

In the event that solid waste tonnage delivered on Mondays does not meet expectations, or if tonnage figures across all days diminish from the success of the initial weeks of the reduced tipping feet rate, the County would need to absorb the additional operational costs. The financial exposure of a shortfall in received tonnage would be up to \$43,266 over the course of the six-month pilot period, assuming the use of temporary employees.

Staff recommends that the Board endorse the staff recommendation and direct the Albemarle County representatives on the RSWA Board of Directors to sponsor consideration of the recommendations at the next RSWA Board meeting (February 26, 2019).

If the RSWA Board approves the six-month pilot, RSWA staff advise that Monday service might begin as soon as March 18, 2019.

By the above-recorded vote, the Board endorsed staff's recommendation that the Ivy MUC facility be opened Mondays for a pilot period of six months and directed the Albemarle County representatives on the RSWA Board of Directors to sponsor consideration of the recommendations at the next RSWA Board meeting (February 26, 2019).

Item No. 8.5. 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 – December 13, 2018 through January 15, 2019

No Applications were made during this time.

Awards received during this time.

Granting Entity	Grant Project	Type	Amount Awarded	Match Required	Match Source	Department	Purpose
Virginia Department of Criminal Justice Services	Edward Byrne JAG Program Fall 2018-2019: Enhancing Officer Safety during Civil Disturbance Responses	Federal	\$ 48,404	\$0	N/A	Police	This grant application requests funds that would be used to purchase needed civil disturbance response equipment and personal protective gear, including tactical first aid kits, field force team gear, and ballistic helmets and face shields.

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. 8.6. Environmental Quarterly Report – 2nd Quarter FY 19, ***was received for information.***

Item No. 8.7. VDOT Monthly Report (February) 2019, **was received for information.**

Item No. 8.8. Board-to-Board, January 2019, **A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, was received for information.**

NonAgenda. Mr. Randolph **moved** to add to the discussion on Board Rules of Procedures and Policies to the February 20 Board agenda. The motion was **seconded** by Ms. Mallek.

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

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

Agenda Item No. 9. Proposed Donation of Surplus Vehicles to Piedmont Virginia Community College (PVCC).

The Executive Summary forwarded to the Board states that according to PVCC, its Division of Community Self-Sufficiency (CSS) Programs focus on connecting local employers with quality job seekers by recruiting, training, and supporting individuals throughout the community who have the interest and ability to excel in available jobs. Attachment A describes the program's progress through June 2018.

Representatives of CSS have recently approached the County with a request that the County donate surplus vehicles to PVCC, which would then be provided to students pursuing training or certifications on a temporary basis while they complete their education.

A surplus vehicle is one that has been determined to be in excess of County needs, has reached the end of its useful life, or is no longer serviceable. For the County, most vehicles that are surplus are those that have been replaced through an annual evaluation and replacement program (Attachment B). Typically, following a vehicle's designation as "surplus" the Finance Department's Purchasing Office is notified, and the vehicle is put up for auction. Though the sale price and number of surplus vehicles auctioned can vary drastically from year to year (47 in 2016, 14 in 2017), the average sale price of an auctioned vehicle is typically around \$1,908.

Virginia Code section 15.2-953 permits the Board of Supervisors to make a donation to a state college or university that provides services to Albemarle County's residents. A staff team consisting of representation from Facilities and Environmental Services (FES), the Finance Department, the Office of Equity and Inclusion, and the County Executive's Office has considered the request from CSS and has concluded that it is reasonable to assume that over a five-year period, the County may be in a position to donate 15 surplus vehicles to the CSS Program.

This request will have no impact on the operating budget, however, by making this donation, the County will forgo the opportunity to generate funds from the sale or auction of vehicles. At staff's proposed cap of 15 vehicles, the estimated loss of revenue for the County would be \$9,600 over 5 years.

Staff recommends that the Board authorize the donation of up to 15 surplus vehicles over the next 5 years to PVCC's Division of Community Self-Sufficiency Programs.

Mr. Trevor Henry, Assistant County Executive, addressed the Board. The hope from this discussion is that the Board would authorize the County staff to donate up to 15 surplus vehicles over the next five years for PVCC's Network2Work Program. He introduced Mr. Ridge Schuyler, Dean of Community Self-Sufficiency Programs at PVCC, to provide background on the program and how this donation would assist the program, residents of the County and neighboring communities. He expressed thanks to County staff, Ms. Siri Russell, Mr. Michael Freitas, and Ms. Lisa Breeden for their work on this matter.

Mr. Ridge Schuyler presented and noted that he worked for eight years in the U.S. Senate. He said there are 12,034 families in the region who do not earn enough to meet the basic needs of food, shelter, clothing, utilities, childcare, and transportation. The Network2Work Program seeks to align three networks: employers, job seekers, and agencies/nonprofit providers to assist people in overcoming obstacles to secure jobs. He said those left behind in the economy often distrust or feel disconnected from systems. He said they use a ground-based peer network program to identify those who may need assistance. He said the provider network includes agency providers of training, childcare, transportation, and a financial buffer to assist residents with securing jobs.

Mr. Schuyler presented a pie chart with the percentage of job seekers by locality, which include Albemarle, Charlottesville, and several neighboring counties. He said the program began with 19 people in 2014 and now serve over 520 people. The next pie chart included the percentage of job seekers by race and ethnicity, with African Americans representing the highest percentage of those served. He next presented a County map that indicated the distribution of families with incomes below \$35,000/year by area, emphasizing that they initially began the program with a focus on the urban area and they are now pushing out into the rural areas, as there are many families that need assistance. He explained that a

local technology company has created a Network2Work smartphone application for use by socially connected peers, which include a series of questions about the job seeker in order to identify needs. He emphasized that many entry-level jobs involve shift work or are at job sites, so workers need to be independently mobile. He said they launched a loaner fleet, with four vehicles donated by the Charlottesville Police Department, to provide transportation to workers during training and the first couple of months on the job until they could afford their own car. He said the fleet reached 13 vehicles but was now down to nine, and he would like to increase it to 25 vehicles.

Mr. Schuyler said last year the program served 221 job seekers, as of July 1, 2018, 448 people were served, 81% got jobs, and 63% of those jobs paid \$25,000/year or more. He said there was a lot more work to be done, but overcoming the transportation obstacle was key to solving the problem.

Ms. Mallek commented that in 2014, there were 465 families in the White Hall District in this category and now the number is 644. Even though the economy was getting better, there are 200 more families that need these services.

Mr. Henry resumed the presentation and stated that the County has the authority to transfer surplus materials between County departments under VA Code 2.2-1124, Disposition of Surplus Materials. He explained that departments conduct an annual evaluation of vehicles based on age, mileage, type of service, availability, maintenance and replacement costs, and condition. He presented a slide that indicated the number of surplus vehicles sold each year over the past four years and noted that the average sale price at auction was \$1,908. He added that over the past four years, the County has auctioned a vehicle as low as \$287 to as high as \$7,400.

Mr. Randolph asked if the auction was held at Colonial Auto Center. Mr. Henry responded that the auction was held on the e.gov website, which they also use to auction off furniture.

Mr. Dill asked if there was a commission. Mr. Henry responded that there was a fee and offered to follow up to determine this figure.

Mr. Henry presented a slide that indicated the County has the authority to make donations to charitable institutions under VA Code 15.2-953. He explained that typical vehicles requested by PVCC are four-door sedans, as well as pickup trucks for those in skilled trade apprenticeships. He said they would provide an annual report on vehicle donations during the budget process.

Mr. Dill asked who has responsibility for vehicle maintenance after they have been donated. Mr. Schuyler responded that they have an agreement with Albemarle County Transportation Services and also work with several private service stations on labor and parts.

Mr. Randolph asked if PVCC offers an automotive repair program and suggested that students could repair the vehicles. Mr. Schuyler responded that PVCC does not currently offer an auto technician program, though they recently met with a representative from a local auto dealership who suggested they establish one. He said the program could be a blend between PVCC and CATEC.

Mr. Henry said staff recommends that the Board authorize up to the 15 vehicles over the next five years, using the process identified. He added that there is one vehicle County staff has pulled aside that meets the criteria that could begin the transfer process.

Ms. Palmer asked how much of the need an authorization for 15 cars would fulfill and if the County was the only organization from which they would be getting cars. Mr. Schuyler explained that they have nine and want to increase this to 25. They also approached the University of Virginia which plans to donate from its surplus; the University was on a July cycle. He added that it would be easier in terms of paperwork if the vehicles were donated to PVCC Educational Foundation rather than PVCC itself.

Ms. McKeel remarked that she supports this program, but the issue was bigger than what they could solve, and transit has to be a part of the solution. She emphasized that getting people to jobs and to educational opportunities was a huge issue, and they need to take many approaches to solve this.

Mr. Randolph congratulated everyone on this initiative, stating that there was an opportunity to make this initiative more visible and to create a challenge to citizens to donate cars to the program. He noted that Blacksburg radio station WVTF was constantly reminding listeners that they could donate cars to the station and that has been very successful. He suggested that the County remind residents of the opportunity to donate a car to the PVCC Foundation with the quarterly tax bill. He said it would be immensely valuable to recipients of the donated cars to receive a repair/maintenance service history to assist with future maintenance schedules to enable a car to run longer and to also receive a sheet with recommended service intervals.

Ms. Mallek remarked that she hopes a service plan was worked out for loaners. Mr. Schuyler responded that long-term maintenance and insurance are the responsibility of PVCC, though they advise drivers that they are responsible for oil changes and fuel.

Mr. Gallaway noted that the projected revenues from the vehicles was less than \$10,000, yet the impact and return was huge. He remarked that when the value of a car drops below \$5,000, there was a certain segment of the population that would look to tax benefits and be altruistic instead of just needing the equity from the trade if they know that a donation was an option.

Ms. Palmer **moved** that the Board approve the donation of up to 15 surplus vehicles over the next five years to the PVCC Educational Foundation. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

Agenda Item No. 10. Community Development Work Program, 2019-2022.

The Executive Summary forwarded to the Board states that the purpose of this work session is to consider the Board's interests, as expressed by established priorities and newer initiatives, and assure that CDD is responsive to the Board. The Board's Strategic Plan Priorities and previously established work program initiatives have provided good direction, but staff recognizes there remains an interest in a number of other initiatives that are not yet part of CDD's work program.

The ongoing challenge is to assure staff remains focused on completing established priorities, while being responsive to emerging interests of the Board.

Staff is not recommending a solution at this meeting. Instead, we hope to engage the Board in a dialogue to assure we are being responsive to emerging interests without sacrificing established expectations. The visionary aspects of the Board's interests excite staff, but there is an ongoing essential need to prioritize these opportunities without sacrificing established expectations, such as maintaining the quality of work and public engagement.

First, Attachment A provides a summary of previously identified interests of the Planning Commission and Board. Staff prioritized this list into three groups: committed projects where CDD is the lead, committed projects where CDD provides support to other departments, and finally, a list of potential projects that have yet to be prioritized due to resource constraints. During the work session, staff will review the current workload and resource capacity as applied to this listing. With this information, staff believes that if development activity continues at the 2018 level, the committed projects shown in Attachment A fully allocates staff resources for the remainder of 2019 and the first half of 2020.

Attachment B provides this same information in a simplified version of a Gantt chart, showing the anticipated timelines and intensity of effort. In staff's opinion, adding additional initiatives through mid-2020 will simply increase the timelines for completion as resources are spread thinner or require triage where other priorities are set aside.

Second, staff notes that management capacity continues to be the limiting factor for the size of the work program. While additional staff has been added in recent years, the increase has been directed toward new initiatives (e.g. Southwood, CAC support) and turnover has resulted in more management time spent on training and quality control. The good news is that CDD's turnover rate has slowed, allowing staff to begin diverting some management capacity away from training and quality control. That may prove difficult to maintain as a number of retirements are anticipated over the next 2-3 years.

Finally, starting in mid-2020, staff requests the Board consider the option of directing resources towards a comprehensive examination of development review, in keeping with the objective of Project ENABLE, the Economic Development Strategic Plan. The intent would not be to simply consider the development review process, but instead focus on the extent and complexity of development requirements. Having completed two major and numerous minor examinations of development review process over the last 15 years, staff believes there is not likely to be much improvement by simply looking at process. Instead, any significant improvement will require an in-depth consideration of the complexity of those regulations and where the County might be willing to provide less oversight. Bluntly put, the focus needs to be more on what we regulate than how we regulate it. This task would not be easy but it provides the possibility of better accomplishing the County's Economic Development strategies while increasing CDD capacity for work program priorities.

No changes to the budget are proposed at this time, though additional resources have been requested for FY19-20, which, if approved, will ultimately improve overall capacity in the department and help address resource needs in key areas.

This matter is being presented for discussion. Staff requests that the Board consider the initiatives described and, following a short presentation, share its perspective on how staff can best assure the Board's interests have been maximized in CDD's work program.

Mr. Mark Graham, Director of Community Development, presented. He said he would provide an update on Community Development activities as well as notes from the Planning Commission. He explained that in this work session, he would provide background on workload and trends, an overview of established priorities and other interests, and he would seek Board perspective. He presented a slide with a pie chart that demonstrates how resources are allocated in Community Development and remarked that as development increases, there are fewer resources available to devote to the work program. He next presented a chart of Community Development staffing levels for each year from 2008–2019. The chart showed staffing levels declining beginning in 2009, plateauing from 2011–2014 and increasing each year thereafter. He noted that currently the staffing level was below what it was in 2008. The next chart

presented was of the number of residential dwelling permits issued each year from 2009–2018. He emphasized that the number of permits has increased dramatically over the past several years to record levels.

The next slide contained a chart of the number of solar electric permits issued each year from 2015–2018 and Mr. Graham noted that there has been a dramatic increase over the past few years from 60 permits per year to 180 permits per year. He added that this was just for retrofits, does not include new houses in which they are built into the permits. He next presented a chart of ministerial applications for each year from 2009–2018 and noted that there has been a steady increase. The next chart was the number of legislative applications (special use permit required) for each year from 2009–2018, observing that the number has been steady over a number of years. The next chart listed the number of zoning complaints each year from 2010–2018, and Mr. Graham observed that there has been an increase over the past five years. He remarked that in the old days, there were more complaints in the rural areas; whereas now, there are many complaints in the development areas, such as vehicles parked in front yards and overgrown yards.

Mr. Randolph asked Mr. Graham if he had data to break down complaints by zoning area as this could help the Board to explore reasons for the increase in complaints. He speculated that it could be that residents feel that the Board and staff would be more responsive to concerns than before. Mr. Graham offered to research this.

Ms. Palmer recalled that data by magisterial district was presented at a meeting with zoning. Mr. Graham remarked that he thinks he could provide data by magisterial district.

Ms. McKeel added that she would like to see what the complaints are about.

Mr. Randolph added that it would be helpful to compare the number of complaints made to the number of actual violations.

Ms. McKeel remarked that this information would be helpful when they review maintenance codes this spring and summer. Mr. Graham stated that he could also provide data on both zoning, building code, and water protection ordinance violations.

Mr. Graham said staff has forecasted that development would slow in 2019, as the number of housing permits issued slowed in the second half of 2018. He stated that recruitment and retention of Community Development staff remains challenging and that retirements would be increasing over the next few years. He noted that the issue of affordable housing has been brought up frequently and they would try to address this in the work program. He said that service expectations have been increasing, with examples being homestays, property maintenance, and neighborhood concerns, as a result of the County's urbanization.

Mr. Graham presented a list of 2019–2020 current priorities:

- Rio Road/Route 29 Form Based Code Overlay/Implementation
- Biscuit Run Park ZMA
- Southwood Phase 1
- Natural Resources Implementation
- Affordable Housing – anticipate having the TJPDC's regional housing study completed soon and hope to bring to the Board for review no later than May
- Pantops Master Plan/Rivanna Corridor Plan
- Water Protection – Development Areas
- Homestay Lodging
- Climate Action
- Economic Development
- School Space Needs
- Broadband
- Avon Corridor Study

The next slide listed 2019– 2020 other initiatives:

- Zoning Ordinance Recodification – (relates to Rio Road/Route 29 ZTA work)
- Water Protection – Rural Areas
- Zero Lot Line Ordinance Change
- Religious Assembly Ordinance Change
- Agricultural Land Uses Ordinance Change (Part 1, Part 2)
- Crozet Master Plan Update – Following Pantops
- Development Review???

Mr. Graham stated that they are working with Project ENABLE, the economic development strategic plan, with a goal to improve efficiency by removing and reducing controllable barriers. He explained that they want to reduce uncertainty and shorten approval times, as these are important matters to the development community. He noted that they were currently working on recodification, which would make the ordinance easier to understand, and they could next look at process improvements to reduce review times. He emphasized that in order to effectively remove and reduce barriers, they need to focus on simplifying requirements without eliminating development expectations of the County. He said this may involve the expansion of zoning areas where development could be done by right.

Mr. Graham said they asked the Planning Commission and would ask the Board if the staff was on the right path. He asked Supervisors if they approve of the current priorities, if changes need to be made, if there are emerging issues to add, and if development review was a future priority. He asked if public engagement matches the complexity of issues and if work capacity and resources are in the right place. He related that the Planning Commission identified affordable and workforce housing as priorities at its meeting the previous week. He said there was emphasis on master and small area plans as continuing priorities for the County, and they asked for better descriptions of Board initiatives. He said there was an emphasis on entrance corridors and high-visual quality areas. He said that one of the Commissioners recognized there are important areas for the County to set its identity that should be protected from adverse impacts. He listed rural recreation areas; net versus gross density zoning change; use of PACC/PACC Tech to better coordinate, particularly with affordable housing; and historic resource protection as additional areas of emphasis identified by the Planning Commission. He noted that a resident suggested during public comment that the County simplify regulations.

Ms. Palmer expressed concern that some current projects would drive the policy rather than have that policy in place, and she asked when they expect to have a policy in place. Mr. Graham said he expects the regional housing study to be presented to the Board by April, which he said would include a careful analysis of the supply and demand by median income levels within the County and region, and it would enable them to determine where to focus and the tools necessary to address issues. He said that provided the Board authorizes the staff to move forward, he anticipates that they would update the affordable housing policy, with staff collaborating with stakeholders to address supply and demand. He explained that they would check in with the Board before any update was made to the Comprehensive Plan and ordinance changes may be needed.

Ms. McKeel noted that they have a regional affordable housing partnership that was looking at workforce housing and expressed that she wants to find a way to connect the work and avoid silos. Mr. Graham responded that nobody sees the role of the Thomas Jefferson Planning District Commission going away with the completion of the study as there would be an ongoing need for coordination. He said that PACC and PACC Tech would ensure that the City, County and University are working together.

Ms. McKeel remarked that it was a good thing the University was at the table with the regional affordable housing partnership, and she reiterated her concern that this be tied together and not siloed. Mr. Graham recognized that it was a regional problem and that there are County solutions that are part of the regional solutions.

Ms. Mallek added that not all solutions worked in every jurisdiction and she hopes they obtain the outside information before making any changes. She noted that Community Development staff has already supplied updated information on the thousands of units that come online over the past several years, and the numbers would be dramatically different from what people expect.

Ms. Mallek addressed the questions posed to the Board by Mr. Graham. She said it looks like the Crozet Master Plan was being looked at as an afterthought or a change. She wants to make sure people remembered that this was due in 2015, thousands of units are being built and have been built since the expiration of the previous master plan, and she would like this to be a real item on the list as it was really important in places where there was a lot going on. She next addressed emerging issues and emphasized that there are rural area support and agricultural support businesses that need the capability with carefully crafted performance standards, but do not need a \$2,500 special permit to operate.

Ms. Mallek said that there are businesses that have the equipment and would like to build a barn or a place to store their equipment where materials could accumulate until there was a big enough volume to haul them to the mill at Abingdon. She said these businesses could move to the valley but remain because their customers are here, and this was supposed to have been folded into the economic development strategic plan. She said she was raising this as an issue that needs to be brought back to life as a succinct zoning text amendment. She said the Comprehensive Plan already talked about these businesses under Strategy 1 and a zoning ordinance to allow landscape services and storage of materials and equipment in the rural area. She said it would require a limited amount of work to get this finished. She addressed the category of development review and agree with Mr. Graham that so much has happened since 2004 when she served as a citizen on the Development Review Task Force and Mr. Graham presented all the steps of development review. She said it really makes a difference when a developer wants to work with the rules rather than to continually fight them and emphasized that applicants should be looked at as partners in determining the process.

Mr. Dill observed that an incredible amount of single-family homes are being built in the Rivanna District, including Cascadia, Brookhill, and Northpoint, and it seems to him that there would soon be a shift from single family to denser apartments and condominiums. He asked if they are ready for this next wave, which would have to be denser. Mr. Graham remarked that this was an interesting question. He said he does not see much of a challenge in getting denser development, as many apartments are being constructed right now. He said the bigger challenge would be vertical mixed-use and form-based code, such as at Riverside Village. He said they have looked at what Chesterfield and Arlington counties as well as what other states have done, and it was a more complicated form of development.

Mr. Randolph observed that there was a critical need for a dedicated, focused master plan rather than a dusted off portion of the Comprehensive Plan for the 5th and Avon corridor. He recalled from when he served on the Planning Commission that there was a commitment that Pantops would be first, along with a revisit of the Crozet Master Plan. He said he would like to see 5th and Avon treated as something other than the "runt of the litter" because of the amount of activity the Board has put in over the last three

years in development of that corridor, and residents are looking for the Board to make a focused effort on this. He complimented Mr. Graham on the quality and depth of talent brought forth by Ms. Emily Kilroy with the CACs and remarked that there are many talented young people ready to take on a leadership role in the County if given the opportunity.

He emphasized that they have to cut down on staff time by working more strategically and in a more focused way. He said the introduction and elaboration of form-based codes and performance measures let developers know the expectation. He continued that it was important to balance the use of technology with labor and expressed hope that in the future the Board would be presented with options for technology to address the impact of labor and become more efficient, as they could not continue to grow their labor force. He speculated they may have to separate 5th Street from Avon Street, as the 5th Street corridor was the runt of the two, they are having trouble recruiting people as they feel the focus was on the Avon Street corridor, and they are crowding out an opportunity for increased participation.

Ms. McKeel asked for confirmation that they have not lost track of the priority to revitalize older urban neighborhoods. Mr. Graham reassured her that they have not. Ms. McKeel emphasized that it was the older, urban ring neighborhoods that are currently providing affordable housing.

Ms. Palmer asked how they would determine what has to be taken away in terms of timing. Mr. Graham noted that Attachment B (copy on file) has a timescale chart that addresses this. He remarked that based on its workload, the staff are booked for 2019 and does not have any spare capacity.

Ms. Palmer asked how ministerial applications compare in number with those presented to the Board and Planning Commission. Mr. Graham responded that it was a considerably larger number and the Board see about 15-20% of what was going on.

Ms. Palmer asked about the degree of form-based code they would see in the Route 29/Rio Road area. Mr. Graham responded that a resolution of intent to amend the zoning ordinance would be brought before the Board by December.

Ms. Palmer said she was hoping this would take care of some of the concerns of development review. She recognizes that with a more dense population, they are likely to receive more complaints and issues, and if they cut corners, citizen complaints would increase. She noted that they have talked about bringing back the convenience center issues and she understands that Facilities would be working on with Rivanna Solid Waste Authority. She acknowledged that this would involve a communications component to be worked on by Public Engagement.

Mr. Graham remarked that the key question was whether or not these would be public facilities. Ms. Palmer expressed that she would like them to be publicly run and not privatized.

Ms. Mallek said that staff has done a good job to think ahead about how much engagement would be needed, depending on the issue. She said it was helpful to have lots of feedback to help things get better and she hopes that in the future they could anticipate the amount of resources that would need to be address issues. She addressed the Crozet Master Plan downtown Crozet zone with form-based code, stating that the only difficulty they have encountered was a requirement that was adopted only in the Crozet code, which requires vertical mixed-use in every building. She said she has spoken with many bankers and they would not lend for condominiums on different floors when there was residential up above. She urged everyone to have an open mind about this and not create things that are so strictly written they could not be achieved. She remarked that a residential building next to an office building next to an employment building achieves the same thing as a large building with different floors, and it is fundable, mortgageable and will work.

Mr. Gallaway said he agrees that development review should be a priority, especially in development areas. He asked if areas zoned HI and LI are set up in a way that was very clear for those who would like to do private items, such as private waste services, as it makes sense that regulations are in line with what the bigger vision was. Mr. Graham responded that this was one of the questions with the development group and it could simplify this if they are to narrow the focus to industrial or industrial and commercial land. He acknowledged the Supervisors' agreement.

Ms. Palmer said that industrial was very important for her.

Mr. Graham emphasized that there was some overlap of uses, which provide opportunity that do not previously exist. He summarized his understanding that the Board's position was that the staff focus on efforts in support of the economic development strategy.

Mr. Gallaway and Ms. McKeel concurred.

Ms. Mallek said she understands the benefit to having a big evaluation process but emphasized the importance to take a little chunk, fixing it, and then moving on to the next. She added that they have to get on the small things and get them out of the way.

Ms. Amelia McCulley, Zoning Administrator, remarked that when they redid the industrial districts several years ago they made some substantive changes and it was time to take a look at that again to see if it was working for how they want industrial districts to develop.

Ms. Mallek remarked that they probably need more flexibility and perhaps should remove size requirements to allow people to move walls around as they want.

Mr. Graham said they would get back to the Board with answers to the questions about zoning violations.

Agenda Item No. 11. Department of Social Services Annual Report.

The Executive Summary forwarded to the Board states that pursuant to Virginia Code § 63.300, all counties in Virginia are required to establish a local board to oversee the provision of social services to its residents. The Board of Supervisors established the Albemarle County Department of Social Services Advisory Board in 1997. One of its required duties is to make an annual report to the Board of Supervisors, concurrent with the Department's budget presentation, concerning the administration of the public welfare program.

The FY18 Annual Report, titled "Stronger Together," provides a summary of the Department's programs and services, including the number of cases in each program area for the year, coupled with stories of some of those served. Also included are the Department's Key Performance Indicators and unaudited statements of financial resources. Of note is the new information regarding the Housing Choice Voucher program. Notable increases include the number of Family Partnership Meetings conducted to avoid foster care placement and the number of Long-Term Care Medicaid recipients. Our intensive family finding efforts and prevention services continue to keep our foster care numbers down. Finally, the workload measures data show that, in most programs, the department continues to operate with less than the required number of staff as determined by the 2008 VDSS Workload Measures study

Funding for the Department of Social Services is included in the County's annual operating budget.

Staff recommends that the Board receive the Department of Social Services Advisory Board's FY18 Annual Report as presented. No formal action is required.

Ms. Jennie More, Advisory Board Chair and resident of White Hall District, presented. She announced that advisory board members Lynwood Bell of Rivanna District and Karen Horridge of Jack Jouett District were in attendance. She said she would review some highlights and then allow time for questions from the Board. She pointed out their theme, "Together We Are Stronger," and highlighted their commitment to collaborate with key external partners and within the department. She emphasized that many clients were served by multiple programs had complex needs, and coordination and collaboration are important. She cited the Key Performance Indicators listed on Page 3 (copy on file) of the report.

Ms. More said that Medicaid applications continues to be a challenge. During the past two years, the state has emphasized the need to decrease the number of overdue renewals; however, the focus of attention on renewals could negatively affect the ability to process applications within the mandated timeframe. Additionally, applications could be delayed when they are received from the state-covered VA and are already overdue or might be awaiting determination of disability. She said the additional staff approved by the Board for ongoing child protective services has helped improve performance, though the 90% target was still difficult to achieve, due largely to missed appointments and the fact that the policy requires contact with all parties involved in the case. She said the good news was that since these families are receiving a robust array of services, other professionals are having ongoing contact with them.

Ms. More next drew the Board's attention to a chart of workload measures on Page 4, emphasizing that the numbers are based on antiquated case weights developed in 2008, though the state was preparing to conduct another workload measure study and they hope to have more accurate case weight measurements. She next pointed to the Imminent Risk of Placement chart on Page 6, which she said shows the percentage of children diverted from foster care from the Family Partnership Meeting. She expressed appreciation for the Board's support of the Family Finding Initiative.

She next reviewed a chart of SNAP Recipients on Page 8, noting that the number of recipients correlates with the low unemployment rate. She said it was important to monitor what the federal government would do with the farm bill, as it was highly likely that the SNAP Program would have a work requirement. She next pointed to the Energy Assistance by Type graph on Page 9, noting that the number of recipients was largely affected by how cold it was. She drew the Board's attention to the chart on Page 11 titled "Average Child Care Cases per Month." She said that childcare continues to be a challenge in the community, the number of providers willing and eligible to receive a subsidy continues to decrease, and some families are not able to secure a provider. She said the Board would hear more during the Bright Stars annual report presentation about how pre-K programs helps ameliorate this problem.

Ms. More drew the Board's attention to graphs on Page 12. She said they anticipates that Medicaid numbers would change drastically next year due to Medicaid expansion and remarked that the number of longtime Medicaid recipients continues to increase, largely due to the aging of the population and the focus of aging in place. She next presented a Housing Wait List graph on Page 14 and noted that it shows the number of vouchers used, specific locations, and the general mainstream voucher. She next brought the Board's attention to the graph of Lobby Visitors with Limited Language Proficiency. She drew

the Board's attention to a chart on Page 15, which she said reflects the amount of revenue brought into the community. She pointed out acknowledgements and personal stories on Page 16, which she said are important because they remind them of the human touch brought by the work performed by the Albemarle County Department of Social Services. She expressed appreciation to the Board for its ongoing support and invited questions.

Ms. Mallek noted that Ms. More had mentioned how different team members have different contacts with CPS families and asked if they already share these reports and if this was a legitimate way to meet the 90%. Ms. Phyllis Savides, Director of the Department of Social Services, responded that unfortunately, policy does not always allow them to credit visits made by professionals such as mental health or in-home therapists and they could only count visits made by the DSS case manager.

Ms. Mallek asked for confirmation that they could share information. She asked if these are federal, state, or County reporting requirements. Ms. Savides confirmed that they could and said that the reporting was federal.

Ms. Mallek remarked that a concern she has had for 10 years was how people know to get on and stay on a list and asked Ms. Savides to share a bit about this. Ms. Savides responded that the word on the street was that the waiting list was very long and she does not believe they have taken a new applicant for several years. She said she was incorrect about the housing table on Page 14, as this was actually information about the wait list and not the number of vouchers being used. She said that one goal for the upcoming year was to position themselves to apply for HUD grants to allow them to draw down additional vouchers. She said a voucher becomes free if someone moves, passes away, or if there is non-compliance.

Ms. Mallek asked for confirmation that the amount of dollars was static, does not increase with cost of living, and as rents rose the number of vouchers was reduced. Ms. Savides responded that this was a really good question for which she does not have the answer, though she offered to research this and noted that she would be back later in the month with an answer.

Ms. McKeel asked if the housing wait list was broken down by categories, such as seniors or the working poor. She said it was her understanding that The Crossings at 4th and Preston was essentially for the homeless. Ms. Savides responded that the mainstream voucher has to do with adults with a disability, which may also include the elderly, which she would clarify. She said the Crossings was permanent supported housing for which the person must meet certain criteria that make them at-risk for homelessness. She said they receive both housing and case management services to help them maintain that housing.

Ms. McKeel noted that the Crossings was part of a partnership with the City and asked if there was a way to find out the breakdown of seniors and working poor. Ms. Savides responded that the housing choice voucher was for the working poor, as it was based on income. She said she would clarify this and that she believes the one in Scottsville has senior residents.

Ms. McKeel asked if the work requirement that may be required of SNAP recipients would consider childcare. Ms. Savides responded that they know very little about what it might look like, though the idea of a work requirement was popular among some for many programs. She noted that the County's VIEW Program for TANF recipients was managed by DSS, which supports them in finding employment, and a SNAP work requirement mandate could present an additional workload although it may be that the DSS worker only has to confirm that the recipient has employment and would not have to provide employment services.

Ms. McKeel reiterated that the community was short on child care. Ms. Savides expressed the hope that, like VIEW and TANF, the recipient automatically receives a childcare subsidy, although it does not address the provider issue.

Ms. Palmer referred to the Childcare Services graph on Page 11 and asked what "assist" mean. She added that she assumes the numbers are going down because of good employment. Ms. Savides responded that the childcare graph reflects the number of recipients that are receiving a subsidy but not the full amount of childcare costs, as they have to make a copay. She said the primary reason why the numbers are going down was the lack of providers who cannot meet the federal requirements to become licensed to receive the subsidy or they do not want to meet the requirements for the quality rating. She said the County has the funding to provide and wants to take people off the wait list, but they cannot find a provider.

Ms. Palmer asked if providers do not want to meet the federal qualifications, needed training, or if it was costly. Ms. Savides responded that the director must have certain credentials or a certain number of training hours and centers may not be able to afford to send workers to training. She continued that there was a staff-to-children ratio requirement. Ms. Palmer asked if there were local opportunities for this education. Ms. Savides responded that Ready Kids was a partner that helps to provide some of that training.

Mr. Randolph complimented Ms. Savides for the robust nature of the information she has provided to the Board and congratulated her on the joint report with the City, which he said was really helpful, and he shared this with each of the CACs he participates in. He said it provides an overview of the dynamics within their joint community. He said they were spot on with workload measures and in

putting Bright Stars as the first priority and family support second, as these two complements each other, as well as the ranking of the additional priorities.

Mr. Dill observed that the number of adoptions listed on Page 7 peaked in 2016 and has dropped since then, and asked if she knows the reason. Ms. Savides responded that it was connected with the decrease in the number of children in foster care. She said there was a spike in FY16 in the number of children coming into foster care, which led to the implementation of the Family Finding Initiative to divert children from coming into care. She emphasized that with fewer children coming into foster care, there are fewer adoptions. She said it was becoming harder to move to finalization since more families are appealing all the way to the court of appeals, which slows the adoption process.

Mr. Dill recognized Mr. Bell as a great resource for providing monthly updates to him after meetings.

Mr. Gallaway recalled that last year, he harped on her 12% on her good financial stewardship of resources and that he had criticized her department for not spending its money, though she was down to 8%. He indicated that the savings may be because the lapse factor was reduced and there was less staff turnover, though he was hoping the answer was that they found a way to take funds that were lost in lapse factor that turned into surplus and were repurposed within the department in a given fiscal year.

Mr. Richardson responded that in the case of Department of Social Services for FY18, there was some lapsed salary money and they could contact Office of Management and Budget and request to spend this on another item as a one-time expense. He said they asked to spend about \$100,000 on office modifications, including the repurposing of a conference room into four offices. He said their goal was for there to be a collaborative discussion between the departments, OMB, and the Office of the County Executive, with the Board of Supervisors granting final approval. He continued that at the macro level, they are taking a look at lapsed salary money across the organization and are currently using 1.5% across the organization, which means they predict that 98.5% of what has been budgeted would be spent. He said they have increased this to 2%, which freed up an additional \$272,000 in this budget. He emphasized that they used a collaborative approach to make sure the margins were sufficient to address something unpredictable in FY20 and they feel comfortable moving the margin from 1.5% to 2%.

Agenda Item No. 12. Bright Stars Annual Report for FY18.

The Executive Summary forwarded to the Board states that as a result of the Virginia Pre-School Initiative (VPI) funding initiated by Governor Wilder in 1994, the Board established the County's Bright Stars program as a collaboration among the Department of Social Services, the School Division, and Local Government. The Department of Social Services serves as the coordinator and fiscal agent for the program. The first classroom was established at Stone Robinson Elementary School, and this year (FY18) the program had ten classrooms in seven elementary schools, including two at Cale, Greer and Agnor-Hurt and one classroom each at Red Hill, Scottsville, Stone Robinson, and Woodbrook. In 2009, the Pre-School Network for Albemarle County was established to oversee the blending of funding streams from the VPI, Title 1 and Early Childhood Special Education programs to serve more children in inclusion classrooms

The FY18 Annual Report includes a review of the Preschool Network services, including the number of children served and the outcomes on measures of socio-emotional development, academic achievement and family engagement. Also included are the Program's Key Performance Indicators and VPI unaudited finances.

Continued funding for the program is being requested in the FY20 budget.

Staff recommends that the Board accept the FY18 Bright Stars Annual Report.

Ms. Carol Fox, Bright Stars Program Coordinator, presented and said she would share the many successes the program has had over the last fiscal year. She acknowledged Ms. Teri Higgins, a Family Coordinator, and Ms. Shiquea Cooper, DSS Office Specialist, in the audience. She said that Ms. Tamara Ryan was the new manager of the Office of Program Management. She reminded the Board that early childhood was about play and that much was learned during play. She played a video that highlights the accomplishments of FY2018. The video showed children in the classroom, participating in field trips, contained a definition of play, various statistical charts, and quotes about play. She acknowledged that Mr. Phil Wickstrom, a student at Murray High School, assisted with the video compilation. She thanked the Board for its continued and substantial financial support and commitment to the welfare and development of some of the most vulnerable children and families.

Ms. Fox reported that the model program continues to be recognized throughout the state and was one of six localities in the state to receive a mixed-delivery grant and one of only two to receive an additional associated planning grant, which has enabled them to serve more families. She noted that in the past year, the program served 176 children in 10 classrooms and 17 children in mixed-delivery or private placements at Foundations Child Development Center and Jefferson Area Board of Aging Preschool classroom. She presented a slide with key ingredients for a childhood education program and to have school-ready children, as identified by the Virginia Department of Education. She said ready children are prepared socially, personally, physically, and intellectually. She continued that families, schools, and communities play important roles in working together to support the school. She said that

Bright Stars family coordinators pull all these elements together to make sure each child was school ready and was able to be successful throughout their school career. She emphasized that the daily work of the school coordinators was difficult to capture in a video, such as home visits and telephone calls with families.

Ms. Fox presented some key data points contained in the report. She said 55% of the County's at-risk children are served by the program, 23% more Bright Stars alumni children and families are able to receive support this year compared to last year, 40% of the children are dual language learners, meaning their first language is not English, 87% come from economically disadvantaged families, 30% come from single parent-headed households, and 55% are from a family in which at least one parent did not graduate high school. She said the role of family coordinators was to help minimize these risk factors so children are able to be available for the learning that school was intended to provide. She cited the chart on PK PALS assessment on Page 9, noting that in the fall, 8% of participants meet the benchmark screening; whereas by spring, after intentional teaching by play, 60% of children meet this benchmark. She referred to a chart of numeracy skills on Page 10, pointing out that in the fall, 13% of children met the benchmark, and by spring 74% meet the benchmark.

Ms. Fox referenced a chart on Page 11 to point out that 78% of Bright Stars children in Grades 1-5 met the year-end math benchmarks and 60% met year-end literacy benchmarks. She referenced a chart on Page 8 that showed that 74% of Bright Stars graduates passed the Kindergarten PALS assessment. She emphasized that the benefits of the program continue in the years after kindergarten and explained how it was critical that students be academically successful by third grade in order to reduce the dropout rate. She said research indicates that socio-emotional development of children during early childhood years was equally, if not more, critical than early learning academic skills. She referenced a chart on Page 13 and noted that 21% of children met socio-emotional development benchmarks that demonstrate the ability to self-regulate to solve problems and this increased to 75%. She next referenced an end-of-year satisfaction survey of parents on Page 15 that indicated over 90% of parents saw growth in language, social, self-care, motor planning, pre-academic, and problem-solving domains. She stated that 83% of families report they achieved the goals established with the family coordinators, and 100% reported that their children benefited from involvement and would recommend the program to others. She concluded and invited questions.

Mr. Randolph asked if Ms. Fox has noticed that it was found that African-American students in the rural area performed better in the 1st and 3rd grade tests than those attending development area schools whereas it was found that Hispanic students who resided in the development area performed better than those in the rural area. He asked if she had seen this in the Bright Stars program and if she had an explanation. Ms. Fox responded that they have not seen that discrepancy but have found that the success of children in the academic component was significantly correlated with a high-quality, engaging program and teaching staff. She said they are working to ensure that the classroom teaching staff was equipped with the skills needed to provide high-quality, daily engaging experiences for children. She said they provide a tremendous amount of professional development, including two hours per month for teaching assistants. Ms. Fox reiterated that it is not dependent on location within the County, but upon the level of high-quality engaging experiences.

Mr. Randolph expressed his understanding from her remarks that he was not seeing geography as a variable in the capacity to learn, grow, and thrive in the program. Ms. Fox encouraged Mr. Randolph to access the Virginia Department of Education website, which has significant information provided by School Readiness Coordinator, Ms. Jenna Conway, and includes a statement indicating their belief that all children come with a capacity to learn and that risk factors, while they help explain certain circumstances, are not excuses.

Ms. McKeel noted that the program partners with several outside programs and asked if they have made an outreach to the University of Virginia childcare program to take some children. Ms. Fox responded that for the 2017–2018 fiscal year, they were not under a mixed-delivery grant and so funding to support the 17 children at JABA and Foundations was provided with VPI money and through donations through the United Way. She described this as being like moving chess pieces around to make it all work. She said they would resume with mixed-delivery grant money in the fall. She added that the Mixed-Delivery Committee, which involves the United Way, Ready Kids, Head Start, and the City of Charlottesville, would offer an informational session in February to providers that are interested in partnering with them.

Ms. Mallek remarked that the October and April Bright Stars children were from two different planets and were much more engaging by April. She said she was absolutely convinced of its success and recalled a presentation given by Bright Stars graduates several years ago and expressed hope that they would do this again. Ms. Fox responded that she would arrange it and invite the Board to participate. She emphasized that some participants were still age 3 when the program began in the fall and that activities such as forming a line, hanging up a coat, and walking down the hall were new to them.

Mr. Dill asked how much of a factor difficult cases and families are. Ms. Fox responded that this was the work of family coordinators who are intimately involved. She said that all teaching staff are mandated reporters and attend annual training. She noted that the recognition of the adverse effects of trauma on children have grown exponentially and Bright Stars staff are working to recognize how trauma may look in the classroom and in different settings so they can partner with family coordinators to provide wraparound support that would benefit everybody.

Ms. Fox announced that she would soon send an invitation to Board members to visit a classroom and meet with Bright Stars alumni.

Agenda Item No. 13. Historic Preservation Committee Update on 2015-2018 Committee Activities.

The Executive Summary forwarded to the Board states that the Albemarle County Historic Preservation Plan was adopted in September 2000. In April 2001 the Board of Supervisors (BOS) adopted the "Priority Recommendations for Historic Preservation in Albemarle County" (see Attachment A) as the action agenda to be used for Plan implementation. The Historic Preservation Committee (HPC) held its first meeting on January 8, 2002.

The HPC made progress on several of the Priority Recommendations between 2015 and 2018. Committee efforts focused on education programs, completing the development of a database of County historic properties, and documenting historic properties prior to demolition whenever possible. Attachment A summarizes the Committee's accomplishments as they relate to the Priority Recommendations. Attachment B provides additional details and data on projects and programs. Attachment C highlights the Committee's significant achievements.

This is a committee status report. As such, it has no budget impact.

Staff recommends that the Board of Supervisors accept the Historic Preservation Committee's report.

Ms. Margaret Maliszewski, Principal Planner, and Mr. Jared Loewenstein, Chair of the Historic Preservation Committee, presented. Ms. Maliszewski recognized the contribution of Ms. Heather McMahon, Senior Planner, in managing most of the recent projects and for contributing greatly to the Executive Summary and the presentation.

Mr. Loewenstein said that it has been a while since the Committee provided an official update to the Board, as the last one was in 2015, and they plan to provide annual updates in the future. He said the County's preservation plan was adopted in September 2000, followed by the adoption of a list of 12 priorities to direct the Committee's work. He stated that the Committee has made significant progress on the priority recommendations over the past several years. He said that their focus has been on educational programs and the documenting of historic properties prior to demolition. Details of these programs are in the executive summary attachments. He continued that the Committee was developing a database of historic properties and he would highlight this today.

Mr. Loewenstein stated that the County has 12 historic districts that are listed in the National Register of Historic Places: Advance Mills, Batesville, Covesville, Crozet, Greenwood-Afton, Proffit, Rugby Road/University Center, Scottsville, Southern Albemarle, Southwest Mountains, University of Virginia, and Woolen Mills. He explained that the National Register was an official list of historic places worthy of preservation. National registered districts are honorary and do not have any associated County regulations. He remarked that the number of districts and listed properties illustrate the wealth of historic and cultural resources within Albemarle County. Over the past few years, Committee members volunteered their time to research each of these districts and each of 5,434 parcels within the districts to identify the level of historic significance. He continued that Committee members used National Register nomination forms to determine if parcels contribute to the cultural significance of the district or if reevaluation of the property was required.

Mr. Loewenstein explained that reevaluation of a district was typically assigned when the subdivision of a parcel result in uncertainty of the location of inventoried resources, for which a site visit may be necessary to verify and confirm that status. He said this information was coalesced into a large database and with the help of Planning and Geographic Services staff and student interns, this information has been transformed into visual form and would be available to view on the County's new GIS web interface to be released to the public later this month. He presented a color-coded map and explained that green parcels represented contributing properties, pink represent non-contributing properties, and those in blue requiring additional verification. He said that a description of the map overlays include links to the National Register of Historic Places and Virginia Department of Historic Resources websites, as well as hyperlinks to nomination forums for each historic district.

Mr. Loewenstein explained that in addition to the County map of national registry districts, staff has created a second layer of individually designated historic resources, which shows all 84 properties listed individually, on the national historic landmarks list, or UNESCO World Heritage list. He continued that the metadata for this layer contains hyperlinks to each property's national register nomination form. He said they wish to provide hyperlinks to historic photographs of each national register property in the future. He remarked that it was important to have this information available to make it easier to fully consider impacts to historic resources in the County's development review process and as an educational tool the public could use to learn about the County's historic resources and their own properties. He said the mapping work, as well as documentation and educational programs the Committee continued to produce, addresses important objectives and strategies outlined in the Historic Cultural and Scenic Resources Chapter of the Comprehensive Plan. He concluded and invited questions.

Ms. Mallek asked for a quick update on Findowrie. Mr. Loewenstein responded that Findowrie was the oldest completely unaltered building in the County and has sat empty since the 1990s. He said they recently spoke with someone who was moving and retiring to the area from San Francisco with plans to restore the property to its original state, using only 18th Century materials, and who would live in it. He said they are happy to report that this extremely threatened property has apparently been saved and they continue to work with the property owner.

Ms. Mallek invited people to attend Historic Preservation Committee meetings on Monday afternoons, as there was a lot of excitement and public interest.

Mr. Loewenstein remarked that in addition to Findowrie's architectural and general historical significance, it was the site of much of the lime used to construct the University of Virginia.

Agenda Item No. 14. Closed Meeting.

At 3:36 p.m., Mr. Dill **moved** that the Board go into a Closed Meeting, pursuant to Section 2.2-371(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and
- Under Subsection (6), to discuss and consider the investment of public funds for an affordable housing project in the northern 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
- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation between the Board and other parties where consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County and the Board. The lawsuits are:
 1. between the Board and the Charlottesville City Council regarding the Ragged Mountain Reservoir;
 2. between the Board and Route 29 LLC; and
 3. between the Board and Global Signal Acquisitions.

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

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

Agenda Item No. 15. Certify Closed Meeting.

At 6:00 p.m., Mr. Dill **moved** that the Board certify by recorded vote that, to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

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

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

Agenda Item No. 16a. Boards and Commissions: Vacancies and Appointments.

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

- **reappoint**, Mr. Frank Stoner to the Architectural Review Board with said term to expire November 14, 2022.
- **appoint**, Mr. Steven Hiss to the Charlottesville/Albemarle Joint Airport Commission with said term to expire December 1, 2021.
- **reappoint**, Mr. David van Roijen to the Equalization Board as the Samuel Miller District representative with said term to expire December 31, 2019.
- **appoint**, Ms. Karen Pape to the Equalization Board as the Jack Jouett District representative 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. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.
NAYS: None.

Agenda Item No. 17. 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. 18. **PUBLIC HEARING: ZTA201800002 Uses on commercially zoned properties not served by public water or approved central water supplies (previously referred to as "Commercial and Industrial zoned properties not served by public water")**.

To receive comments on its intent to adopt an ordinance amending Chapter 18, Zoning, of the Albemarle County Code described below.

Districts affected: The proposed ordinance pertains to all lands in the Commercial ("C-1"), Commercial Office ("CO"), and Highway Commercial ("HC") zoning districts (Albemarle County Code, Chapter 18, Sections 22, 23, and 24 respectively) that are not served by public water or an approved central water supply.

Summary of current regulations: Under current regulations in these districts, any use otherwise allowed by-right is permitted only by special use permit if the use is not served by public water but involves water consumption exceeding 400 acres per site acre per day.

Summary of proposed amendments: The proposed ordinance would amend the district regulations to:

1. Require a special use permit for certain uses otherwise allowed by-right if the use is not served by either public water or an approved central water supply, regardless of the amount of water that may be consumed by the proposed use. In the C-1 and HC districts, the affected uses would be convenience stores, eating establishments, and automobile service stations (Secs. 22.2.2(16); 24.2.2(18)). In the CO district, the affected use would be eating establishments that meet that district's current requirements to qualify as an accessory use (Secs. 23.2.2(18)). These same uses would be allowed by right if they were either served by public water (as currently allowed), or by an approved central water supply (proposed). (Secs. 22.2.2(11), 23.2.2(8), 24.2.2(13)) Other uses otherwise allowed by-right in the respective districts would continue to be permitted only by special use permit if the use is not served by public water but involves water consumption exceeding 400 acres per site acre per day. (Secs. 22.2.1(c), 23.2.1(18), 24.2.1(51)).
2. Add by cross-reference those uses allowed by-right in the Rural Areas (RA) zoning district as by-right uses in the C-1, CO, and HC zoning districts, provided that the use is not served by either public water or an approved central water supply (Secs. 22.2.1(d), 23.2.1(19), and 24.2.1(53)).
3. Allow any use listed as by-right in Sec. 22.2.1(a)-(c) in the C-1 district, in Sec. 23.2.1(1)-(18) in the CO district, and in Sec. 24.2.1(1)-(51) in the HC district, that is not served by either public water or an approved central water supply, to continue as a by-right use or as a special use (as authorized by a special use permit required under current Secs. 22.2.2(11), 23.2.2(8), or 24.2.2(13) for uses not on public water when the use involved water consumption exceeding 400 gallons per site acre per day) if the use is within a structure lawfully existing or vested on February 6, 2019. For these uses, no external change on the property would be allowed to occur other than maintenance or signage changes, and, if the use is authorized by a special use permit approved prior to February 6, 2019, the use complies with all conditions of the special use permit (Secs. 22.2.1(e), 22.2.2(11), 23.2.1(20), 23.2.2(8), 24.2.1(53), and 24.2.2(13)).

(Advertised in the Daily Progress on January 21 and January 28, 2019)

The Executive Summary forwarded to the Board states that at its meeting on December 11, 2018, the Planning Commission unanimously voted to recommend approval of ZTA 2018-02 with the recommendation that the ordinance include the language proposed in August 2018 to allow all by-right uses if they are within existing buildings. The Commission also recommended additional engagement of potentially impacted property owners.

Staff has identified all properties zoned commercially that have a public water service designation of no service, limited service, or service only to existing structures. This resulted in 37 unique property owners being identified. Staff has notified those property owners of the proposed amendment and public hearing. It is not possible to identify all potentially impacted properties as there may be properties that are designated to have public water but cannot connect to public water due to cost or technical considerations.

The attached draft proposed ordinance includes the change recommended by the Planning Commission, to include a provision allowing by-right uses within existing structures not served by public water or a central water supply.

Staff has also made minor changes to the ordinance. These changes are technical clarifications or organizational and are not significant and do not change the nature or impact of the amendment.

The Planning Commission noted that this amendment does not address the 400 gallons/day/acre issue for all uses and recognized that this is a first step in the process of addressing the issue. The Commission noted that, to be consistent with the Comprehensive Plan for the Rural Area, change should occur slowly.

The Planning Commission and staff recommend that the Board adopt the attached Ordinance to approve ZTA 2018-02.

Mr. Bill Fritz, Development Process Manager, presented. He said his presentation would be brief and he would not go over everything in the staff report but would take questions from the Board. He explained that these uses would be by special use permit if not served by public water. He said there was no analysis of water consumption and they are by special use permit, which would be reviewed to determine if potential impacts could be mitigated. He listed potential impacts as follows: high traffic volume, extended hours of operation, lighting, building design consistent with the character of the area, high water use impacting well and septic system designs, sounds, and smells. He said the ZTA would allow the Board to analyze the proposed uses in the rural areas of the Comprehensive Plan to determine if they are consistent with its goals and strategies as well as determining if the use changes the character of the area or creates a substantial detriment to adjacent properties. He continued that the ZTA would not eliminate uses and may make some current by-right uses allowable only by special use permit. He said a reduction in by-right uses may reduce the value of a specific parcel; however, under the existing ordinance adverse impacts of commercial development may reduce the value of adjacent rural land. He said approval of the ZTA would allow the individual review of special use permit applications, during which potential impacts on property values may be considered.

Mr. Fritz then reviewed existing and approved structures. He said existing structures without special use permits could be used by-right for any by-right use and that no change, other than maintenance or signage, was permitted. He continued that the building may not be enlarged and no additional parking would be permitted by right. He said that existing structures and properties with special use permits for water consumption would remain subject to the conditions of the special use permit; the County had approved three water-related special use permits.

He said that if any of those properties proposed to change the conditions of the permit, they would be subject to a new special use permit, which would be for the proposed use, and its evaluation would not be limited solely to that of water consumption. He said that if a commercial property was not served by public water, it would be able to make use of the by-right Rural Area uses on the property.

Mr. Fritz stated that the Planning Commission voted unanimously to recommend approval at its December meeting, with a request for notification to potentially impacted properties, which has been done. He said the Commission also requested that the language of the ordinance allow by-right uses of the existing structures. The Commission commented that the ZTA does not fully address the 400-gallon per acre per day issue, and noted that this was just the first of what should be a multi-step process to amend the ordinance and bring it into alignment with the Comprehensive Plan. He remarked that the staff report contains a full ZTA analysis.

Ms. Palmer asked why central water systems were added. Mr. Fritz explained that central water systems are approved by the Board of Supervisors and the staff view that as a past action by the Board to designate a particular property for some type of development. He said they treated it as if it were public water and noted that the ordinance does this in several other places where it treats properties with public water or a centrally approved water supply system the same.

Ms. Palmer followed up that she understands this and asked why they bothered to include central water systems in this ordinance. Mr. Fritz clarified that the ordinance does this in other places and they are being consistent.

Ms. Amelia McCulley, Zoning Administrator, noted that there are numerous developments that are distant from the public water system, dependent on central systems, and that have developed purely based on a central system approval. She said the standard was much higher than with a typical private system that serves an individual house. The central system has to go through a higher level of state health technical and legal requirements to make sure it would be maintained. It is not equivalent to a private system that serves an individual use, i.e., a home.

Ms. Palmer asked if the criteria they could use to approve or deny a central water system was based mainly on health reasons and under what circumstances the Board could deny it. Ms. McCulley said she thought there may be some limits under the enabling authority to central systems. She noted that they have a mandatory connection to public water and sewer within the jurisdictional area, and this would not apply to property that was within a reasonable distance of a public waterline. She said that a couple of subdivisions have relied on a central well, which got contaminated and was too far for public water to be extended so they drilled multiple wells and created a central well system.

Ms. Palmer asked how this expands the by-right if you could put in that system. Ms. Mallek remarked that there has not recently been a rural subdivision approved with one of these things, as far as she could remember. As an example, Earlysville Forest had a system of wells constructed 20 to 30 years ago. She asked if there are commercial properties that have these in the rural area. Ms. McCulley confirmed there were commercial properties in the rural area, with one example being Crossroads Store in North Garden.

Ms. Palmer asked if this was for ones that already have a central water system. Mr. Fritz responded that it was looking back in time and not forward in time. Mr. Kamptner added that it was always a possibility. Mr. Fritz commented that it was a remote possibility.

Mr. Kamptner explained that in the process, the application is made, evaluated by the County's engineers, comes before the Board for a hearing, and the Board has the authority to approve or disapprove. He emphasized that no specific findings have to be made and the Board could impose conditions.

Ms. Palmer asked for confirmation that, if it would allow a property to expand and have more traffic impacts and it was a by-right use with a central water system, then the installation of a central water system expanded the by-right use and the Board could turn down the request because of traffic implications. Mr. Fritz confirmed this and said the Board would fail to approve the central water supply system.

Ms. McKeel added that you could have something that was contaminated and the Board could allow this. Mr. Fritz remarked that the Board could impose conditions on what it was used for.

Ms. Palmer asked if properties with RA uses could put in a brewery as well as other activities permitted within a Rural Area. Mr. Fritz confirmed this to be the case if it qualified as a farm and meets the requirements. He said that if a property owner were to determine that a commercial venture does not make economic sense and wants to subdivide it, they could not do so under the current ordinance but could under the proposed ordinance, which was consistent with the Rural Area.

Ms. Palmer noted that Mr. Fritz has explained what changes beyond normal maintenance and signage are, such as no parking. Mr. Fritz remarked that there are no exterior changes other than maintenance and signage. He explained that one could put on a new roof or paint but not add a building addition.

Ms. McKeel observed that the minutes of the Planning Commission indicate they talked about notification and asked if this has been done between their meeting and today's meeting. Mr. Fritz confirmed this, adding that there was not a way for the staff to identify all potential properties, as a property may be within the jurisdictional area but so far away from water and sewer that you cannot get to it, and this was not known until a proposal came in. He said he identified every property zoned commercial that was listed as either having no service, limited service, or water only to existing structures, and he notified those property owners and provided them with a brief description of the proposal and informed them of tonight's discussion.

Ms. McKeel remarked that they could take this question or concern off the table now.

Mr. Gallaway then opened the public hearing.

Ms. Pat Young, resident of the Scottsville District, addressed the Board. She asked that the Board support the proposal and thanked everyone for their work on the project.

Ms. Dana Tarrant, resident of the Scottsville District, addressed the Board. She expressed support for the proposed zoning amendment as this would benefit the County and keep the rural areas rural. She said she would rather have a little bit of development oversight to protect the integrity of what they have in the County. She thanked Board members for their hard work.

Mr. Robert Nedby, resident of the Scottsville District, addressed the Board. He expressed support for the proposal and concern about excessive use of water and traffic that would occur in the area. He said a number of his neighbors are not able to attend tonight's meeting but also supports this. He thanked Board members for their time.

Mr. Tom Albro, attorney with the law firm of Trembley and Smith, representing Tiger Fuel Company, addressed the Board. He said the County has stated that this ZTA under consideration was proposed because it has had difficulty administering the 400-gallon per site acre per day requirement. He agreed that the County has had difficulty. He noted that on October 22, Judge Higgins noted in her ruling on the Board of Zoning Appeals case that the Zoning Administrator was mistaken in making water use determinations in three ways: 1) calculating water usage rather than consumption, 2) improperly applying an earlier Restore N Station determination to the facts of the Tiger Fuel case, and 3) failing to support its water determination with any scientific facts or evidence. He said they believe the solution to the County's problem was to engage in a good faith effort with its engineer to calculate water consumption and not by changing the law and downzoning parcels it does not want to deal with.

Mr. Albro stated that even if the Board disagrees with him and feels the County's process should be changed, they oppose this ZTA because it was piecemeal downzoning. He continued that downzoning that was not comprehensive was considered piecemeal. He said there are four requirements to achieve a comprehensive downzoning: 1) it affects a substantial part of the land in the community, 2) it was the product of long study and consideration, 3) it was initiated by a locality's governing body, and 4) it regulates all uses within the zoned area. He said that only the third of these four requirements were met; however, the ZTA does not affect a substantial part of the land in the community, was not the product of long study and careful consideration, and it does not regulate all uses within the zoned area, but a specific subset of four out of approximately 70 uses. He said these four uses are by right if the property owner uses less than 400 gallons per day. He said that if the ZTA were adopted, those four uses would require a special use permit even though they use less than 400 gallons per day. He urged the Board to vote against the ZTA or to table the matter pending further inquiry into the issue of the County's water usage determinations and the legality of the proposed ZTA.

Mr. Gordon Sutton, representing Tiger Fuel Company, addressed the Board. He thanked Supervisors for their service to the community and expressed appreciation for the opportunity to speak. He asked that the Board reject or delay this poorly conceived amendment and said he opposes the ZTA on the following grounds. He said there was no question County staff was attempting to pass the amendment in an attempt to quash a site plan for a country store his company would like to build off of Black Cat Road at the I-64 Boyd Tavern exit. He said that after the Zoning Administrator denied their application by stating, without any scientific support, that they would use more than their allotted daily water, they appealed the ruling on the site plan to the Circuit Court. He said that before the case was dismissed due to a procedural technicality, Judge Higgins went on the record to explain that staff's handling and denial of the site plan was misguided and inappropriate because their definition of water consumption was inaccurate, they misapplied a ruling that applied to the Restore N Station in Crozet, and because the decision lacked foundation and there was no basis to conclude it was correct.

Mr. Sutton said that County staff then proposed the ZTA within days of the Court's decision and immediately after his firm resubmitted its site plan for them to properly assess. He said the ZTA was proposed under the pretense that it would protect the County's water resources but the reality was the ZTA still allows uses by-right, such as hotels and greenhouses, which would use far more water than the eating establishments or service stations that are being prohibited. He expressed understanding that some citizens and neighbors are present in opposition to the store, but he would like them and the Board to consider that the property was zoned commercial and if they run the local guy off, it was just a matter of time before some big corporate entity with deep pockets and a team of lawyers was going to come and jam something down all of our throats. He noted that he, along with most of the 270 people they employ, grew up in the community, care deeply about it, and want to do everything they could to support it. He remarked that if they build the store and someone has an issue, they would be able to get a local person anxious to address the concern and this opportunity vanishes if they run them off. He continued that they pride themselves on building stores whose character and nature are in synch with the community but they cannot do that here if the landowner with whom they have signed a lease has his property rights stripped away.

Mr. Stuart Lowry, a 25-year resident of the community, addressed the Board and thanked the Supervisors for their service to the community. He asked that the Board reject or delay this ill-founded amendment because it grandfathered in existing structures but this does not help landowners who have paid commercial taxes on their property for years who intend to develop their land into one of the four uses. He acknowledged that the special use permit process was not simple and easy, as the County has argued, but was time consuming, expensive, and often results in limitations on lighting, signage, and hours of operation that would otherwise have been unlimited. He said that approving the ZTA, as written, was downzoning and targets a small group of property owners out of a larger group who previously opposed the ZTA when it was proposed last spring. He recalled that at the last Board of Supervisors meeting last spring, they were told that property owners would have a voice in this step of the process, but that was not honored. He said they were also told that staff would slow down and do this well, which also was not happening. He said the ZTA either needs to be rejected or done all at once so that property owners know what this means for them.

Mr. Lowry said that as a taxpayer and member of the community, it was greatly troubling to see the County take such an aggressive approach towards stymying the efforts of local businesses and essentially robbing value from local property owners. He expressed a fear that if they continue to proceed with measures like this one, the climate for local businesses would become so toxic that they would move to neighboring markets, which would exacerbate budgetary constraints and quell the creation of good-paying jobs with good benefits. He said the County was quick to demonize local businesses that are the backbone of this community and County staff has indicated the ZTA was the first step, with more measures to come. He said he fears this was the proverbial hole in the dam and asked them to do the right thing and plug the hole by rejecting the ZTA.

Mr. Maurice LaMarche, resident of Crozet, addressed the Board. He thanked Supervisors for their service to the community and for the opportunity to speak. He expressed opposition to the ZTA and said that County staff was using the amendment to selectively quash two projects it feels are inconsistent with the Comprehensive Plan, adding that this approach was misguided and unlawful. He said the ZTA has been rushed through the legislative process, with no work session by the Planning Commission or Board of Supervisors. The consideration and work done on the larger ZTA that would have affected up to 80 properties should not be applicable to this small subset and needs its own consideration and planning from the larger ZTA previously proposed. He said the amendment deprives landowners of their current rights, the four present by-right uses if water consumption was less than 400 gallons per site acre per day, and would allow these four uses only by special use permit. He wondered what efforts have been made to notify all landowners whose property rights have been affected or are at stake. He asked how it was decided that these four specific uses are isolated from others and targeted in this initial amendment. He asked why they have not pursued other uses that use more water, such as greenhouses or nurseries, and remarked that these are questions that have not been adequately considered and for which there are no good answers. He continued that if the County has concerns about protecting water as a resource, then part of the process should be revamped rather than stripping away the rights of landowners and business owners. He noted that the County already has a reputation for being very anti-business, which he believes was due to measures like these. He said he understands there are some good folks who do not want to ever see growth and who are resistant to change at all costs. He said growth and change are necessary components of a thriving community, which was the type of community he wants to live in and to see prosper in the future. He said they should do everything they could to pave the way for local businesses to succeed and not throw up roadblocks to keep them away, as local businesses are the lifeblood of the community, drive tax revenue, generously support local charities, provide employment and

excellent healthcare, and offer goods and services that are wanted and needed. He said that should they vote in favor of the ZTA, and they are failing these businesses and constituents.

Ms. Sherry Morgan, resident of Albemarle County, addressed the Board. She said she personally knows how hard being self-employed could be, as her father-in-law owned a small business many years ago in northern Virginia and the pressures of running the business took an extremely heavy toll on him and he committed suicide in the 1980s, after which her husband took over the business, and they struggled to survive. She said the only thing her husband's family had going for it was the investment in the property. Small businesses are made up of families, are the backbone of America, and have labored long and hard for their investment and dreams. She said that if the County passes the current ZTA, then Supervisors are putting the hopes and futures of many small businesses in jeopardy. She continued that trying to carry on a small business, with lurking uncertainties such as Phase 2 of the ZTA, was crippling, and she implored Supervisors to listen to these concerns and to vote no on the ZTA.

Mr. Kevin Schuyler, resident of Rivanna District and owner of a highway/commercial property in the Scottsville District, addressed the Board. He said his business was at the corner of Hunters Way and Richmond Road and contains several tenants, including a package store, AmeriGas, and an auto repair shop. He said that for the last year, he and his brother have been working with the Department of Community Development to build a 500-square-foot coffee shop and a hardware store on their property. He noted that he emailed the Board with a timeline of the eight months of foot dragging they have experienced with Community Development. He emphasized that the proposed uses are by-right and something they paid for when they bought the property, and now they face a zoning change that would take away these by-right uses. He suggested that the County sit down with individual property owners to work out concerns, rather than take away rights from other owners due to a concern about one project.

Mr. Petie Craddock, resident of Milton in the Scottsville District, addressed the Board. He expressed thanks to staff led by Mr. Fritz for bringing ZTA 2018-00002 to the public after all these years. He recalled talking about this when he served on the Planning Commission in the early 2000s. He said, this amendment on commercial and industrial zone properties not served public water or a central water supply system in the rural areas, would help to reduce confusion and frustration for developers and residents while codifying a long-standing practice in the County, as it makes the Zoning Ordinance more consistent with the Comprehensive Plan. He said it establishes many major factors for reasonable consideration in the reviews of ZTAs by the Planning Commission and Board of Supervisors, one of which was the existing use and character of a property and the Comprehensive Plan. Mr. Craddock said the growth management plan section of the Comprehensive Plan supports only approving new development proposals in the rural areas that are supported by the rural area goals, objectives, and strategies. He said this ZTA would allow the Board to determine if a rural area proposal was consistent with the Comprehensive Plan's goals and strategies. He noted that the Comprehensive Plan also addresses the uniqueness of interstate interchanges that the proposed use was consistent with the character of the interchange area. He noted that as a strategy, the Comprehensive Plan states that crossroads communities are intended to provide essential goods and services for their immediate area, with uses limited in size and carefully delineated. He urged the Board to support the proposed ZTA and thanked the Board members for their time and service.

Ms. Elizabeth Elder, resident of Earlysville and Chair of the Rivanna Community Church Building Committee, addressed the Board. She said she opposes the amendment and was concerned the Board was taking up the amendment without seeking input from affected residents, as was promised in June. She said she has two additional concerns, with the first being the burdensome process of the special use permit, which entails many costs in addition to the County's fees. She listed surveyors, engineers, architects, and lawyers as playing a part in every special use presentation that comes before the Board. She quoted a local professional who she said takes part in many Albemarle County special use requests: "The special use permit process costs every applicant, at a minimum, \$15,000 to \$20,000; larger projects run into the six figures." She continued that the fastest approvals take six months while most take longer and that it was clear the process was burdensome.

Ms. Elder said the proposed ZTA would add a bureaucratic step to the already complex, expensive, and time-consuming site plan approval process for many potential uses on the affected properties and substantially devalue these them. She said her second concern was with the grandfather clause, which she described as a welcome addition to the changes proposed in the ZTA, but the language was vague. She said the clause allows any existing building or vested building to retain its original by-right uses that are in place before the ZTA was passed, provided that no exterior changes are done to the building except for maintenance. She asked if a property owner may add exterior windows or doors, enclose an existing open porch, or make changes if they do not alter the existing footprint. She said the County should seek to encourage investment, innovation, and individuals' efforts to build families and communities, and not hinder them as measures like this usually do. She said that government needs to partner with and not undermine citizens' efforts to improve our County.

Mr. Morgan Butler, Southern Environmental Law Center, addressed the Board. He recounted how he stood before the Board and Planning Commission several times this year to commend the County for working to resolve a problematic discrepancy between the long list of intensive commercial uses potentially allowed on these properties and the fact that they were located in the rural area. He said the scope of that initial effort has been reduced considerably in the proposal before them tonight. He stated that rather than try to figure out the best way to handle each of the various commercial uses, the proposal focuses on three; gas stations, convenience stores, restaurants, which typically have significant impacts on neighboring properties and should therefore require a special use permit. He said SELC believes there

are other uses that fit within the same category but recognize the complexity of this issue, as well as the fact that this problem had been festering for years without progress being made.

Mr. Butler said SELC supports this step forward; however, he said they would like to raise a question related to the generous grandfathering provision added by the Planning Commission for existing structures. He said they understand the desire to allow owners to be able to change the use in an existing structure to another commercial use by right; however, they wonder why gas stations, convenience stores, and restaurants are included among the uses to which an existing structure could switch to as these uses typically come with significant impacts and should be evaluated in the special use review, whether it was a new or existing structure. He thanked the Board and staff for their work on this proposal. In conclusion, SELC supports the main thrust of the amendments and hopes that the Board can include this question in its discussions tonight.

Mr. Scott Knight, resident of Scottsville District, addressed the Board. He recounted how after last June's Board of Supervisor's meeting, he approached and had a discussion with several property owners who supported the ZTA, though he opposed it, and left the parking lot encouraged as he saw a way forward with the issue that would work for everyone involved. He remarked that promises of collaboration among the Board, Planning Commission, and property owners has not been honored. He acknowledged that the current proposal was less draconian than the prior proposal, though it was hardly an improvement in several important ways. He said this ZTA does not accomplish its original stated goal to eliminate the 400 gallons per acre per day language. He noted that the press has reported that this was about water usage; however, if it were about water usage then that would be in the language.

Mr. Knight said it was explained to him that the elimination of language restricting water usage was still a goal, but they would first get rid of gas stations and food and come back to it later, which he said was problematic for several reasons. He said the first reason was instability, noting that Rivanna Church has already been harmed by the ZTA, as they have already lost their contract on the reservoir and decided to keep their property on the market in the event the current contract on the reservoir property falls through and they received an offer on their property. He emphasized that since this was being dragged out in two phases, the atmosphere of instability extends far into the future beyond what he could see. Additionally, he said that since the ZTA does not do what it was designed to do and proposes to eliminate specific uses, it leaves them to wonder if the first phase was about killing undesirable projects and the second phase was to accomplish the stated goals. He asked the Board to vote "no", to slow down, to do this well, and to put together a group, which they thought was a good idea seven months ago. He emphasized the importance of the grandfathering clause in the event the Board were to pass the amendment, or else the harm would be exponentially compounded and the difficulty in marketing their property would be compounded.

Ms. Ruth Dalsky, resident of Scottsville District and owner of a horse farm, addressed the Board. She said she was a property owner in the rural area, which was not part of the Comprehensive Plan that would be affected by a commercial development proposal. She expressed support for the amendment to modify the old, outdated, by-right water usage ordinance, and said she hopes the Board would agree with its passage. She said the existing ordinance was obsolete, outdated, and even a commercial developer in her area lodged complaints about its clarity regarding water consumption and usage. She said the proposed gas station/restaurant/convenience store was totally inappropriate for the area, she believes it would exceed water standards, cause traffic and safety concerns, and irreparably alter the character of the area. Ms. Dalsky remarked that the County was the only protection residents has from these types of developments, and requiring these large, non-rural types of commercial developments to comply with special use permits would allow the County to thoroughly evaluate the appropriateness and necessity of these commercial endeavors on existing communities. She said she understand the commercial developer's complaints; however, if their proposals are in accordance with the communities they wish to serve, then she does not understand why the special use process would impose such great hardship. She continued that if these developments were in alignment with the needs and standards required for the area they seek to exploit, then the special use process seems like the best solution to allow objective oversight by the County. She asked the Board to consider the need for the updated ordinance and see its need and value to residents.

Mr. Randolph Kohr, owner of Kohr Brothers, addressed the Board. He said he understands that there are two projects driving the zoning change and he has heard there are a couple of complaints, but there are those like him who have invested large sums in a property with the hope that someday they could do something with it and he does not understand what was compelling them to do this. He said his property barely covers the costs of it and this proposal would cut his property value in half. He remarked that he understands some people are unhappy with a gas station, but if one lives off an interstate access ramp, there was going to be a gas station at some point in time. He said that his and other businesses would be in trouble without the grandfathering and he urged the Board to vote "no" on the proposed amendment. Mr. Kohr said he has lived in Albemarle since he was six years old and he understands their desire to keep down growth, but business owners need help.

Ms. Mary Rice, resident of White Hall District, addressed the Board. She said she appreciates what the commercial property owners have said about the difficulty and expense of the special use permit process. She said the case of Restore N Station in the White Hall District was the poster child for why the Board should support this change. She said that gas station has forever changed the lives of neighbors due to the bright lights, noise, truck idling, and effects on residents of Freetown, a historically African-American community. She acknowledged that many things go into considering what makes the proper use of a property. She urged the Board to consider the property rights of everyone and to support the proposed amendment.

Mr. James Murphy, resident of White Hall District, addressed the Board. He expressed thanks for the opportunity to participate in government tonight and remarked that they are blessed to live in the greatest country in the world where they could interact with elected officials and freely elect them. He expressed his opposition to the ZTA. The Board has broken several promises such as to slow down on this issue, and the ZTA should be done all at once so property owners know what this means for them. He said he expects that this amendment would lower property values for many and he reminded the Board that it promised property owners would have a voice in the process, which has not been honored. He quoted Thomas Jefferson: "Government big enough to give you everything you want is a government big enough to take away everything that you have."

Mr. David Treccariche, resident of Emerald Ridge in Crozet, address the Board. He said that he, along with his wife and two children, were all born at UVA Medical Center, so this is their home, and they are not going anywhere. He expressed his opposition to the ZTA, that property rights should be respected by the government, and that no party has presented sufficient evidence as to why the County should pass this amendment, which was clearly in violation of individual property rights. He asked the Board to consider the precedent that would be set to impose restrictions on private land without just cause. He suggested that if the purpose was environmental, then subject matter experts should be allowed to speak. He recalled that at a prior meeting, Mr. Donnie Foster of Foster's Well and Septic said that in his many decades of experience, water considerations of additional well usage would have no effect on wells built, nor would it have negative effects on output or quality of existing wells. He asked Board members to take a step back, take a clear look at the amendment, and to vote against it.

Mr. Greg Duncan, resident of Keswick, in the Scottsville District, addressed the Board. He noted that one year ago, the Board passed a resolution of intent that officially started discussion on this, which was followed by three public hearings for the Planning Commission, and this was the second public hearing before the Board. He reminded listeners there was a work session to deal with procedures of the ZTA as well as a roundtable discussion. This was not a rush to judgement. He described the current Zoning Ordinance as unworkable as it applies to gas stations, convenience stores, and eating establishments, and this zoning text amendment would help. He said the current ordinance creates conflicts with the Comprehensive Plan and creates confusion on all sides, which the ZTA would help. He asked that the Board pass the amendment. He remarked that they cannot address every conceivable problem and issue before the Board acts and it was okay to proceed slowly. Mr. Duncan noted that the U.S. Constitution did not address every issue and problem and has been amended at least 27 times. He presented the Board with a petition in support of the ZTA that was signed by 194 County residents. The petition asks the Board to approve the proposed amendment without any further delays. He thanked the Board for its time and consideration.

Mr. Maynard Sipe, attorney representing Randy Kohr, addressed the Board. He noted that he has spoken with many of the landowners that would be affected by this proposal and their concerns are quite legitimate in terms of both the substance and procedural process. He recalled that last summer, a much larger proposal was before the Board to address a perceived issue of existing commercially zoned properties in the Comprehensive Plan's designated rural areas. He said he was aware of a few projects that has engendered questions and concerns by residents, which are probably site-specific issues that should be addressed in that matter and not by downzoning or rezoning, which would significantly impact the rights of many landowners. He emphasized that the ZTA was narrowly drafted to only address a few uses and to probably only affect a few landowners significantly, and this was not the typical way to handle planning and zoning decisions. He urged the Board to include landowners and business owners, as well as residents, in a meeting where items could be thrashed out as part of a more holistic approach. Mr. Sipe recommended that the Board defer action and noted that staff mentioned at the Planning Commission meeting that this was just an initial effort to be revisited later with more extensive regulations, which might even change the regulations adopted at this point. He said a change from by-right to special use permit was significant in Virginia because special use permits are discretionary. He said the grandfathering was important to those who have land and the only buffer to protect those with existing businesses, land and buildings.

Mr. Justin Shimp, resident of Nelson County, addressed the Board. He said he was an engineer who works on projects in Albemarle County, and he was familiar with some of those in question. He said he often interacts with local government in his work and has a lot of faith in local government. He said that when regulations are imposed, they need to have a clear connection to the impact. He commented that the ordinance was a good one and that a limitation on water consumption was important as it could affect the properties of neighbors. He explained the difference between water use and water consumption, with the example of a brewery bottling beer and shipping it elsewhere as consumption, whereas someone washing their hands in a restaurant was water use because the water was returning to where it came from. He said the ordinance addresses a potential critical issue and was fine as is, though over time it has been interpreted differently, which has created the confusion. He said the idea that the ordinance addresses restaurants and convenience stores but omits hotels, automobiles, laundries, greenhouses, and nurseries indicates the Board was not tackling the issue at heart with the ordinance change. He remarked that he has not seen any reports from the County's engineers or water resources staff that addresses this issue in technical terms, which should be part of the discussion before it goes any further. He acknowledged the voices of residents and affected property owners but noted that those who benefit from these things are not present, such as residents who would love to have a convenience store.

Mr. Sean Tubbs, of the Piedmont Environmental Council, addressed the Board. He noted that Albemarle has a long history coordinating land use decisions with environmental stewardship, since before the 1980 downzoning. This ordinance before the Board was consistent with the direction set forth

in the Comprehensive Plan for many decades. He noted that implementation of the plan was always ongoing and the PEC was glad that County staff and elected officials take this long history seriously and continuing adherence to this process was critical as the community seeks to balance limited resources with growing demands for services. He said the distinction between rural and development areas have been supported time and again by the Board of Supervisors and noted that many who have spoken on this topic at previous public hearings are in favor of maintaining this distinction. He said the recent adoption of Project ENABLE, the economic development strategic plan, respects this distinction.

Mr. Tubbs stated that it was prudent to move away from the standard of tying the permits to the rural area to the drawing of groundwater to give more clarity to the process, especially for conflicts that have and would emerge when there was a mismatch from what property owners propose and what neighbors have come to expect. He said the permit process provides objective oversight. He emphasized that restaurants, service stations, and convenience stores come with a lot of traffic, noise, and light, which should only come after going through the special use process when in the rural area and not on public water. He said this allows those uses to go forward in the rural area, given approval by the Board, and give neighbors the crucial ability to weigh in on impacts to their health, safety, and welfare. He said he believes the special use permit would improve the projects, as he sees this all the time in the development area and was hopeful, they would see this in the rural area. He noted that earlier in the day the Board reviewed the Department of Community Development's Work Plan, and he was curious to know where this fit in the process.

Mr. Neil Williamson addressed the Board and stated that he takes umbrage with his good friend Mr. Sean Tubbs for suggesting that a special use permit creates predictability in any sense of the word. He said the current 400-gallon ordinance was problematic and a proxy for a bad thing. He said this is not the fix and creates a level of unknowingness as a special use permit. He said the issue was really about what they are trying to fix, and he asked if this fixes that issue or makes it worse, and at what cost.

With no other public comments, Mr. Gallaway closed the public hearing.

Ms. Palmer said she would like to hear answers to the questions about grandfathering. Mr. Fritz addressed the one specific to replacement of windows and doors. He said this would fall under maintenance, though the enclosing of a porch would be an expansion.

Ms. Palmer asked how grandfathering would apply when keeping the same footprint but changing the face of the building. Mr. Fritz responded that the addition of siding would fall under maintenance, as it ensures the property does not decay due to neglect. He said that adding on or expanding the perimeter of the building was clearly an expansion.

Ms. Palmer asked if one could expand upward. Mr. Fritz responded that this count as an expansion.

Ms. McKeel asked for confirmation that anything considered to be maintenance would be allowed, such as windows or doors. Mr. Fritz confirmed this and added painting, new siding, and new brick as additional maintenance examples. He clarified that the addition of parking or enclosing a porch was an expansion of the building.

Mr. Kamptner recalled that Ms. Elder had stated she was afraid her church could lose grandfathering status. He said this status was not lost if you happen to vary and incur a zoning violation. He said this was different from a nonconforming use whereby if you alter your structure in a way that was not authorized, you do lose nonconforming status. He said that if there was an alteration to a church structure, the County would look at federal law that deal with churches as there might be architectural elements that have a religious nature.

Ms. Palmer asked Mr. Kamptner to further explain. Mr. Kamptner explained that a grandfathering provision was different from the law that gives existing uses nonconforming status when the regulations change. The Board was affirmatively stating that this range of uses was allowed by ordinance and treated as a by-right use.

Ms. Palmer recalled that Mr. Butler asked if existing buildings could change to gas stations, restaurants, and convenience centers if they were grandfathered without the requirement of a special use permit. Mr. Fritz responded that if an existing building was not served by public water and a developer wanted to convert that to a gas station, it means that pumps would be put in where pumps do not exist and would not be permitted. He said that an existing building to be converted to a restaurant was highly unlikely to have adequate parking, and the addition of parking would not be permitted. He said that a convenience store potentially could go in, though parking could be an issue. He said the properties in question could not convert to a gas or service station because they do not have pumps and could not realistically convert to a convenience store or restaurant because they do not have the parking available.

Ms. Palmer asked if someone who has been in the process of going through community development would fall under any grandfathering rules. Mr. Fritz responded that if they have approved plans then they are vested. Ms. McCulley explained that for a project to be vested, there needs to be a significant governmental act such as approval of a site plan.

Mr. Kamptner noted that there are three other statutory requirements, but it was usually the significant governmental act that was the key element.

Ms. McKeel asked Ms. McCulley and Mr. Fritz if they heard any other comments they wished to address. Mr. Fritz said he noticed there were questions as to why they chose these four uses. He noted that the ZTA deals with properties not served by public water in the rural areas and remarked that this was really a rural area Comprehensive Plan analysis. He said they looked at commercially zoned properties, which in most cases were zoned this way in 1980. He said there have been multiple amendments to the Comprehensive Plan since then that clarifies activities that should occur and how reviews should occur within the rural areas. He continued that they also looked at uses currently permitted in the rural areas, and he noted that country stores are by special use permit and said these four uses fall under the definition of a country store. He said they found that a rural property would need a special use permit to build a country store and the adjacent property, if it cleared the 400-gallon hurdle, would not. He explained that they would be treating two properties that are similarly located by the Comprehensive Plan differently, whereas this would treat both properties in the same way under the review process.

Ms. McKeel asked Ms. McCulley for her opinion. Ms. McCulley said she has not heard anything yet that would cause her to recommend a change to the proposal. She added that Phase II was a substantial undertaking, a difficult ordinance to administer in terms of calculating water usage versus consumption, and something they should address as soon as they are able.

Mr. Fritz remarked that he would be able to focus on Phase II once this proposal has been addressed.

Mr. Dill observed that today's speakers expressed that there should have been more involvement with landowners to try to work out a resolution. He asked Mr. Fritz for his thoughts about this. Mr. Fritz said they would be coming back to the Board with a new resolution of intent if this ZTA was adopted, and it would include an engagement process.

Mr. Randolph said that some speakers said the ZTA was not following due process and he thanked Mr. Duncan for listing a series of due process steps the County provided for input. He said there has been a lot of deliberation in the process and there was tension around the argument that they are taking something away from any individual with the ZTA. He said those with commercially zoned property in the rural area have an incompatibility with the Comprehensive Plan and should have known that from the moment they bought the property. He said the County has indirectly allowed this to exist and to be perpetuated for years and are finally addressing this. He said the proposal before the Board seeks to resolve the tension and conflict, and acknowledged that special use permits are not assured, but they require due process and consultation with those affected.

Mr. Randolph said that during his four years on the Planning Commission and three years on the Board of Supervisors, he has seen projects where adjoining property owners and neighbors feel the County was not addressing their concerns in depth and detail and with a degree of compassion and concern. He read an excerpt from Page 3: "...the ZTA would allow for an individual analysis of each property not served by public water to determine if the character of the property was suitable for the proposed use and the Board would consider the following factors: no substantial detriment." He said this creates an element of discretion and the Board should be able to exercise this since they are local government and have responsibility for local health, safety, and welfare.

Mr. Randolph emphasized that as the community becomes more congested, the issue of community character has increasingly become a concern and any project would have a collateral, contiguous effect. He said projects should be in harmony to avoid a jarring inconsistency that could destroy the rural areas. He emphasized that these properties have lived outside the Comprehensive Plan and they are now attempting to bring them in through the ZTA and subject to the rules of the Rural Area. He said the rules are not punitive and they provide a pathway for approval with appropriate uses. If they were being draconian, they would not allow these uses under any circumstances, not even with a special permit. He commented that the ZTA should be approved.

Ms. Mallek asked Mr. Kamptner to address comments made that being able to choose these uses was not statutorily correct. Mr. Kamptner responded that when governments are trying to address a problem, they are not required to tackle the entire problem all at once and may chip away at an issue to address it.

Ms. Palmer asked Mr. Kamptner to address the accusation made that this was piecemeal downzoning. Mr. Kamptner recognized that there was an issue with commercial uses on property that was planned rural area; the Board was not required to deal with that issue in one fell swoop but may select particular issues and chip away at commercial uses that are not consistent with the Comprehensive Plan. He said the target was to bring those lands into closer conformity with the Comprehensive Plan, which was permissible. He said this affects the three conventional commercial districts in the County, though he does not know how many properties are involved.

Mr. Fritz remarked that 37 letters were sent to unique addresses and guessed that the number of properties affected was 40 to 50.

Mr. Kamptner continued that if one has not been on public water and went through the first process, it was being clarified as to whether a special use permit would be required should this ordinance be adopted. He emphasized that the changes happening with this ordinance are not reducing the intensity or density of by-right uses below what was recommended in the Comprehensive Plan, which plays a significant role in the zoning text amendment. He said the Comprehensive Plan establishes the

County's growth management and Rural Area policies, which have been in place for years. The County planned for these areas to be rural, and this was a very minor step in the process.

Ms. Palmer said she recognizes that the County has been dealing with this problem for years.

Mr. Dill remarked that part of the process was being flexible and having the ability to add things and to switch gears. As a small business owner, he recognizes how these business owners feel like their world was being turned upside down while also acknowledging the importance of having good rural zoning. He expressed hope that when the County does receive a special use permit request for something relatively minor, they could handle it quickly and fairly.

Ms. McKeel acknowledged that they have heard many comments about the length of the process, yet it says in the documents that it was not a hard process and it works pretty smoothly, but the impression of some was that it takes an exorbitant amount of time and money. She asked staff to speak to that, as she was struggling to determine how to make the processes smoother and more flexible.

Mr. Fritz said he spoke with Mr. Mark Graham earlier and they hope to focus on the process of commercial and industrial activities next year. He said there are a variety of things the County could do to change the process, such as defining a special use permit and what activities should require one. He explained that it could be determined that some activities would not require one, which would shorten the review process.

Ms. McCulley added that the County has done some things in recent years such as to trying to beef up the pre-application conferences to make it much clearer up front what was necessary to be submitted with a type of application, and the scheduling of community meetings earlier in the development review phase so the applicant could address concerns of neighbors. She said they have put measures in place to make the process more predictable and to provide more assistance, though more could be done.

Ms. McKeel remarked that she has heard from this Board that this was something they would really like to do, and it should not be as onerous as it appears to residents.

Mr. Gallaway pointed out that the Board was required to consider every special use permit and understand the concerns. He said he hopes that something other than a special use permit could allow for some predictability and have some performance standards that could come through without the requirement of Board review.

Ms. Mallek said there was a great potential for this to happen in the next phase with lower-impact businesses, as they could establish tiers of activity.

Mr. Gallaway responded that they should be able to set performance standards to address impacts that are clear up front.

Ms. Palmer remarked that every single situation was different and when this was done administratively, they end up with a room full of angry people as they could not address every situation with a performance standard. She expressed an understanding of both sides and does not have an answer to find a way to make everybody happy.

Mr. Randolph remarked that they should not allow the quest for perfection to get in the way of practical improvement, such as that which was in front of them. He asked how performance standards measure substantial detriment or the character of a nearby area, which was something subjective, or establish harmony. For example, one site plan could have harmony and another one in a similar situation could have disharmony based on the neighborhood and topography. He agrees they should try to work towards more objective and quantifiable criteria as much as possible, but the reason the Board members are on the dais is because of their capacity to provide judgement and look out for the best interest of the community as they see it and make the tough call. The reality is that a special permit puts the obligation on the Board to make the decision. He does not think they should get away from that because it would be an abdication of their responsibility at the local level.

Ms. Mallek pointed out that residents of the White Hall District have dealt with the everyday impacts of these decisions for the past 9.5 years, including a daily effect on Free Town and the north side of Route 250, as well as impacts to water quality and quality of life. She recalled that in 2009–2010, the Board knew the impacts but did not have the ability to make it better because of the 400-gallon restriction. She said she was in favor of eliminating the water topic as the main decision maker and to consider all the other quality-of-life issues that a special permit brings about for high-impact uses. She said they have to balance the property rights of landowners and neighbors, and the impact on neighbors was an important element that was often forgotten. She said the grandfathering element was important, walls could be moved within the existing shell of a building without changing uses, and there was flexibility so that only a building permit would be needed. She said that every 15 months or so, amendments are brought forward as landowners try to push the rules to try to expand something, which means neighbors have to come back in again. She concluded that she supports the amendment as drafted.

Mr. Gallaway reminded the Board that last June, he asked for an analysis of the impacts on property values of both the applicant and neighboring properties. He asked Mr. Fritz if this has been done. Mr. Fritz responded that if one wants to implement one of the four uses, then the 400-gallon analysis was required. He said there was a great deal of uncertainty as to whether the use was by right or

by special use permit. He said it was very difficult to conduct a comparative analysis of the property value between the existing and proposed ordinance, as the decision on the use of a property was not made until the special use has been approved or denied.

Mr. Gallaway asked Mr. Fritz if he had looked into what the impact of a special use was to the value of a property. Mr. Fritz explained that he has not as there are too many variables to consider.

Mr. Gallaway remarked that if something was taken away, and it becomes harder to put something on a property, this means that countywide this type of activity was more limited in where it could go, which would drive up value elsewhere and it could cut out people from starting up businesses. He emphasized that the impacts are not just on the landowner and neighbors but everywhere else.

Ms. McCulley noted that they met with the County Assessor, who said that if they are drastically changing the number of by-right uses then this affects the value. She said the prior zoning text amendment significantly affected the numbers. As an example, she said that under highway commercial, one could do 50 uses by-right and they are talking about three of these 50, which are now by special use permit.

Mr. Fritz added that this was further complicated since they do not know if these three uses require a special permit or by right because they do not know the size of the property or the extent of the commercial use.

Ms. McCulley pointed out that existing buildings or those that would be vested by an approval are able to change use without a special permit under the grandfathering provision.

Mr. Gallaway recalled that Ms. McKeel had asked about average times and costs for special use permits and asked if this information was available. Mr. Fritz responded that it has been quite a while since he conducted an analysis and thus he would not want to guess, acknowledging that it was a time-consuming process. He remarked that some recent requests have not had many issues and were moved forward quickly.

Ms. McCulley reported that the typical cost to apply for a special use permit with legal notices was about \$2,500. She acknowledged that the hiring of attorneys and experts would drive up the costs.

Mr. Randolph recounted how he met with Ms. Valerie Long, Mr. Bill Fritz, and Ms. Elaine Echols two years ago to review the special permit process and how they learned that the costs to the County to conduct a special permit review was much greater than the fee, which means taxpayers are subsidizing every special permit request. He reminded everyone that the role of the special permit process was consensus building, with all parties including adjoining property owners given a chance to weigh in.

Ms. McKeel said they are all interested in improving the process and suggested they pull together people in the community who are often involved in the special permit process to obtain ideas for improvement of the process. Mr. Fritz remarked that a template was created many years ago when they revamped the site review process and made a great deal of outreach.

Mr. Randolph **moved** that the Board adopt the proposed Ordinance to approve ZTA 2018-00002. The motion was **seconded** by Ms. Palmer.

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

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

ORDINANCE NO. 19-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article III, District Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 22.2.1	By right.
Sec. 22.2.2	By special use permit.
Sec. 23.2.1	By right.
Sec. 23.2.2	By special use permit.
Sec. 24.2.1	By right.
Sec. 24.2.2	By special use permit.

Chapter 18. Zoning

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Article III. District Regulations

Section 22. Commercial – C-1

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Sec. 22.2 Permitted uses.

Sec. 22.2.1 By right.

The following uses shall be permitted in any C-1 district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

a. The following retail sales and service establishments:

1. Antique, gift, jewelry, notion and craft shops.
2. Clothing, apparel and shoe shops.
3. Department store.
4. Drug store, pharmacy.
5. Florist.
6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
7. Furniture and home appliances (sales and service).
8. Hardware store.
9. Musical instruments.
10. Newsstands, magazines, pipe and tobacco shops.
11. Optical goods.
12. Photographic goods.
13. Visual and audio appliances.
14. Sporting goods.
15. Retail nurseries and greenhouses.
16. Farmers' markets (reference 5.1.47).
17. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
18. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
19. Drive-through windows (reference 5.1.60). (Added 3-2-16)

b. The following services and public establishments:

1. Administrative, professional offices.
2. Barber, beauty shops.
3. Religious assembly use, cemeteries. (Amended 8-9-17)
4. Clubs, lodges (reference 5.1.02).

5. Financial institutions.
 6. Fire and rescue squad stations (reference 5.1.09).
 7. Funeral homes.
 8. Health spas.
 9. Indoor theaters.
 10. Laundries, dry cleaners.
 11. Laundromat (provided that an attendant shall be on duty at all hours during operation).
 12. Libraries, museums.
 13. Nurseries, day care centers (reference 5.1.06).
 14. (Repealed 2-6-19)
 15. Tailor, seamstress.
 16. (Repealed 2-6-19)
 17. Water, sewer, energy and communications distribution facilities.
 18. Public uses (reference 5.1.12).
 19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
 20. Dwellings (reference 5.1.21).
 21. (Repealed 4-3-13)
 22. Automobile, truck repair shop excluding body shop.
 23. Temporary industrialized buildings (reference 5.8).
 24. Indoor athletic facilities.
 25. (Repealed 5-5-10)
 26. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 27. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
- c. If the use is served by either public water or an approved central water supply:
1. Automobile service stations (reference 5.1.20).
 2. Convenience stores.
 3. Eating establishments.
- d. Uses permitted by right in the Rural Areas (RA) district pursuant to section 10.2.1, provided that the use is not served by either public water or an approved central water supply.
- e. Any use listed in subsections 22.2.1(a)-(c) not served by either public water or an approved central water supply, provided that: (i) the use is within a structure lawfully existing or vested on February 6, 2019; (ii) no external change on the property occurs other than maintenance or signage changes; and (iii) the use is not subject to a special use permit issued under subsection 22.2.2(11).

(§ 20-22.2.1, 12-10-80; 6-3-81; 3-5-86; 9-9-92; 5-2-93; 9-14-93; 10-11-95; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

Sec. 22.2.2 By special use permit.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Energy and communications transmission facilities.
3. Hospitals.
4. (Repealed 8-9-17)
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.
9. Stand alone parking and parking structures (reference 4.12, 5.1.41).
10. (Repealed 3-2-16)
11. Except as provided in subsection 22.2.2(16), uses permitted by right that are either:
 - a. Not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day; and/or
 - b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 22.2.2(16), as applicable.
12. Body shop.
13. Animal shelter (reference 5.1.11).
14. Tier III personal wireless service facilities (reference 5.1.40).
15. Storage/Warehousing/Distribution/Transportation.
16. If the use is not served by either public water or an approved central water supply:
 - a. Automobile service stations (reference 5.1.20).
 - b. Convenience stores.
 - c. Eating establishments.

(§ 20-22.2.2, 12-10-80; 1-1-83; 6-1-83; 11-7-84; 6-14-89; 9-9-92; 6-16-99; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17)

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Section 23. Commercial Office – CO

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Sec. 23.2 Permitted uses.

Sec. 23.2.1 By right.

The following uses shall be permitted in the CO district, subject to the applicable requirements of this chapter:

1. Administrative and business offices.
2. Professional offices, including medical, dental and optical.
3. Financial institutions.
4. Religious assembly use. (Amended 8-9-17)
5. Libraries, museums.

6. Accessory uses and structures incidental to the principal uses provided herein. The aggregate of all accessory uses shall not occupy more than twenty (20) percent of the floor area of the buildings on the site. The following accessory uses shall be permitted:
 - Newsstands;
 - Establishments for the sale of office supplies and service of office equipment;
 - Data processing services;
 - Central reproduction and mailing services and the like;
 - Ethical pharmacies, laboratories and establishments for the production, fitting and/or sale of optical or prosthetic appliances on sites containing medical, dental or optical offices;
 - Sale/service of goods associated with the principal use such as, but not limited to: musical instruments, musical scores, text books, artist's supplies and dancing shoes and apparel;
 - Barber shops;
 - Beauty shops.
7. Water, sewer, energy and communications distribution facilities.
8. Public uses (reference 5.1.12).
9. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
10. Dwellings (reference 5.1.21).
11. Temporary nonresidential mobile homes (reference 5.8).
12. Day care, child care or nursery facility (reference 5.1.6).
13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
14. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
15. Farmers' markets (reference 5.1.47).
16. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
17. Drive-through windows (reference 5.1.60). (Added 3-2-16)
18. Eating establishments, provided that they: (i) are served by either public water or an approved central water supply; and (ii) comply with the accessory use requirements of subsection 23.2.1(6).
19. Uses permitted by right in the Rural Areas (RA) district pursuant to section 10.2.1, provided that the use is not served by either public water or an approved central water supply.
20. Any use listed in subsections 23.2.1(1)-(18) not served by either public water or an approved central water supply, provided that: (i) the use is within a structure lawfully existing or vested on February 6, 2019; (ii) no external change on the property occurs other than maintenance or signage changes; and (iii) the use is not subject to a special use permit issued under subsection 23.2.2(8).

(§ 20-23.2.1, 12-10-80; 3-17-82; 3-5-86; 12-3-86; 11-1-89; 9-9-92; 5-12-93; Ord. 01-18(6), 10-9-01 ; Ord. 04-18(2), 10-13-04; Ord. 09-18(6), 8-5-09; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17)

Sec. 23.2.2 By special use permit.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Hospitals.
2. Funeral homes.
3. Energy and communications transmission facilities.

4. Stand alone parking and parking structures (reference 4.12, 5.1.41).
5. (Repealed 3-2-16)
6. School of special instruction.
7. Clubs, lodges (reference 5.1.2).
8. Except as provided in subsection 23.2.2(18), uses permitted by right that are either:
 - a. Not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day; and/or
 - b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 23.2.2(18), as applicable.

9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential R-15. in compliance with regulations set forth therein.
10. Hotels, motels and inns (reference 9.0).
11. Supporting commercial uses (reference 9.0).
12. (Repealed 8-9-17)
13. (Repealed 8-9-17)
14. Indoor athletic facilities.
15. Tier III personal wireless service facilities (reference 5.1.40).
16. Storage/Warehousing/Distribution/Transportation.
17. Manufacturing/Processing/Assembly/Fabrication/Recycling.
18. Eating establishments not served by either public water or an approved central water supply, provided that the eating establishment complies with the accessory use requirements of subsection 23.2.1(6).

(§ 20-23.2.2, 12-10-80; 11-7-84; 1-1-87; 6-14-89; 6-19-91; 6-10-92; 9-15-93; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17)

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Section 24. Highway Commercial – HC

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Sec. 24.2 Permitted uses.

Sec. 24.2.1 By right.

The following uses shall be permitted in any HC district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit, as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character, and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

1. Automobile laundries.
2. Automobile, truck repair shops.
3. (Repealed 2-6-19)
4. Building materials sales.
5. Churches, cemeteries.
6. Clubs, lodges (reference 5.1.02).

7. (Repealed 2-6-19)
8. Educational, technical and trade schools.
9. Factory outlet sales - clothing and fabric.
10. Feed and seed stores (reference 5.1.22).
11. Financial institutions.
12. Fire extinguisher and security products, sales and service.
13. Fire and rescue squad stations (reference 5.1.09).
14. Funeral homes.
15. Furniture stores.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
18. Hardware.
19. (Repealed 6-3-81)
20. Hotels, motels and inns.
21. Light warehousing.
22. Machinery and equipment sales, service and rental.
23. Manufactured home and trailer sales and service.
24. Modular building sales.
25. Motor vehicle sales, service and rental.
26. New automotive parts sales.
27. Newspaper publishing.
28. Administrative, business and professional offices.
29. Office and business machines sales and service.
30. (Repealed 2-6-19)
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands - vegetables and agricultural produce (reference 5.1.19).
34. Wholesale distribution.
35. Water, sewer, energy and communications distribution facilities.
36. Public uses (reference 5.1.12).
37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
38. Indoor theaters.
39. Heating oil sales and distribution (reference 5.1.20).
40. Temporary industrialized buildings (reference 5.8).
41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1.
42. Indoor athletic facilities.
43. Farmers' market (reference 5.1.47).

44. Stormwater management facilities shown on an approved final site plan or subdivision plat.
45. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
46. Storage yards.
47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
50. Drive-through windows (reference 5.1.60). (Added 3-2-16)
51. If the use is served by either public water or an approved central water supply:
 - a. Automobile service stations (reference 5.1.20).
 - b. Convenience stores.
 - c. Eating establishments; fast food restaurants.
52. Uses permitted by right in the Rural Areas (RA) district pursuant to section 10.2.1, provided that the use is not served by either public water or an approved central water supply.
53. Any use listed in subsection 24.2.1(1)-(51)) not served by either public water or an approved central water supply, provided that: (i) the use is within a structure lawfully existing or vested on February 6, 2019; (ii) no external change on the property occurs other than maintenance or signage changes; and (iii) the use is not subject to a special use permit issued under subsection 24.2.2(13).

(§ 20-24.2.1, 12-10-80; 6-3-81; 3-5-86; 11-1-89; 6-19-91; 9-9-92; 5-12-93; 9-15-93; 10-11-95; § 18-24.2.1, Ord. 98-A(1), 8-5-98; Ord.02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 18-18(1), 1-10-18)

Sec. 24.2.2 By special use permit.

The following uses shall be permitted by special use permit in the HC district:

1. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Septic tank sales and related service.
3. Livestock sales.
4. Veterinary office and hospital (reference 5.1.11).
5. Drive-in theaters (reference 5.1.08).
6. Energy and communications transmission facilities (reference 5.1.12).
7. Hospitals, nursing homes, convalescent homes (reference 5.1.13).
8. Auction houses.
9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
10. Commercial kennels - indoor only (reference 5.1.11).
11. Stand alone parking and parking structures (reference 4.12, 5.1.41).
12. (Repealed 3-2-16)
13. Except as provided in subsection 24.2.2(18), uses permitted by right that are either:
 - a. Not served by public water, involving water consumption exceeding four hundred

(400) gallons per site acre per day; and/or

- b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 24.2.2(18), as applicable.

14. Warehouse facilities not permitted under section 24.2.1 (reference 9.0).
15. Animal shelter (reference 5.1.11).
16. Tier III personal wireless service facilities (reference 5.1.40).
17. Body shops.
18. If the use is not served by either public water or an approved central water supply:
 - a. Automobile service stations (reference 5.1.20).
 - b. Convenience stores.
 - c. Eating establishments; fast food restaurants.

(§ 20-24.2.2, 12-10-80; 1-1-83; 11-7-84; 6-14-89; 6-19-91; 9-9-92; § 18-24.2.2, Ord. 98-A(1), 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 11-18(2), 1-12-11; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16)

Agenda Item No. 19. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. McKeel said she reviewed the minutes of a recent joint meeting with the School Board and was reminded that they talked about improving the Board-to-Board communication process. She acknowledged that a report to the School Board could be a very long and Ms. Mallek had suggested they start by forwarding Board actions and strategic plans. She posed the idea of providing the School Board with a board-to-board report of items that might be of interest to them.

Mr. Gallaway said he likes the idea of providing the School Board with highlights and leaving it up to the School Board to delve in if they want more information.

Ms. McKeel invited the Board to a workshop around transit planning to be held by the Regional Transit Partnership on February 28, 2019, from 7:00 p.m.-9:00 p.m., at the TJPDC Water Street Center. She remarked that it would help if all the leaders in the community are able to better understand the challenges around transit planning.

Ms. Mallek commented that they need to know who will be attending because the Clerk may have to post notice of the meeting.

Ms. Mallek said she would try to gather information about SB1701 to see where they could weigh in and try to quash it before it comes back and affects the County.

Mr. Kamptner reminded the Board that this bill deals with Fairfax homestays.

Mr. Gallaway reported that he, Ms. McKeel, the Chair of the School Board, and staff had a good meeting with 5th District Congressman Denver Riggleman. He noted that Mr. Riggleman's legislative outreach director attended the Board's afternoon session and paid particular attention to the DSS report. He said the matters discussed included transit, the Individuals with Disabilities Education Act (IDEA), and the importance of the defense industry to the community.

Mr. Dill added that the Congressman should be updated on NGIC. Ms. Mallek responded that they are trying to schedule a visit for him.

Mr. Gallaway noted that the Regional Housing Partnership kicked off in January. The Executive Committee, which he serves on, has met, and will probably be meeting more than monthly, for the first couple of months. A summit on regional housing will be held on a Friday, April 19, 2019, 8:00 a.m. – 5:00 p.m., at the Omni Hotel. He will provide further details at a future meeting once they become available.

Mr. Randolph reported that at the Friday morning meeting with the VAPDC Board, Ms. Jennifer DeBruhl, one of the DRPT directors, spoke about transportation and the coordinated human services mobility plan. He said the state has found that with the expansion of Medicaid, there was more demand

for mobility services and this would require more federal dollars. He said they are rolling out a single, statewide plan with six regions that are not defined by PDCs. He said Ms. DeBruhl commented that public service was the most expensive form of transit, they were looking for a potential private sector interface, and they are aware of the challenges to provide mobility services in the rural area. He said they were pursuing new funding opportunities and looking to work with the Veterans Administration, as many of those with mobility issues are veterans.

He reminded the Board of the intercity bus service, which runs from Blacksburg to Washington, D.C. along I-81. He said it relies on federal funding, with no state match, Greyhound has the contract but another company was also involved, and the buses are branded "Virginia Breeze." He said they expect to have 7,000 customers for this route in the coming year and noted that the closest stop was in Weyers Cave. He said they are looking at underserved areas including Southside; they want to look at the Danville and Pittsville area. A survey would be coming out this summer. They are also looking to coordinate with rail to have integrated service.

Ms. McKeel commented that micro transit was the wave of the future, though there would still be fixed routes. She remarked that this community has the third largest transit system in Virginia, outside of Northern Virginia and Hampton Roads.

Mr. Randolph corrected an earlier statement, clarifying that they expected to have 7,000 customers but had 19,000 in the first year.

Ms. McKeel said this was what happened with PULSE in Richmond, and if you get it in the right places at the right time then people would use it.

Agenda Item No. 20. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson reported that he had an extremely enjoyable lunch last week with Ms. Elizabeth Cromwell, the new President of the Chamber of Commerce, who began working in the position last October. He said he learned about her past experience with public-private partnerships in Frederick, MD and that she plans to collaborate on these in her new role.

Mr. Richardson shared that the County has come to an agreement with the University of Virginia's Weldon Cooper Center. He emphasized that the University has been a leader in executive leadership programs for federal and local governments. He noted that for decades they have offered the Leading Executing and Developing (LED) one-week program, as well as a two-week program for executives. He noted that a number of executive leaders in the County have participated in both the one and two-week class. He said the Center has agreed to conduct a three-day class at the County campus to which they have invited 45 mid and upper-level County managers, from March 26–28, 2019. He said the training would help to push organizational culture and performance.

Agenda Item No. 21. Adjourn to February 15, 2019, 12:00 p.m., Room 241.

At 8:19 p.m., Mr. Gallaway adjourned the Board meeting to February 15, 2019, 12:00 p.m., Room 241.

Chairman

Approved by Board
Date 05/01/2019
Initials CKB