

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

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

ABSENT: None.

OFFICERS PRESENT: 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 1:01 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.

Ms. Palmer asked that two items be added to *From the Board: Committee Reports and Matters Not Listed on the Agenda*: 1) discussion of the Assistant Clerk position and 2) discussion of request to enlarge the SWAC Committee.

Ms. Mallek requested that her assigned minutes of June 6, 2018 be pulled and carried forward to the next meeting (Item 8.1). She asked that Item 8.8 be flagged for now in case questions arise that need to be answered before the Board votes to adopt the item.

Mr. Gallaway acknowledged that Item 8.8 be pulled from the agenda.

Ms. McKeel offered **motion** that the Board adopt the Final Agenda, as amended. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

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

Mr. Gallaway introduced the presiding security officers, Lt. Teri Walls and Officer K. Deane, and County staff at the dais.

Ms. Palmer announced that the County would host a community-oriented celebration, sign unveiling, and free barbecue on Saturday, April 4, 2019, from 12:00 noon until 2:00 p.m. at the Yancey School Community Center. She said a variety of community organizations would be present, including the Paramount Theater, Sexual Assault Resource Agency, Piedmont Housing Alliance, First Tee of Blue Ridge, NAACP, Virginia Discovery Museum, JMRL Book Mobile, and others. She said the event would be family-oriented with children's activities and invited all to attend.

Ms. Palmer announced that she would host two Samuel Miller Magisterial District town hall meetings along with Samuel Miller School Board member, Mr. Graham Paige: March 19, 2019, 7:00 p.m. at Red Hill Elementary, and April 4, 2019, 7:00 p.m. at North Garden Fire Station, hosted by the North Garden Ruritans.

Mr. Randolph announced that Hospice of the Piedmont, led by CEO, Mr. Ron Cottrell, has increased its baseline living wage to \$15/hour. He said that to his knowledge, this was the first area nonprofit to commit to providing a meaningful and realistic hourly wage for its employees.

Mr. Randolph announced that the Board's resolution authored by Ms. Siri Russell recognizing Liberation Day was read and shared with two different audiences at the Jefferson School African American Heritage Center on Saturday, March 2, 2019.

Ms. Mallek announced that she attended the National Association of Counties Legislative Committee workday in Washington D.C., on Saturday, March 2, 2019, and she would share details of the events with the Board at the end of the meeting.

Ms. Mallek announced that she would hold White Hall Magisterial District town hall meetings: March 7, 2019, 7:00 p.m., Brownsville Elementary cafeteria; March 9, 2019, 10:00 a.m.–12 noon, White Hall Community Building; and March 11, 2019, 7:00 p.m. at Broadus Wood Elementary School.

Ms. McKeel announced that she and Supervisor Gallaway would hold a joint town hall meeting on March 12, 2019 at 7:00 p.m. at Jack Jouett Middle School and March 14, 2019 at 7:00 p.m. at CATEC. She said that members of the School Board and school representatives would join them at the meetings.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6a. Proclamation Recognizing March 20 through March 24, 2019 as the 25th Annual Festival of the Book.

Ms. McKeel read and **moved** adoption of the following Proclamation recognizing Wednesday, March 20–Sunday, March 24, 2019 as the 25th Annual Virginia Festival of the Book.

**PROCLAMATION
VIRGINIA FESTIVAL OF THE BOOK**

- WHEREAS,** Albemarle County believes that literacy is critical to active and engaged citizenship, and is committed to promoting reading, writing, and storytelling within and outside its borders; and
- WHEREAS,** reading stimulates the creative and intellectual growth of individuals, while also building community through shared experiences and understanding; and
- WHEREAS,** the **VIRGINIA FESTIVAL OF THE BOOK** draws attendees, authors, illustrators, and publishing professionals from the region, the Commonwealth, other states, and indeed the world, serving as an economically significant event for this area, while providing the majority of programs free of charge; and
- WHEREAS,** Virginia Humanities, the Virginia Center for the Book, the University of Virginia, local businesses and schools, as well as cultural and civic organizations collaborate with the **VIRGINIA FESTIVAL OF THE BOOK** to explore the world through reading, foster empathy for the stories of others, and promote literacy for all.

NOW, THEREFORE, BE IT RESOLVED, that we the Albemarle County Board of Supervisors, do hereby proclaim

**Wednesday, March 20 through Sunday, March 24, 2019
as the Twenty-fifth annual
VIRGINIA FESTIVAL OF THE BOOK**

and encourage community members to participate fully in the wide range of available programs and activities.

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

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

Ms. Jane Kulow, Director of Virginia Center for the Book, accepted the proclamation. She expressed her thanks and appreciation to the Board and the County for its longtime support of the festival. She acknowledged that County staff and Supervisors appreciate the value and impact of the festival to the community through accessibility to almost 130 free, diverse and inclusive public programs, including presentations to thousands of school students as well as attendees from around the country. She also recognized the economic impact of these visitors to restaurants and hotels. She invited everyone to attend the festival.

Ms. McKeel recognized the wonderful job and hard work done by the festival organizers.

Item No. 6b. Sheriff's Department – Re-accreditation.

Chief of Police, Mr. Ron Lantz addressed the Board. He said he was one of 12 chiefs and sheriffs that serve as Commissioners on the Virginia Law Enforcement Standards Commission, which accredits and re-accredits approximately 100 departments in the Commonwealth. He said the Virginia Sheriff's Association, Virginia Association of Chiefs of Police, and Virginia Department of Criminal Justice Services comprise the Virginia Law Enforcement Professional Standards Commission Board. He explained that they establish professional standards and administer the accreditation process by which Virginia agencies could be systematically measured, evaluated, and updated. He said the Commission's goals include the following: increase the efficiency and effectiveness of law enforcement agencies in the Commonwealth through delivery of service, promote cooperation among all components of the criminal justice system, ensure that appropriate level of training for law enforcement personnel, promote public confidence in law enforcement, and promote professionalism in law enforcement across the Commonwealth.

Mr. Lantz explained that this accreditation increases law enforcement's ability to prevent and control crime to effective and efficient delivery of law enforcement services, and enhances community

understanding of the role of law enforcement and citizens' confidence in the agencies' policies and practices. He explained that the accreditation process requires an in-depth review of every aspect of an agency's organization, including the establishment and reevaluation of goals and objectives, evaluation of an agency's progress towards meeting these goals, and reevaluation of an agency's policies and procedures in accordance with norms. He emphasized that accreditation was a coveted award and symbolizes professionalism, excellence, and competence from which employees could take pride in their agency as representing the very best in law enforcement. He announced that of 190 proofs evaluated by assessors, the Sheriff's office had only minor issue, which they were able to fix on the spot. He presented the award to Chief Deputy Chan Bryant.

Chief Deputy Chan Bryant accepted the award. She acknowledged the work and dedication of Accreditation Manager Kevin Sprouse, retired Deputy Dave Gaten, and Meghan Vesper, who were present in the audience. She thanked Mr. Lantz and his staff for their assistance with evidence functions and the Emergency Communications Center.

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

Mr. John Martin, White Hall District, addressed the Board. He stated that Albemarle County has historically encouraged citizen involvement in governmental matters with government in the sunshine as the norm and secrecy the exception. He said the Board's actions on Brookdale, Willow Tree, Perrone, and CVEC, which involved a large commitment of public funds, suggests a developing climate of secrecy and an uncharacteristic unwillingness to allow for public input in economic development decisions. He said he was not suggesting that final actions be undone but that public expressions of support or concern may help guide consideration of future, similar matters to better serve the public good. He said the public was not well served by the handling of these matters, which involve complex, written materials that were made available to the public for the first time in the agenda released a few days prior to the Board meeting where action was taken, and did not allow a reasonable time for the public to digest and consider the materials. Mr. Martin stated that fair notice of these matters to solicit public input should have included the advance notice and scheduling used for public hearings and noted that three of these matters were placed on the agenda ahead of the customary matters from the public agenda item for that day. He said that with respect to one matter, the Board took final action as a matter assigned to the consent agenda, effectively denying the public any opportunity for input. He said that constituents deserved the courtesy of 30-day advance publication of economic development action materials and the opportunity to speak at a public setting. He urged the Board to include in the packets a balance sheet with a running total of the sums already expended or committed to economic development for the fiscal year.

Mr. Dave Redding, resident of the Rio District and member of Sierra Club and Cville 100, addressed the Board. He thanked the Board for its development of a Climate Action Plan and for getting together with the City of Charlottesville and the University of Virginia. He acknowledged and expressed his appreciation for the County's hiring of Ms. Narissa Turner as Climate Protection Coordinator and noted that climate action planning was identified as the number one priority in the Strategic Plan. He said he was also present to update the Board on events at Eco Village. He said their five co-housing members have a bicycle share and car share, and for eight years he has served on a community advisory board for community bicycles. Eco Village has given away 20 bicycles and are selling a minimum of about 24 bicycles per week. Eco Village participates in open source recycling and has a team that convenes weekly to recycle computers that it gives away. Eco Village works with Food Not Bombs, an organization that coordinates with the farmers market and Whole Foods every weekend. They also belong to the Urban Agriculture Collective of Charlottesville, which plants community gardens and provides education on gardening. He again thanked the Board for its willingness to work with Charlottesville and UVA in reducing climate change issues.

Ms. Pat Cochran, resident of the Samuel Miller District and President, Charlottesville Area League of Women Voters, addressed the Board. She encouraged the Board to continue to maintain transparency in its planning sessions. The League encourages decisions be made in an environment of widespread, informed, and civil public participation.

Mr. Sean Tubbs, Piedmont Environmental Council, addressed the Board. He encouraged transparency in the County's economic development program. He said that implementation of Project ENABLE solves problems and doesn't create them. He added that the County should work with the City of Charlottesville and continue to invoke and build on memorandums of understanding it signed with Charlottesville in 2016. He expressed his enthusiasm that the City and County are talking about having a joint CIP group to meet together. He said that citizens want to make sure that day-to-day planning was happening at a level where they could begin to mitigate some of the implementation, especially if it was driven by economic development, which was the case in the Broadway corridor, where the Office of Economic Development was taking the lead in planning. Mr. Tubbs addressed the potential separate stimulus projects that might come forth as part of the negotiation process between Economic Development and prospective businesses. He emphasized that the EDA was playing a major role in growing businesses from within and noted that in the past year, it has helped to provide funding for infrastructure projects, which could accelerate in the future. He posed the following questions: 1) How are projects, such as Willow Tree, selected? 2) To what extent is the CIP consulted when projects come forward. 3) How can the public track this information? 4) Are these public or private projects, and 5) How would Economic Development funds be used and what are the guidelines? He noted that the public's

perception of a lack of transparency with the proposed Amazon headquarters locations in Queens, N.Y. and Crystal City in D.C., and urged the County to be mindful of this.

Mr. Tom Olivier, resident of the Samuel Miller District, speaking on behalf of Advocates for a Sustainable Albemarle Population (ASAP), addressed the Board. ASAP believes that transparency was a vital ingredient in good local government processes. Open processes provided the public with opportunities to consider the costs and benefits of proposals and offer constructive inputs. In an era of rapid climate change and in which the way things are done will need reevaluation, opportunities for public input for County decisions are even more important. He said it was common for economic development proposals that involve deals between government and businesses to be given some shelter from usual levels of scrutiny, with the protections of strategic interests or proprietary information offered as justifications. Mr. Olivier noted that this reduces scrutiny and undermines the public's ability to contribute to proposal evaluations. He cited the example of last month's blow up of Amazon's plan to open a major facility in New York City due to public outrage at the terms of the deal. He noted that deals the County has made with Brookdale, Willow Tree, CVEC and Perrone Robotics were taken without a public hearing. He recounted how the decision on Perrone Robotics was taken at the December 5, 2018 meeting, the description of the item was a defunct television show, and a staff report was not provided. ASAP views these arrangements as lacking the level of transparency and public engagement needed to maintain good government processes. In the future, he urged the County to include staff reports and public hearings on all economic development agenda action items.

Ms. Nancy Carpenter, resident of Charlottesville, addressed the Board. She urged the Board to establish an emergency assistance fund to help residents who experience unexpected crises such as car repairs, job loss, illness, or lack of health insurance. She noted that she administered the Prevention Grant, available to those with average monthly income below 30% AMI, and it was able to help approximately 96 families and individuals, of which 26% were residents of Albemarle, to stay housed in the past fiscal year and avoid the risk of falling into an emergency shelter. She noted that the City has had its own emergency assistance fund for the past two years. She recounted that last month, she was able to help 11 families and individuals with incomes of up to 200% of the federal poverty level stay housed in February at a cost of \$6,560, or \$568 per person. She noted that Dr. Pethia, who brought a vast array of skills and knowledge, was now with County staff. She expressed hope that she could help the County develop a pilot project this year or next to help residents stay housed and out of shelters.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board. He said the Free Enterprise Forum firmly believes, as Supreme Court Justice Brandeis thought, that sunlight was the best disinfectant for government. He noted that occasionally they might hear comments that come from a different direction regarding the secrecy of economic development activity. He quoted a comment made recently by an official in Alabama: "If you eliminate confidentiality you have reduced our competitiveness in the market." He reminded Supervisors that they were elected by their constituents to make decisions. He added that there are two sides to every deal, the side of the private sector must answer employees and stockholders and making discussions public may put their confidentiality agreements with employees and stockholders in jeopardy. He asked the Board to retain confidentiality and expressed appreciation for their embrace of economic development. He noted that 66% of County revenue was generated from property taxes and urged the Supervisors to diversify the revenue stream.

Mr. Brad Sheffield, resident of Rio District and CEO of JAUNT, addressed the Board regarding Item 8.8. He said they would have a larger discussion and question and answer session later on, especially if the grant was awarded, because the community's involvement and the different perspectives would be valuable. He explained that should the Board award the grant, they would be able to refine things and respond to Board questions at a later date. He stated that this grant was a direct result of the investment the Board authorized the EDA to make in Perrone, and the seed money to get the proof of concept in Crozet started provided the foundation for JAUNT to know they could pursue this grant. He said the proposed project JAUNT was going after was \$10 million and without the investment and support from the County, they would not be able to go after the grant as clear-headed as they are now. He pointed out that the main focus of the grant was on the road demonstration for the key outcome of providing data to allow the federal government to have better rulemaking. He said this USDOT grant would also collect qualitative data as to how they collect data on the way in which autonomous activities serve those who are transportation challenged. He characterized the opportunity as amazing and unique, with outcomes on data and safety as well as on how to set the tone for the ways in which autonomous technology impacts public transportation on many levels.

Agenda Item No. 8. Consent Agenda.

Ms. Mallek suggested Item 8.8 be returned to the consent agenda. Mr. Gallaway concurred.

Ms. McKeel **moved** that the Board approve the consent agenda. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

Item No. 8.1. Approval of Minutes: June 6 and October 10, 2018.

Ms. Palmer had read the minutes of October 10, 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 19 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 FY 19 budget due to the appropriations itemized in Attachment A is \$273,166.79. 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 and school projects and programs as described in Attachment A.

FY 19 Appropriations	Descriptions
Appropriation #2019075	\$200,000.00
Source:	Local Non-Tax Revenue \$ 200,000.00

On July 11, 2012, the Board of Supervisors approved a streamlined appropriation process for anticipated School Fund revenue associated with miscellaneous grants, donations, and School Activity Funds. In accordance with this process, an appropriation of \$200,000.00 is needed to cover donations and other miscellaneous revenue received by the School Division to date and for anticipated contributions through the end of FY 19. Funds will not be expended until the revenues are actually received.

Appropriation #2019076	\$73,166.79
Source:	Old Crozet School Fund Balance \$ 73,166.79

This request is to appropriate \$73,166.79 for expenses related to the Old Crozet Elementary School by appropriating unexpended rental revenue (fund balance) received in prior years. This will provide for an anticipated increase in one- time maintenance costs in FY 19.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2019075 and #2019076 for local government and school division projects:

**RESOLUTION TO APPROVE
ADDITIONAL FY 19 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2019075 and #2019076 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
2019075	4-2000-62101-461101-580240-6599	100,000.00	SA2019075 Donations and Contributions
2019075	4-2000-62101-461101-580250-6599	100,000.00	SA2019075 Donations and Contributions
2019075	3-2000-62000-318100-181109-6599	200,000.00	SA2019075 Donations and Contributions
2019076	4-8610-91081-496010-800949-9999	73,166.79	SA2019076 Fund Balance Re-Appropriation
2019076	3-8610-51000-351000-510100-9999	73,166.79	SA2019076 Fund Balance Re-Appropriation
TOTAL		546,333.58	

Item No. 8.3. Personnel Policy P-61 Amendments.

The Executive Summary forwarded to the Board states that beginning this 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 were updated and reorganized in order to facilitate this process and to realign or correct current practice. The first proposed draft of this policy (Attachment B) was on the consent agenda on February 6, 2019. It was removed from the consent agenda for further staff considerations. The updated proposed draft of this policy (Attachment C) is before the Board for consideration.

The initial draft personnel policy (Attachment B), which went to the Board on February 6, 2019, included the following changes:

- 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.

In addition to the above changes, the updated proposed personnel policy (Attachment C) includes the following changes:

- Provides an exception to allow ordinary travel time to work to be compensable under specific situations to include travel for patrol police officers who are expected to respond to calls for service while enroute to work.
- Clearly articulates that only emergency travel time is compensable under Call Back and ordinary travel to work is normally not compensable.
- Lengthens shift differential periods by one hour, increases percentage for such premium pay, and reduces the length of time needed to work to be eligible for the shift differential premium pay.

The Office of Management and Budget (OMB) anticipates a budgetary impact for General Government of approximately \$10,000 related to On-Call policy changes. Human Resources in consultation with OMB anticipates a budgetary impact of no more than \$44,000 related to the Shift Differential 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 A) to amend personnel policy § P -61 as set forth above and in Attachment D.

By the above-recorded vote, the Board adopted the following Resolution to amend, delete, and add personnel policies as set forth by staff:

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-61, Overtime/Compensatory Time Policy, effective upon the implementation of the time and attendance system provided by Kronos, which is expected to be April 1, 2019.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends Section P-61, Overtime/Compensatory Time Policy, as set forth in the attached (following) document, which is incorporated herein.

**COUNTY OF ALBEMARLE
PERSONNEL POLICY**

§P-61 STAFF SCHEDULES, TIME TRACKING, AND COMPENSATION POLICY

The County has established the following procedures to compensate employees fairly and in accordance with federal, state, and local laws for all time worked. The County approves the annual staffing plan through the budget process each fiscal year. Staffing allocations are made for each department that determine the number and type of positions for employee payroll. These policies and procedures establish guidelines and expectations for employees and supervisors.

I. Staff Schedules

A. Classified Staff

The supervisor of every classified employee shall determine the employee's work schedule in accordance with the base weekly hours for that position and the needs of the department. Department heads/designees may require that employees work additional time or alternative schedules to meet the needs of the department. Whenever possible, supervisors shall give advance notice as soon as the work schedule change is determined so that the employees are able to arrange their personal schedules.

II. Alternative Schedules

A. Guidelines: Department heads/designees may permit alternative work schedules for staff provided that the following conditions are met:

1. The department is open to the public on all days other than posted holidays and emergency closings;
2. Employees work the requisite number of hours for their positions; and
3. All applicable personnel policies are followed.

B. Flex Time: Non-exempt employees are paid based upon hours worked or leave taken during the workweek or work period. In lieu of taking leave, a supervisor may allow an employee to work an alternative schedule in a given workweek or work period as long as all base weekly hours are accounted for within the workweek or work period. Exempt employees may work alternative schedules with supervisor approval.

III. Overtime and Compensatory Time Leave Compensation

Non-exempt employees are entitled to overtime pay or compensatory time leave in accordance with the Fair Labor Standards Act (FLSA) for hours worked in excess of their maximum allowable hours at one and one-half (1.5) times their regular rates of pay. The following regulation establishes the general guidelines and procedures the County will follow regarding overtime and compensatory time leave requirements of the FLSA and applicable state law. If any conflict arises between this policy and the FLSA or state law, the requirements of the FLSA and/or state law will govern.

PROCEDURE FOR STAFF SCHEDULES, TIME TRACKING, AND COMPENSATION

I. Overview and Key Terms

A. Base Weekly Hours. Each regular employee has a designated number of official hours per workweek or work period that have been set for the position. While an employee's actual daily work schedule may vary, the employee's base weekly hours remain the same. For example, an employee with 40 base weekly hours may work five (5) eight (8)-hour shifts or may work four (4) 10-hour shifts.

B. Full-Day Increments. Full-day increments refers to the entire scheduled day and not a "day of leave" as defined in Policy § XX Leave Program.

C. Exempt Employees. Employees in certain positions are exempt from overtime pay requirements and compensatory time leave eligibility if the positions satisfy the criteria for the exemptions defined under the FLSA. Positions will be designated as exempt or non-exempt by the Department of Human Resources and approved by the County Executive/designee.

D. Fair Labor Standards Act. The FLSA requires all covered employers, including the County, to comply with its minimum wage and overtime compensation requirements.

E. Hours Worked.

1. General. Non-exempt employees who work more than the maximum allowable hours in a workweek or work period must receive either overtime pay or

compensatory time leave for their excess hours worked. Paid or unpaid time off during which the employee is absent from service for the County shall not be counted as "hours worked" in determining if the maximum allowable number of hours has been exceeded, except as required under the Gap Pay Act (Virginia Code §9.1-700, et seq.). Such absences include, but are not limited to, holiday, sick, annual, and compensatory time leave; leaves of absence; meal breaks; and building closures.

2. **Breaks.** FLSA does not require rest breaks or meal breaks. However, supervisors should allow employees time to attend to health and hygiene needs. Supervisors may designate specific times for rest and meal breaks. Department heads may establish department-wide standards to ensure efficient operations and service. Non-exempt employee rest breaks longer than 20 minutes are not compensable as time worked as long as no work is performed and the employee is free to leave his/her post. Non-exempt employee meal breaks 30 minutes or longer are not compensable as time worked as long as the employee is completely relieved from duty and free to leave his/her post.

3. **Travel Time.** When non-exempt employees are required to work outside of County facilities, the hours involved in the actual travel, as well as the hours working, shall be considered time worked. Employees shall report this time to their supervisors, using procedures established for that purpose. Ordinary travel/commute between an employee's home and work shall not be considered hours worked, unless approved as hours worked by the Department of Human Resources.

F. **Leaving Premises During the Workday.** Departments may establish their own sign-out/notification procedures for employees leaving the premises during the workday.

G. **Maximum Allowable Hours.** A non-exempt employee must be compensated for overtime once the employee has exceeded the maximum allowable hours. Maximum allowable hours for employees are as follows:

7(k) exempt ¹ Sworn Law-Enforcement	171 hours within the 28-day work period
7(k) exempt Uniformed Fire Rescue	212 hours within the 28-day work period
All Other Employees	40 hours within the workweek

H. **Non-exempt Employees.** Employees who are subject to the FLSA's overtime and compensatory time leave requirements are considered non-exempt.

I. **Overtime.** This is time that non-exempt employees physically work in excess of the maximum allowable hours per workweek or work period, except as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.). The County must compensate an eligible employee for time worked in excess of the maximum allowable hours by making monetary payment at one and one-half (1.5) times the employee's regular rate of pay for each hour or portion thereof worked or by granting compensatory time leave at the rate of one and one-half (1.5) times for each hour or portion thereof worked.

J. **Pay by Exception.** Albemarle County operates on a "pay by exception" system. Each regular employee has a designated number of hours per fiscal year the employee has been allocated as part of the organization staffing plan. These annual hours are divided equally into the number of established pay cycles. The payroll system will pay this amount automatically unless the employee and supervisor submit adjustments to the base weekly hours such as overtime or leave without pay.

K. **Premium Pay.** This refers to additional compensation, exclusive of overtime, non-exempt employees may receive as an incentive for specific types of work, i.e., shift differentials.

L. **Regular Schedule.** All regular employees have a designated schedule each workweek or work period based upon the base weekly hours. Changes to a non-exempt employee's regular schedule that impact the base weekly hours may cause changes to the employee's pay, such as overtime or leave without pay.

M. **Straight Time.** A non-exempt employee's non-overtime hours worked, compensated at the employee's hourly rate.

¹ "7(k) exempt" refers to 29 U.S.C. § 207(k), which provides public agencies a partial exemption to overtime compensation requirements for employees engaged in fire protection or law enforcement activities.

N. **Work Schedules.** The department head/designee is responsible for establishing employee work schedules, including allowances for breaks and meal periods.

O. **Workweek and Work Period.** The County Executive has established the official workweek as seven (7) days, extending from Saturday at 12:01 a.m. to Friday at 12 midnight. The work period for 7(k) exempt law-enforcement and fire rescue employees is a 28-day period.

The beginning and ending time for the 28-day work period under section 207(k) of the Fair Labor Standards Act shall be determined by the appropriate department head.

II. Tracking Time and Pay Adjustments

A. Non-exempt Employees

1. Time Recording. Non-exempt employees are paid for time worked on an hourly (or portion thereof) basis. All non-exempt employees must complete and submit, in a timely manner, accurate data recording their hours worked and leave taken. Failure to do so may result in disciplinary action in accordance with County policy.
2. Increments. Rounding rules up or down to the quarter-hour will be established for County-wide consistency. Departments may set reasonable expectations for adherence to work schedules. An employee may be counseled or disciplined for tardiness; however, pay will follow the rounding rules.
3. Reductions in Pay. In the County's pay by exception system, when an employee misses work in the workweek or work period and has insufficient leave to make up the variance from the base weekly hours, the non-exempt employee will be docked pay for that workweek or work period in 15-minute increments. Employees may also be docked pay for disciplinary purposes in accordance with County policy.

B. Exempt Employees

1. Time Recording. Exempt employees are expected to follow established procedures and policies for exempt employee time tracking and leave submission. Failure to do so may result in disciplinary action in accordance with County policy.
2. Increments. Exempt employees are compensated on a salary basis. The salary may be calculated on a daily or weekly basis depending on the position. However, exempt employees are not paid based upon physical time worked.
3. Reductions in Pay.
 - a. Exempt employees may be docked pay in accordance with FLSA, FMLA, Workers' Compensation laws, and other applicable laws. Generally, pay may be docked for partial weeks worked during the first and last weeks of employment and situations where a benefits-eligible employee has insufficient leave accrued or chooses to take leave without pay.

Pay must be docked in full-day increments, excluding exceptions permitted under law. Benefits-ineligible employees may not be docked pay when work is performed in the workweek or work period, unless permitted by law. Supervisors may require any exempt employees to make up missed work in another workweek or work period.
 - b. Discipline. Any exempt employee may be docked pay in full-day increments for disciplinary purposes in accordance with County policy.

III. Overtime Pay and Compensatory Time Leave

A. Eligibility to Earn Overtime Pay/Compensatory Time Leave

1. Non-exempt Employees. Unless excluded by the FLSA, all nonexempt regular employees of the County who work in excess of 40 hours within a workweek or the maximum allowable hours within one 28-day work period are eligible to receive overtime pay and/or compensatory time leave. Temporary employees are not eligible to receive compensatory time leave, but are eligible to receive overtime pay.
2. Exempt Employees. Exempt employees are not eligible to earn overtime, whether as monetary payment or compensatory leave time. However, this does not preclude department heads from using their discretion to grant time off to exempt employees in recognition of time worked beyond normal work schedules.

B. Calculation of Overtime/Compensatory Time Leave

All non-exempt employees are to be compensated for overtime hours worked. This compensation may be monetary or through the accrual of compensatory time leave. Time is calculated based on the entire workweek or work period and not on a daily basis. Overtime is not earned until the maximum allowable hours have been physically worked, except as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.). Calculation of overtime/compensatory time leave shall be as follows.

1. Fire Rescue Employees. Fire Rescue employees who are 7(k) exempt and work over 212 hours within the 28-day work period are to be paid overtime pay. They are also subject to the Gap Pay Act (Virginia Code § 9.1-700, et seq.). References to overtime pay throughout policy includes gap pay required by the Virginia Code.
2. Sworn Law-Enforcement Employees. Sworn law-enforcement employees who are 7(k) exempt and work over 171 hours within the 28-day work period are to be paid overtime pay. They are also subject to the Gap Pay Act (Virginia Code § 9.1-700, et seq.). References to overtime pay throughout policy includes gap pay required by the Virginia Code.
3. All Other Employees. All other non-exempt employees who physically work over 40 hours within the workweek are to be paid overtime pay.
4. Compensatory Time Leave. A non-exempt regular employee may be compensated at the rate of one and one-half (1.5) hours of compensatory time leave for each overtime hour worked in a workweek or work period instead of overtime pay referenced in B.1-3. The employee and supervisor must agree to compensatory time leave as compensation. If a supervisor is offering only compensatory time leave as payment, the employee must agree to accept compensatory time leave or be able to decline the additional work. Otherwise, overtime pay must be provided for required additional work. Temporary employees are not eligible for compensatory time leave in lieu of overtime pay.
5. Compensation for Additional Non-Overtime Work. When a non-exempt employee works more than his/her base weekly hours, the employee must be paid his/her hourly rate (straight time) for those excess hours worked, except as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.). Compensatory time leave may not be earned except as overtime.
6. Dual Job Employees.
 - a. Two or More Non-exempt Positions. Employees who have two or more non-exempt regular positions contributing to overtime hours are eligible for both overtime pay and compensatory time leave. These employees may receive overtime pay at the blended overtime rate or earn compensatory leave time in accordance with B.4. Department heads shall consult with Human Resources for guidance regarding the payment of overtime compensation to these employees.
 - b. Exempt and Non-exempt Regular Positions. For employees who have one or more exempt regular position(s) and one or more non-exempt regular position(s), the eligibility for overtime is determined by the primary position (the position with the highest part-time percentage). When the primary position is classified as non-exempt, all work performed in both positions contributes to the total hours for the workweek or work period. When the primary position is classified as exempt, the employee is not eligible to earn overtime or compensatory time leave. The employee may receive straight time pay for hours worked in the workweek or work period beyond the base weekly hours in the non-exempt position.
 - c. Non-exempt Regular and Temporary Positions. If a non-exempt regular employee also has time worked in a non-exempt temporary position during the workweek, all such time worked counts towards the maximum allowable hours. The supervisor of the regular position may deny the earning of compensatory time leave in lieu of overtime pay, regardless of which position(s) contributed to the overtime hours. If a supervisor denies compensatory time leave, overtime must be paid at the blended overtime rate.
 - d. Non-exempt Regular Employees Working Exempt Temporary Positions. As long as the exempt temporary position is occasional and sporadic, the hours worked in the temporary position do not count towards the maximum allowable hours. Supervisors of temporary positions shall contact the Department of Human Resources before scheduling any nonexempt regular employee for exempt temporary work.

C. Compensatory Time Leave Payouts

1. Maximum Balances. Employees eligible for the public safety exemption may accrue up to 240 hours of compensatory time leave. All other regular, non-exempt employees may accrue up to 100 hours of compensatory time leave.
2. Job Changes. Upon termination of regular employment, non-exempt employees shall be paid for unused compensatory time leave. A nonexempt employee who is transferring to another department or who is changing from a non-exempt to an

exempt position shall be paid for the unused compensatory time leave balance or reach an agreement with the current department head to use any accumulated compensatory leave prior to the effective date of the change. The employee's compensatory time leave balance must be zero (0) prior to the starting date for the new position.

3. Compensatory Time Leave Payout Requests.

- a. Department heads may offer periodically partial or full payouts of accrued compensatory time leave. Fair practices must be established to provide equal access to all eligible non-exempt employees. Department heads may not make payouts under the maximum compensatory time leave balance without employee approval.
- b. Employees may request partial or full payouts of accrued compensatory time leave. Payouts are subject to department head approval and budgetary considerations. Department heads may set fair and consistent limits.

4. Compensatory Time Leave Payout Rate.

- a. During Employment: When compensatory time leave is paid during the course of employment, it will be paid at the employee's current regular rate.
- b. Upon Termination: When compensatory time leave is paid upon termination of employment, it will be paid at a rate of compensation not less than:
 - i. The average regular rate the employee received during the last 3 years of employment, or
 - ii. The employee's final regular rate, whichever is higher.

D. Employer Responsibilities

1. Managing the Accrual of Overtime. Department heads/designees may require that employees work additional time or overtime to meet the needs of the department. They are also responsible for managing nonexempt employees' hours worked whenever possible within the designated workweek or work period to avoid overtime. If an employee works more than the designated work hours in a day, the employee's supervisor may adjust the employee's work schedule for that workweek or work period by the amount of the excess time worked to avoid the accrual of overtime.

The County will compensate an employee for any time worked in excess of the employee's base weekly hours. However, an employee may be disciplined for working unapproved time.

2. Availability of Funds. Department heads/designees shall ensure that adequate funds are available to pay required overtime compensation and compensatory time leave payouts.
3. Scheduling Compensatory Time Leave. (See Policy § P-XX, Leave Program.)
4. Recordkeeping. Department heads/designees shall ensure that all non-exempt employees complete and submit, on a timely basis, accurate data recording their hours worked and leave taken. They shall also ensure that exempt employees submit timely and accurate leave records.

E. Employee Responsibilities

Authorization for Overtime. Non-exempt employees may work additional time beyond their scheduled hours only with prior authorization from their supervisor. Failure to obtain prior authorization may result in disciplinary action in accordance with County policy.

IV. ON-CALL AND CALL-BACK COMPENSATION

A. On-Call Compensation

1. Purpose. Employees may be required to be available to return to work or "on-call" during a scheduled period. On-call periods have been established as 12-hour periods for the entire County. Department heads/designees may schedule employees to be on-call for shorter periods based on business needs.

2. **Compensation and Eligibility.** A regular or temporary non-exempt employee on-call will be paid a flat fee equal to one and a quarter (1.25) of the employee's hourly rate for each 12-hour on-call period. When an on-call period of less than 12 hours has been designated, an employee will still receive one unit of on-call pay for the period. Periods during which an employee is on-call are not time worked and do not count towards maximum allowable hours for overtime.

For example, an employee who makes \$10.00/hour and is on-call for a designated eight (8)-hour shift would receive \$12.50 for one on-call period. If the on-call shift was 13 to 24 hours, the employee would receive \$25.00 for two (2) on-call periods. Non-exempt employees who are on-duty while they are on-call are to be compensated for the time they are on-duty as time worked. Whether the FLSA considers an employee to be "on-duty" while on-call depends on a number of circumstances, including, but not limited to, being required to remain on the employer's premises and being restricted from using on-call time effectively for personal purposes.

Exempt employees are not eligible to receive on-call compensation.

3. **Condition to Work.** Employees who are "off-duty", but on-call, must remain in a work-appropriate condition. This includes, but is not limited to, refraining from consuming substances that impair or compromise an employee's ability to work.
4. **Departmental Expectations.** Departments may develop on-call guidelines and expectations for employees for "off-duty" on-call time based on departmental needs. Department heads must submit their proposed guidelines to the Human Resources Department for approval to ensure that they meet all applicable legal and policy requirements. On-call compensation will be authorized only if the on-call service meets all the following criteria:
 - a. Service must be mandated.
 - b. On-call employees are expected to respond promptly to calls, resulting in partially restricted personal time of on-call employees. Specific required response times may vary depending on individual departmental requirements.
 - c. On-call employees will not be called if another employee is already on duty and available to perform the required services.
 - d. The department's on-call guidelines have been approved by the Department of Human Resources.
5. **Reporting for Work.** While on-call, an employee may be contacted to report to work. An employee who is called in to work from on-call status is eligible for call-back compensation. The employees will also retain the on-call compensation in addition to wages for time worked.
6. **Special Provisions Regarding CPS Workers.** Child protective service workers employed by the Department of Social Services shall be compensated for their on-call service in accordance with all state-mandated requirements.

B. Call-Back Compensation

1. **Purpose.** There may be times when supervisors may need employees to report back to work on short notice outside of the employee's work schedule. Call-Back status occurs when a department head/designee requires a non-exempt employee to report back to work outside of the employee's work schedule on less than 24-hour notice. Call-back is not hours worked beyond the schedule which require an employee to stay at work, such holdover time shall be compensated as straight time or overtime as applicable. Additionally, work schedule changes with more than 24 hours' notice are not call-back hours. Whenever possible, supervisors should give notice to employees when the need for call-back may occur, such as for an anticipated snowstorm.
2. **Eligibility for Call-Back Compensation.** Any regular non-exempt employee who is called back to work as described above by the department head/designee shall be paid call-back compensation. Temporary, non-exempt employees who have regular work schedules which are changed via call-back are eligible. Temporary employees who work on an intermittent, occasional, or sporadic basis do not qualify for call-back pay when scheduled or called to work with less than 24 hours' notice.

While exempt employees may be called back to work with short notice, they are not eligible for call-back pay.

3. Condition to Work. Employees who are called back for work must report in a work-appropriate condition that includes, but is not limited to, the non-consumption of substances that impair or compromise an employee's ability to work. If an employee is not in a condition to work, the employee must disclose that to the supervisor before reporting for duty.
4. Compensation. The call-back compensation rate is one and one-half (1.5) times the employee's regular hourly rate for call back hours. If an employee exceeds the maximum allowable hours for the workweek or work period, or as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.), the employee will receive overtime pay instead of call-back pay. The employee may not receive both for the same hours worked. In lieu of receiving overtime pay, employees may receive compensatory time leave in accordance with the established procedures above.

Once an employee has been called back to work, the employee will be guaranteed a minimum of two (2) hours of call-back pay even if less than two (2) hours of work are performed. An employee will receive call-back pay for all hours worked. Ordinary travel/commute between an employee's home and work shall not be considered hours worked, unless approved as hours worked by the Department of Human Resources. Emergency travel time to a location other than the employee's regular place of business which requires travel of a substantial distance (more than the employee's typical commute) is considered hours worked. Only hours physically worked or call back emergency travel time to work count towards the maximum allowable hours. An employee called back to work from "on-call" status may keep the on-call pay in addition to call-back pay received. When work is completed, travel time home is not compensable as time worked. If an essential personnel employee receives additional pay due to building closure, the employee is not eligible for call-back for the same hours worked.

V. HOLIDAY PAY

Please refer to Policy § XX, Leave Program, for information on pay for work performed on a holiday.

VI. SHIFT DIFFERENTIALS

Non-exempt regular and temporary employees may be regularly or periodically scheduled to work evening or midnight shifts and may receive premium pay for such work. When five (5) or more hours are physically worked in either shift, the employee will receive the following additional percentage of his/her hourly rate for each hour worked in the range.

Evening: 3:00 p.m. – 12:00 a.m.	5% of the hourly rate premium pay
Midnight: 12:00 a.m. – 9:00 a.m.	6% of the hourly rate premium pay

Shift differential premium pay will not be granted when less than five (5) hours of work are performed in the designated range. Although an employee may be regularly assigned to an evening or night shift, the shift premium will not be paid when paid leave is taken, nor will the employee be charged the premium for leave without pay. Fire Rescue employees who are 7(k) exempt are not eligible for this shift differential premium pay.

VII. BUILDING CLOSURES DUE TO INCLEMENT WEATHER AND/OR EMERGENCY SITUATIONS

Employees may be required by their supervisors to report to work during building closure periods designated by the County Executive/designee. Please refer to policy § P-XX, Coverage Due to Inclement Weather and/or Emergency, for more information. While they may be deemed essential personnel, employees on the public safety pay scales are not eligible for additional pay due to building closures. Compensation for other essential personnel will be as follows:

- A. Employees Required to Work. Any non-exempt, regular employee who is required by his/her supervisor to work during building closure periods shall be deemed essential personnel and will be paid a premium equal to the employee's hourly rate for any time the employee works during the building closure period. This premium is in addition to the regular wages essential personnel earn for any time worked in accordance with this policy. For example, if the building closure period is 6am-10am, the employee's work schedule is 8am-4pm, and the employee works 9am-4pm (no lunch break) on the day of the closure as directed by the supervisor, the employee would receive one (1) hour of paid administrative leave due to building closure (8am- 9am), one (1) hour of essential personnel additional pay due to building closure (9am-10am), and seven (7) hours of pay for time worked (9am-4pm).
- B. Employees Not Required to Work. Any non-exempt, regular employee who chooses to work when not required to report to work will not receive additional pay due to a building closure, but will be compensated for that time worked as straight time or overtime as appropriate.

VIII. PROFESSIONAL LEARNING

See Policy § P-87, Professional Learning, for more information on compensable work time for training and learning activities.

IX. COURT APPEARANCES / HEARINGS

When employees are subpoenaed to appear as witnesses in legal proceedings or participate in hearings with other federal, state, or local agencies in their capacities as County employees, the time spent in such work-related proceedings will be treated as compensable work time.

Employees who initiate or are otherwise involved in legal actions of any kind (excluding employee grievance proceedings) in their private capacity and not as a County employee, whether such actions involve the County or not, will not be permitted to treat such time as compensable work time. Leave may be requested in accordance with policy § P-XX, Leave Program.

X. SPECIAL PROVISIONS FOR SWORN LAW-ENFORCEMENT EMPLOYEES

A. Court Appearances/Hearings. Work-related Court appearances/hearings worked by sworn law-enforcement employees outside of the regular work schedule for that day will be paid at one and one-half (1.5) times the employee's regular hourly rate. If an employee exceeds the maximum allowable hours for the work period, or as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.), while attending work-related Court hearings, the employee will receive overtime pay instead of court pay. The employee may not receive both for the same hours worked. In lieu of receiving overtime pay, employees may receive compensatory time leave in accordance with the established procedures above. These employees will be guaranteed a minimum of two (2) hours of court pay even if less than two (2) hours of work are performed. Only hours physically worked count towards the maximum allowable hours.

B. Contractual Overtime. Contractual overtime is defined as work outside of County work hours assigned to a sworn law-enforcement employee at the request of an outside entity and performed at the employee's option. Contractual overtime shall only be compensated monetarily. Those voluntary contractual hours worked by employees shall not count as hours worked for the County. Sworn law-enforcement employees shall be paid for voluntary contractual hours worked at an established fixed rate.

Amended August 4, 1993; August 3, 1994; September 1, 1997; December 9, 2009; Adopted March 6, 2019, effective April 1, 2019

Item No. 8.4. Authorization to Schedule Public Hearing for Ordinance to Amend County Code Chapter 15, Taxation.

The Executive Summary forwarded to the Board states that the Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 15 of the County Code governs the assessment and collection of ten different County taxes, along with tax relief or reduction programs and tax exemptions. The chapter outlines when these taxes apply and at what rates, and how the Director of Finance is to administer and collect these taxes. It represents a compilation of various local taxes enabled by State law and adopted by the County.

The process of recodifying the County Code includes making formatting, style, organizational, and substantive changes. These changes are being addressed at the chapter level before the Board considers adopting a complete, recodified County Code. All local taxes must be in accord with State enabling authority. Specifically, most local taxes are enabled and outlined in various chapters of Title 58.1 of the Virginia Code. As with the County's business license ordinance (Chapter 8), the tax provisions of Chapter 15 are substantially similar, but not identical, to the corresponding State statutes.

Therefore, two overriding goals of the Chapter 15 recodification are:

1. To more closely conform the County's tax chapter with controlling State law.
2. To replace local provisions that duplicated controlling State law, with cross-references.

Noteworthy proposed revisions include:

1. The clarification and consolidation in County Code § 15-100 of the Director of Finance's powers and duties under State law.
2. The reorganization of existing County Code § 15-100 into separate sections dealing with due dates (new § 15-101), statutory assessments (new § 15-102), penalties (new § 15-103), interest (new § 15-104), and applicability (new § 15-105).
3. The revision in new County Code § 15-606 of consumer utility tax exemptions, consistent with Virginia Code § 58.1-3816.2.
4. The replacement of numerous lengthy definitions and standards, especially for use-value assessments and veterans-related exemptions, with simple cross-references to controlling State law.

5. The extension in new County Code § 15-702 of the deadline for property tax assessment appeals to the Board of Equalization (to March 31), consistent with Virginia Code § 58.1-3378(2).
6. The elimination of commissions for collecting food and beverage tax (existing County Code § 15-1205), consistent with Virginia Code § 58.1-3833.
7. The addition in new County Code § 15-1201(B) of a short-term rental tax on businesses renting heavy equipment property, consistent with Virginia Code § 58.1-3510.4(B)(2).

Where possible, without changing the underlying substance, staff has suggested primarily stylistic revisions, eliminating archaic or redundant language, to make the chapter easier to read.

No significant budget impact is expected.

Staff recommends that the Board schedule a public hearing to consider adoption of the attached proposed ordinance (Attachment A) at a future Board meeting.

By the above-recorded vote, the Board set the public hearing for a future date, to be determined, to consider the adoption of the proposed ordinance.

Item No. 8.5. Reasonable Rent Policy for Office of Housing Administrative Plan.

The Executive Summary forwarded to the Board states that as part of the continuing transition of the Housing Choice Voucher (HCV) Program from the Department of Housing into the Department of Social Services, Housing Supervisor Lyn Witt and DSS Deputy Director John Freeman have conducted research and determined that utilization of the EZ-RRD system for determination of reasonable rent represents a program enhancement that improves efficiency and effectiveness of this required program element.

The Federal Department of Housing and Urban Development (HUD) has established regulations that require Public Housing Authorities and Agencies, such as the Albemarle County Office of Housing, to adopt a written Administrative Plan that establishes local policies of the program in accordance with HUD requirements. HUD regulations require that the Agency Administrative Plan cover policies that describe the method of determining that rent to owner is a reasonable rent. To meet this requirement, the Office of Housing has contracted with the Nelrod Company of Fort Worth, Texas to utilize the EZ-Reasonable Rent Determination System as its method of assessing reasonable rent. The attached Policy and Procedures (Attachment B) describes the preparation, procedure and actual steps involved in making a determination.

Marginal. First year cost is \$1780.00. The annual subscription cost is \$950.00

Staff recommends that the Board adopt the attached Resolution (Attachment A) to adopt the Reasonable Rent Policy.

By the above-recorded vote, the Board adopted the following resolution to adopt the Reasonable Rent Policy:

RESOLUTION TO APPROVE AND ADOPT THE REASONABLE RENT POLICY

WHEREAS, the Department of Housing and Urban Development (HUD) has established regulations that require the Albemarle County Office of Housing (the Agency), a Public Housing Agency (PHA), to adopt a written Administrative Plan that establishes local policies of the Housing Choice Voucher program in accordance with HUD requirements; and

WHEREAS, 24 CFR 982.54(d)(15) of those regulations requires that the Agency Administrative Plan must cover the Agency's policies on the method of determining that the rent paid to the owner is a reasonable rent (initially and during the term of a Housing Assistance Payment contract); and

WHEREAS, HUD has established the Section 8 Management Assessment Program (SEMAP) regulations that requires the Agency to demonstrate to HUD that the Agency has and implements a reasonable written method to determine and document for each unit leased that the rent paid to the owner is reasonable [24 CFR 985.3(b)(3)]; and

WHEREAS, it is the intent of the Agency to establish policy that is approved by the Albemarle County Board of Supervisors for insertion in the Agency Administrative Plan for the Housing Choice Voucher Program and that will implement HUD's rules and regulations with regard to management of a PHA; and

WHEREAS, the Agency has contracted, as part of its implementation of the Reasonable Rent Policy, to use the EZ-Reasonable Rent Determination System.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves and adopts the Reasonable Rent Policy, attached hereto and incorporated herein.

This Reasonable Rent Policy and Procedures is to be added to the Section 8 Housing Choice Voucher Administrative Plan, and includes the following sections.

- I. Statement of Compliance
- II. Step-by-Step Explanation of Procedures
- III. Explanation of Analysis used in the Procedures
- IV. Compliance with Fair Housing Regulations
- V. Agency Staff Training
- VI. Agency's Interaction with Landlords
- VII. Agency-owned Units
- VIII. Data Collection of Unassisted Comparable Units
- IX. Calculation of the Recommended Reasonable Rent

I. Statement of Compliance with Reasonable Rent Regulations

Background

The EZ-Reasonable Rent Determination (EZ-RRD) system is utilized to assist staff to conduct reasonable rent analysis for units to be assisted. The EZ-RRD system was designed to correct long-standing misconceptions and problems about reasonable rent analysis. For example, other systems allow the Agency Analyst to select the comparable units, allowing for possible favoritism, subjectivity and Fair Housing Issues. EZ-RRD automatically selects the best comparable units in the database using consistent and objective methods. Thus, the Agency and U. S. Department of Housing and Urban Development (HUD) are protected from fraud, waste, and mismanagement.

In another example, some systems look for comparable units based only on the same or similar rents. They do not account for differences in the characteristics between the assisted and comparable units. The EZ-RRD system uses the standard deviation method to enable proper comparisons of the unit to be assisted and comparable units with different characteristics, assuring the Agency that an "apples-to-apples" comparison is made.

Agency should always ensure the EZ-RRD database has an adequate number of current comparable units in all communities in which the Participants live as well as communities that may provide Expanded Housing Opportunities. Expanded Housing Opportunities is a HUD term that indicates a geographic area that may offer better housing quality, good public transportation, good schools, close proximity to jobs and services, etc.

This Policy represents a reasonable method per the Section 8 Housing Choice Voucher and SEMAP regulations, as well as the HUD Housing Choice Voucher Program Guidebook. It also represents a common-sense approach according to the HUD SEMAP Confirmatory Review and Reasonable Rent Quality Assurance protocols.



Timing

A unit will not be approved until it is determined that the requested rent by the owner/agent is a reasonable rent. The Agency will also determine the reasonable rent before approving any increase in the rent or if there is a five percent (5%) decrease in the published FMR sixty (60) days before the contract anniversary as compared with the FMR in effect one year before the contract anniversary, or if directed by HUD. The agency may elect to re-determine reasonable rent at any other time.

Compliance with 24 CFR Section 982.507 Rent to Owner: Reasonable Rent and 24 CFR Section 985.3 (b) Reasonable Rent.

The regulations do not require a specific method to be utilized. The only requirements for comparability at 24 CFR 982.507 (b) is for the Agency to utilize unassisted units as comparable units and to consider all nine characteristics for each determination. Therefore, the reasonable rent system uses only unassisted units for comparable units. It also considers the following characteristics for each determination.

- Location
- Quality
- Size (by # of bedrooms, overall size and # of bathrooms)
- Unit type
- Age of the contract unit
- Amenities
- Housing services
- Maintenance
- Utilities to be provided by the owner

The only requirements for reasonable rent at 24 CFR 985.3 (b) is for the Agency to have and implement a reasonable written method that uses all nine of the above characteristics. This Policy describes the reasonable method herein.

The EZ-Reasonable Rent Determination (EZ-RRD) Report documents implementation of this Policy. This Policy includes an example of this Report.

II. Step-by Step Explanation of Procedures

This section first explains the preparation needed to perform reasonable rent determinations; then it provides the steps to implement the reasonable rent determinations.

Preparation: Use of Location

The first step in preparation concerns the location characteristic. Location has the greatest impact on rent. Therefore, this system gives the greatest weight to location.



To define location, the EZ-RRD Analysts divide the Agency’s jurisdiction into three rental market value areas. Each unit to be assisted and each comparable unit is assigned to be in either a high, medium, or low rental market value location. Section III of this Policy provides an explanation of how these rental market values are determined.

Preparation: Assigning Maximum Value Points to HUD Required Characteristics

EZ-RRD assigns maximum value points to each HUD required characteristic. These value points represent the economic value for each characteristic. Section III of this Policy provides an explanation of how the value points are determined.

Value Point Levels Applied to Each Characteristic

Each characteristic is assigned a value point level. Characteristics with higher levels have more impact on the actual rent. Level V has the highest number of potential value points. Level I have the lowest number of potential points.

Each level has a value point range. The actual number of value points assigned to a characteristic is determined by the description of each characteristic in a particular unit. For example, for the quality characteristic, a unit with high quality will receive more value points than a unit with fair quality. The table below provides value levels and point ranges.

Characteristic	Value Point Level	Value Point Range
Location	V	15-23
HQS Quality	IV	10-18
Utilities Provided by Owner	IV	0-18
Building Structure (Unit Type)	IV	10-18
Overall Unit Size	III	8-13
Number of Bedrooms	II	4-9
Number of Bathrooms	II	4-9
Age	II	4-9
Amenities	II	0-9
Maintenance	I	1-5
Housing Services	I	0-5

Implementation

Below are step-by-step procedures for performing each reasonable rent determination. These procedures include data entry into the web-based EZ-RRD system and analysis performed by the system.

1. After the Agency Analyst enters the address for the Unit to be Assisted, EZ-RRD provides the Agency Analyst with the option to select the best comparable units by filtering.



If the Agency does not filter, EZ-RRD will select the best comparable units from the database for the Agency's entire jurisdiction. If the Agency does not find it necessary to filter, the Agency Analyst skips this option.

However, some agencies may have large jurisdictions that are comprised of smaller geographic areas that have significantly different rental market values. These agencies may wish to filter to select the best comparable units only from within a specific smaller geographical area.

If filtering is utilized, a two-step process is required. First, the Agency Analyst selects the Filter Type from a drop-down menu. The Filter Type may be city, state, zip code, census tract, real estate code, neighborhood, custom 1 and custom 2. After selecting the filter type, the Agency Analyst mouse-clicks in the *Filter To* field. EZ-RRD displays all the filtering options within the selected type. The Agency Analyst then selects the desired option. For example, some agencies may be comprised of several cities with significant rental market value differences. When the Agency Analyst selects filtering by city, all cities with comparable units will be displayed. The Agency Analyst then selects the desired city.

2. The Agency Analyst enters an accurate description of the unit to be assisted for each required characteristic. The Agency is responsible for accurate data input for each characteristic for the unit to be assisted. The Agency is responsible to confirm the accuracy of the data provided by the Landlord for the required characteristics. To ensure that accurate descriptions are entered the definitions for each description are provided on the system under "Help Me Decide" for each characteristic. In addition, these definitions are provided on a laminated guide called EZ-RRD Rent Reasonableness Determination Steps. It is provided in the detailed Reasonable Rent User's Manual that is provided separate from this Policy.
3. Based on the descriptions entered into the EZ-RRD system, it assigns the appropriate values to each characteristic for the unit to be assisted.
4. EZ-RRD system totals the values of each characteristic for the unit to be assisted to obtain the unit's Total Value Points.
5. EZ-RRD system analyzes the Total Value Points and descriptions of all characteristics for both the unit to be assisted and the comparable unit database. It locates units with exact points and characteristics to use as comparable units.
6. If there is no exact match, EZ-RRD system will next select comparables based on the database search priorities listed on the following chart.



Database Search Priorities Chart

Priority #	Action
I	Exact match on all 9 required characteristics and total value points
II	Exact match to structure type, location, # of bedrooms, and same or similar total value points for all required characteristics
III	Exact match to location, # of bedrooms, and same or similar total value points for all required characteristics

Through the above database search process, the three comparable units most similar to the unit to be assisted are selected.

7. EZ-RRD system then populates the Reasonable Rent Determination Report (hereafter called Report) with the characteristic descriptions and total value points for the unit to be assisted and each of the three comparables. See sample Report below.
8. The EZ-RRD System analyzes the data for the Average Rents of Comparables, Average Value of Comparables, Unit to be Assisted Rent and Unit to be Assisted Value factors. Based on this analysis, EZ-RRD calculates the estimated reasonable market rent for the unit to be assisted. On the EZ-Reasonable Rent Determination Report, this figure is called the Recommended Reasonable Rent.
9. On the top of the Report, EZ-RRD displays the following analysis data:
 - a. Average Rents of Comparables
 - b. Average Value of Comparables
 - c. Unit to be Assisted Rent
 - d. Unit to be Assisted Value
 - e. Recommended Reasonable Rent
10. The Agency Analyst reviews the five factors listed in the analysis data mentioned above. Based on this review, the Agency Analyst makes the final decision concerning reasonable rent. The Agency Analyst compares the Recommended Reasonable Rent figure with the Unit to be Assisted rent figure. Generally, if the Recommended Reasonable Rent figure is equal to or higher than the Unit to be Assisted rent, the Agency Analyst may determine the requested rent to be reasonable. The Agency Analyst may then select "Yes" on the Report, print it, and secure it in the tenant file. EZ-RRD will automatically fill in the Analyst's name and date of the determination.

Generally, if the Recommended Reasonable Rent figure is less than the Unit to Be Assisted rent, the Agency Analyst may determine the rent is not reasonable. The Agency Analyst may then select "No" on the Report, print it, and secure it in



the tenant file. EZ-RRD will automatically fill in the Analyst's name and date of the determination.

If a Request for a Reasonable Accommodation is made, see Section IV – Compliance with Fair Housing Regulations in this Policy.

Sample Reasonable Rent Determination Report

A sample Reasonable Rent Determination Report is provided below. The Value Point level and the actual value assigned to each characteristic in this sample are also provided.

As needed an optional Reasonable Rent Determination Standard Deviation Adjusted Report showing standard deviation comparisons may be used. This optional report illustrates the results of standard deviation calculations for the characteristics of unit size, unit type, quality, and age if needed.

III. Explanation of Types of Analysis used in the Procedures

The EZ-RRD system uses three basic methods of analysis. They are determining high, medium, and low Rental Market Value Areas, Assigning Value Points to Characteristics, and Standard Deviation calculation.

Determining High, Medium, and Low Rental Market Value Areas

High, medium, and low rental areas, or submarkets within the Agency's jurisdiction, are determined through a process called Value of the Unit's Location. EZ-RRD Analysts perform extensive economic research. This research identifies the value of rental property in all areas of the Agency's jurisdiction. This research entails examining many factors that affect property values and rental values within each submarket. These factors include but are not limited to census tract income levels, percent of population above or below poverty, median family income, renter occupied units, owner occupied units, percent of vacant units, median house age, crime statistics, public transportation, population impaction, community parks and other amenities, hospitals, airports, recreational facilities, waterfront access, recent real estate developments, etc.

These factors are used to evaluate the comparable unit or the unit to be assisted as well as the immediate three to four block area surrounding each comparable unit and unit to be assisted to assign a high, medium, or low rental market value rating to each comparable unit and each unit to be assisted.

The high rental market value area consists of luxury communities in the most favorable locations. These communities are usually newer construction and may have additional community/association amenities such as recreational facilities or be on a waterfront. Individual properties may include state-of-the-art systems, modern appliances, and/or superior quality finishes.

A medium rental market value area is considered an average neighborhood or intermediate community. These areas are slightly less favorable than the luxury areas. These communities may include newer, larger homes and may include quality finishes. These areas may have additional amenities such as a fitness center, swimming pool, and recreational courts. Properties would contain adequate systems and appliances.

The lower rental market value area is a below average neighborhood, ranging from minimal to depleted or impoverished areas. Minimal communities often include older, smaller homes in good condition (that would be considered starter homes if being purchased). They may also include buildings in poor condition that have been abandoned or vandalized. These neighborhoods may have community parks and swimming pools.

Assigning Value Points to Characteristics

The value for each characteristic is based upon the economic research for the Agency's jurisdiction described above. In addition, it is based on several years of rental market research using an enormous, national, unassisted rental market unit sampling. Each

HUD required characteristic was individually analyzed to represent its contribution accurately to the unit's total rental value. The specific values used are proprietary and cannot be disclosed.

For example, the Agency gives the highest weight to location. Higher weights are also given to utilities paid for by the landlord, quality, and unit type. The lowest values are given to maintenance and services.

The value points for each characteristic are added for each unit to become the Total Value Point rating. This rating represents the unit's actual rental value. The Total Value Points for the unit to be assisted are compared with the Average Total Value Points for the three comparable units during the reasonable rent determination process. This process is illustrated on the sample Reasonable Rent Report provided above.

This methodology is also supported by the Housing Choice Voucher Program HUD Guidebook. This Guidebook refers to the Point and Dollars per Feature System.

Standard Deviation Calculations

The EZ-RRD system uses the standard deviation procedure to compare differing characteristics between the unit to be assisted and the comparable units. Standard Deviation uses the value points assigned to each characteristic to calculate the appropriate rent for units having different characteristics. The following examples illustrate how the EZ-RRD system applies the standard deviation calculation.

1. The high-quality characteristic has a value of 16 points. The fair quality characteristic has a value of 13 points, a 19% difference ($16 - 13 = 3$ point difference; $3 \text{ points} \div 16 \text{ points} = 19\%$). If the other characteristics are the same and if the high-quality unit rents for \$1,000, the fair quality unit should rent at \$810.00 or 19% less.
2. The single-family structure type characteristic has a value of 18 points. The garden/walkup structure type characteristic receives 15 points or 17% less. If the other characteristics are the same, and the single-family unit rents for \$1,200.00, the garden/walkup unit should rent for \$996.00, or 17% less.

The above calculation is made for each characteristic with different descriptions during each reasonable rent determination. The results of these standard deviation calculations are presented in the Total Value Points. For example, using the sample Reasonable Rent Determination above, the following Total Value Points and rents were listed:

Average Total Value Points of Comparables:	78
Average Rents of Comparables:	\$738.00
Total Value Points of Assisted Unit:	78
Requested Rent of Assisted Unit	\$925.00



After applying the standard deviation calculations, this system determined that the average comparable units and the unit to be assisted had the same total value. As the requested rent for the unit to be assisted unit is higher than the average of the comparable units, the requested rent is not reasonable.

This method is described in the HUD HCVP Guidebook, pages 9 to 10. It states the Analyst may need to review the database for (a) same number of bedrooms and building type but in a broader geographic location or (b) have the same number of bedrooms, are in the same geographic location, but are in other types of buildings. In addition, the HUD HCVP Guidebook provides the following example:

The proposed program unit is located in geographic Area A, has three bedrooms, and is a garden apartment. The proposed rent is \$1,220.00. There are no other garden apartments in Area A in the database. If there are other garden apartments in Area A, the analyst might try to obtain information about them. However, if there are no other garden apartments in Area A, then the analyst might look at 3 bedroom single family homes in Area A and compare them with information on both garden apartments and single family homes in nearby Area B. The information found (all rents are gross rents) is:		
Unit	Area A	Area B
3-bedroom garden apartment	(None)	\$1,400.00
3 bedroom single family home	\$1,400.00	\$1,600.00
The single family homes in Area B (that are similar to those in the database for Area A) are about 14 percent higher than garden apartments in Area B. If one estimates a rent for a garden apartment in Area A is 14 percent below that of the single family homes in Area A the result is \$1,228.00. Assuming the other factors for comparison are generally equal, this should provide one indication that the proposed rent is comparable.		

IV. Compliance with Fair Housing Regulations

The Agency will ensure the reasonable rent determination process is not utilized to violate anyone's fair housing rights. To accommodate a request for a reasonable accommodation, the Agency recognizes the Fair Housing regulations are more strict than the reasonable rent regulations. Therefore, the fair housing regulations will take precedence.

A participant may make a request for a reasonable accommodation when the EZ-RRD Report shows the rent is not reasonable or when the rent is so high the Participant would pay more than 40% of their monthly adjusted income toward the rent (24 CFR Part 982.508 – Maximum Family Share at Initial Occupancy). The Agency will take reasonable internal and external administrative remedies to grant regulatorily acceptable requests for a reasonable accommodation when said requests are received.

Internal administrative remedies are efforts completely within the Agency's control. As needed, the internal administrative remedies described below will be considered.

As a reasonable accommodation, the Agency may give a higher rating to four of the required reasonable rent characteristics as described below. These higher ratings may result in a higher total value of the unit to be assisted, and thus enables the EZ-RRD software to identify comparable units that may justify a higher rent.

Concerning the location characteristic, the staff should review the definitions for the rental market value area to be sure the most accurate rental market value area is being considered for the unit to be assisted.

Concerning the quality characteristic, the Agency may give a unit with features that address a specific disability an "Excellent" quality rating.

Concerning the amenities characteristic, the actual features that address a disability are considered amenities. The Agency may select the "Handicap Accessible" amenity and add one additional amenity in "Other."

Concerning the landlord provided services characteristic, if the unit has services that aid people with disabilities, such as transportation, extra security, meals and package handling, the Agency can select "Landlord Provided Services."

When the request for a reasonable accommodation concerns the 40% of the Monthly Adjusted Income (MAI) rule, the Agency may consider the internal administrative remedy of using a payment standard of 120% of the Fair Market Rent for the specific unit and participant in question (24 CFR 982.503 b. (1.) (v.)). The Agency does not need HUD approval for this action. The higher payment standard may bring the tenant's rent share to under 40% of MAI thus allowing the Agency to approve the requested rent.



External administrative remedies involve efforts by the Agency and HUD. If the requested gross rent for a unit at initial occupancy exceeds the payment standard, and the tenant would pay more than 40% of their monthly adjusted income for rent, the Agency may request a waiver from HUD for the regulation at 24 CFR Part 982.508 – Maximum Family Share at Initial Occupancy. The waiver request would be to allow the family to pay more than 40% of their monthly adjusted income for rent.

As needed, another external administrative remedy the Agency will consider is to request a waiver from HUD from the regulation at 24 CFR Part 982.507 Rent to Owner's Reasonable Rent. This waiver request would be to approve the rent for the unit in question even though it is not reasonable. (This section subject to change if cited regulations are changed or updated.)

V. Agency Staff Training

As new analysts and new supervisors are appointed, they will undergo training concerning the reasonable rent requirements and the EZ-RRD system. This training will include a review of:

- 24 CFR Section 982.507 Rent to Owner: Reasonable Rent
- 24 CFR Section 985.3 (b) Reasonable Rent
- HUD Housing Choice Voucher Program Guidebook Chapter 9
- Reasonable Rent Policy
- EZ-RRD Procedures

The Analyst performing reasonable rent determinations will demonstrate proficiency for correctly performing the reasonable rent determination.

VI. Agency Interaction with Landlords

Owner/Agent Relations

The owner/agent will be advised by accepting each monthly housing assistant payment he/she will be certifying that:

- The Rent to Owner is not more than rent charged by the owner/agent for comparable unassisted units in the premises.
- The assisted family is currently occupying the unit and the assisted family is not in violation of lease obligations.

Owner/Agency Negotiations

If owners object to the approved rent, they may submit all HUD required comparable data for at least three unassisted units. The data will be confirmed by the Agency and added to the existing comparable units database. The Agency will then run a new determination.

VII. Agency-Owned Units

Local government or independent entities (approved by HUD) must perform rent reasonableness determinations for Agency owned units leased by voucher holders. In these cases, the following arrangements may be made:



- The Authority may pay expenses associated with this service.
- The Authority may use administrative fee income to compensate the independent agencies for their services.
- The family cannot be charged for these services.

VIII. Collection of Unassisted Comparable Units

Data for comparable units may be collected from the following sources:

- Onsite visits
- Real estate, Landlord/real estate investor groups, property managers
- Any publication with real estate ads
- Available Census Reports for the most recent years
- Various Internet sources
- Multiple Listing Service
- Newspaper ads followed by owner/agent interviews
- Owner/agent questionnaires
- Apartment and home rental guides
- Fair Housing groups
- Government sources
- Other method

IX. Calculation of the Recommended Reasonable Rent

The EZ-RRD System automatically calculates the Recommended Reasonable Rent figure and prints that figure on the EZ-Reasonable Rent Determination Report (RRD). The Recommended Rent figure is determined through two automated calculations. First, The Average Rents of Comparables is divided by the Average Value of Comparables to obtain the average dollar value per value point of the comparable units. Second, this average dollar value is multiplied by the unit to be assisted value points to obtain the recommended rent.

The staff person performing the RRD compares the Recommended Reasonable Rent figure with the Unit to be Assisted Rent figure. If the recommended rent is equal or higher than the unit to be assisted rent, the requested rent is reasonable. The staff person marks "YES" on the RRD.

If the Recommended Rent is lower than the Unit to be Assisted rent, the request rent is not reasonable. The staff checks "NO" on the RRD and follows the process for unreasonable rent requests.

Item No. 8.6. The Vistas.

The Executive Summary forwarded to the Board states that the Vistas at South Pantops (Vistas) is a proposed 144-unit garden-style apartment community to be built on parcel TMP 07800-00-00-02000 on South Pantops Drive in Albemarle County. The proposal is a by-right development which has an approved preliminary site plan. Staff is working on the final site plan. The property is not located in a revitalization area as defined by Virginia Code § 36-55.30:2(A).

Management Service Corporation is the developer for The Vistas which will be owned by a Virginia limited liability company (LLC) to be formed and which will be managed by Douglas E. Caton. An application is pending for a Virginia Housing Development Authority (VHDA) mixed-income financing for the Workforce 20/80 program. This program requires that 20% of the units to be reserved for households earning not more than 80% of the area median income. The Vistas would add twenty-nine (29) affordable units to the County's housing stock.

Albemarle County's HUD median income for 2018 is \$89,600. Prior to loan commitment, Virginia Code § 36- 55.30:2(B) requires that the governing body adopt a resolution indicating that the Board has determined that including market-rate units in the development would enhance the LLC's ability to provide affordable units and that "private enterprise and investment are not reasonably expected, without assistance, to produce ... decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the area of the project" and that such a development would create a desirable mix of residents in the area. Attachment A is a letter from Mr. Trey Steigman from Management Services Corporation requesting these determinations.

As a by-right development, the Vistas would not be subject to the County's Affordable Housing Policy which has a goal of at least 15% of new affordable housing units be included in new developments. In fact, the 20% requirement for the mixed-income financing program exceeds expectations set forth in the County's policy.

There is no budget impact associated with actions related to this executive summary.

Staff recommends that the Board adopt the attached resolution (Attachment B) making the determinations requested by the Management Services Corporation regarding the proposed project known as the Vistas at South Pantops.

By the above-recorded vote, the Board adopted the following resolution making the determinations required by Virginia Code Section 36-55.30:2.B in order for the Virginia Housing Development Authority to finance the proposed project known as the Vistas at South Pantops:

RESOLUTION

WHEREAS, the Board of Supervisors of the County of Albemarle, Virginia desires to make the determination required by Virginia Code Section 36-55.30:2.B in order for the Virginia Housing Development Authority to finance the economically mixed project (the "Project") described as:

**The Vistas at South Pantops
South Pantops Drive, Charlottesville, Virginia 22911
TMP 07800-00-00-02000
A residential community consisting of 144 units garden-style apartments; and**

WHEREAS, the Project is a by-right development with an approved initial site plan.

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

- (1) the ability to provide residential housing and supporting facilities that serve persons or families of lower or moderate income will be enhanced if a portion of the units in the Project are occupied or held available for occupancy by persons and families who are not of low and moderate income; and
- (2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the surrounding area of the Project and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

Item No. 8.7. Appointment of Replacement Assistant Fire Marshal.

The Executive Summary forwarded to the Board states that Albemarle County Code § 6-111 establishes the Office of the Fire Marshal pursuant to Virginia Code § 27-30 and allows for the appointment of Assistant Fire Marshals pursuant to Virginia Code § 27-36. Albemarle County Code § 6-111 further provides that the Fire Marshal and/or Assistant Fire Marshals shall be authorized to exercise all of the powers authorized by Title 27 of the Virginia Code and the Virginia Statewide Fire Code, which includes the authority to be appointed with police powers as authorized by Virginia Code § 27-34.2:1.

The Fire Rescue Department's budget allocates five FTE positions in the Office of the Fire Marshal. Senior Firefighter Titus Castens was transferred into the Office of the Fire Marshal to fill a position that was vacated by the resignation of Captain Robert Gilmer. Captain Gilmer resigned to accept the position of Battalion Chief in charge of the Fire Marshal's Office in the City of Manassas Park, Virginia. Senior Firefighter Titus Castens has successfully completed all the mandated training to fulfill the role of Assistant Fire Marshal with police powers.

The appointment of Senior Firefighter Titus Castens as an Assistant Fire Marshal with police powers is necessary for the efficient operation of the Albemarle County Fire Rescue, Office of the Fire Marshal. Adoption of the attached resolution (Attachments A) to appoint Senior Firefighter Titus Castens as an Assistant Fire Marshal with police powers authorizes him to fulfill all the necessary duties of the Office of the Fire Marshal and to exercise the same powers as a sheriff, police officer or other law enforcement officer as provided for in Title 27 of the Virginia Code and the Virginia Statewide Fire Code.

There is no additional budgetary impact.

Staff recommends that the Board adopt the attached resolution (Attachments A) appointing Senior Firefighter

By the above-recorded vote, the Board adopted the following resolution appointing Senior Firefighter Titus Castens as an Assistant Fire Marshal with police powers:

**RESOLUTION TO APPOINT TITUS CASTENS
AS AN ASSISTANT FIRE MARSHAL WITH POLICE POWERS**

WHEREAS, Virginia Code § 27-30 provides that the governing body of a county may appoint a fire marshal and Albemarle County Code § 6-111 establishes the Office of the Fire Marshal; and

WHEREAS, Albemarle County Code §§ 6-111, 6-200 and 6-201 recognize the Fire Marshal as Albemarle County's Fire Official for the duties and responsibilities as established by Title 27 of the Virginia Code, the Virginia Statewide Fire Code, and the Albemarle County Code; and

WHEREAS, Virginia Code § 27-34.2:1 provides that the governing body of a county may authorize the fire marshal to have the same police powers as a sheriff, police officer, or law-enforcement officers upon completion of the training discussed in such section; and

WHEREAS, Virginia Code § 27-36 provides that the governing body of a county may appoint one or more assistants, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal; and

WHEREAS, the appointment of Titus Castens as an Assistant Fire Marshal with police powers will promote the efficient and effective operation of the Albemarle County Department of Fire and Rescue.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby appoints Titus Castens as an Assistant Fire Marshal with full police powers of the Fire Marshal as authorized in Virginia Code §§ 27-34:2:1 and 27-36 and Albemarle County Code § 6-111.

Item No. 8.8. Resolution of Support for U.S. Department of Transportation Grant.

The Executive Summary forwarded to the Board states that in December 2018, the County entered into a partnership with Perrone Robotics and JAUNT to pilot test an autonomous neighborhood electric vehicle (NEV) in the Crozet area. The County contributed \$238,000 for this economic and community development project via the County's Economic Development Authority. This partnership was code-named Project Knight Rider.

Shortly after the announcement of the partnership, the project garnered interest from both the private and public sectors. The University of Virginia (UVA.) expressed an interest in conducting research on aspects of the pilot and subsequently joined the project. The project team, consisting of representatives from the County, Perrone Robotics, JAUNT, and UVA., has been meeting regularly in preparation for a March launch date. Recently, the team met with Cathy McGhee of the VDOT Office of Innovation and VDOT's Research Council to determine their interest in the project.

Following the meeting with Cathy McGhee, the project team determined this project may qualify for a U.S. Department of Transportation (DOT) Automated Driving System (ADS) Demonstration Grant. Up to \$60,000,000 in federal grant funding is available to eligible entities for demonstration projects that test the safe integration of automated driving systems. These grants aim to gather significant safety data to inform rulemaking and foster collaboration among state and local governments, universities, and private partners; and test the safe integration of ADS on the nation's transportation infrastructure. Grant applications are due on March 21, 2019. Awardees will be announced in Spring 2019.

The University of Virginia agreed to serve as the lead applicant for a \$10,000,000 ADS grant, in partnership with the County, JAUNT, and Perrone to expand this project. Although there is expected to be a small direct benefit, the County has standing on the project team and will receive a significant indirect benefit.

The receipt of this grant will expand the original scope of the Project Knight Rider. It will also delay or perhaps obviate the need for the creation of a lawful entity to oversee the project. Staff is requesting a Resolution of Support for the application for this U.S. DOT ADS Demonstration Grant.

No additional cash expenditure is expected. An award would provide \$10,000,000 of additional resources to the partnership and increase the time County staff members (and adjuncts) are directly engaged in this pilot. With the expanded scope, County staff requested the cost of labor for the expansion be recouped through the grant in the amount of \$238,784.

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

By the above-recorded vote, the Board adopted the following Resolution of Support for U.S. Department of Transportation grant to expand autonomous vehicle testing associated with Project Knight Rider:

**RESOLUTION TO SUPPORT A
U.S. DOT GRANT FOR AUTOMATED DRIVING SYSEMS DEMONSTRATION**

WHEREAS, the Board finds it is in the best interest of the County to support a \$10,000,000 application for a U.S. DOT Automated Driving System (ADS) Demonstration Grant by the University of Virginia. The purpose of this grant is to expand the Autonomous Vehicle Pilot in Crozet to a larger geography and gather significant safety data to inform rulemaking, foster collaboration amongst state and local governments and private partners; and test the safe integration of ADS on neighboring roads.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the University of Virginia's application for a \$10,000,000 U.S. DOT ADS Demonstration Grant to be used for the described purposes.

Item No. 8.9. Virginia Department of Agriculture and Consumer Services Grant for Easement.

The Executive Summary forwarded to the Board states that for FY19, the Virginia Department of Agriculture and Consumer Services ("VDACS") Office of Farmland Preservation has awarded a \$111,619 farmland preservation grant to the County under a program established by the 2007 General Assembly to provide funds for the preservation of working farms and forest lands. Albemarle County is one of only six localities in the State to receive the full matching grant requested this year.

Through the years, the County has received numerous grants under this program:

- \$61,600 in 2018
- \$86,950 in 2017
- \$411,890 in 2016
- \$286,883 in 2015
- \$149,678 in 2014
- \$160,716 in 2013
- \$110,952 in 2012
- \$55,290 in 2011
- \$93,932 in 2010
- \$49,900 in 2009
- \$403,220 in 2008

VDACS has requested that the County enter an Intergovernmental Agreement (the "IGA") (Attachment A) as a condition of receiving this grant. While the County has yet to identify the specific easement(s) to which it would apply these funds, it intends to apply them toward the acquisition of the next qualifying easement(s). This grant will remain available to (partially) reimburse any qualifying purchase for up to two years from the date of the IGA. As in past years, the key provisions of the IGA are as follows:

1. The IGA would obligate VDACS to set aside the grant amount in a restricted account and reimburse the County for its eligible costs for the purchase of conservation easement(s). The County's funds would be restricted exclusively for the County's qualifying costs for a period of up to two years.
2. The IGA also would restrict conversion or diversion of a subject property from open-space use, unless the conversion or diversion satisfied the requirements of the Open Space Land Act. Conversion or diversion of land is permitted under the Open-Space Land Act in limited circumstances upon the concurrence of the County and the Albemarle County Easement Authority and upon the placement of substitute land of equal or greater value and quality under an open-space easement. The Agreement would entitle VDACS to reimbursement of its pro rata share of the market value of the easement if conversion or diversion ever occurred.
3. In exchange for the state's grant commitment, the IGA would obligate the County to:
 - appropriate matching funds equal to the grant amount for the purchase of a subject easement,
 - apply the grant funds to the purchase of the easement,
 - provide VDACS with annual progress reports (while the grant Agreement is in force) describing the County's efforts to obtain easements on other working farms, and its programs for public outreach, stewardship and monitoring, and measuring the effectiveness of the County's efforts to bring working farms under easement,
 - maintain sufficient title insurance for the subject easement(s), which is already a standard County practice, and allow VDACS the opportunity to review easement instruments and the title insurance policy prior to closing,
 - receive copies of the recorded easement instrument after closing,
 - provide notice to VDACS if the County receives an application to convert or divert a subject easement from its permitted easement uses, and
 - enforce the terms and conditions of the deed of easement.

Staff has reviewed the terms of the proposed IGA between VDACS and the County and recommends their acceptance.

In addition, VDACS provided a Pre-award Notification (Attachment B) to the County, which allows the recordation of an ACE easement after October 30, 2017 but before the full execution of the FY19 IGA to be reimbursable under the terms of the FY19 IGA, provided that: 1) any easement recorded during that time- frame must conform to the requirements and procedures outlined in the FY19 IGA; 2) any approved reimbursement will not be paid to the County until after the FY19 IGA is fully executed; and 3) VDACS is under no obligation to reimburse the County should the recorded easement not meet the requirements set forth in the FY19 IGA or should VDACS' matching funds to the County be reprogrammed, reduced, or eliminated prior to the full execution of the FY19 IGA. Staff has reviewed the terms of the Pre-award Notification and finds its terms acceptable.

The County's execution of the FY19 IGA would allow the County to receive \$111,619 in State funding to apply to the ACE program. In order for the County to receive these funds, it must appropriate at

least \$111,619 in matching funds. That local match is available through funds previously appropriated for ACE by the Board in FY19.

Staff recommends that the Board adopt the attached Resolution (Attachment D) both: a) approving the FY 19 Agreement between the County and VDACS, as well as the Addendum extending the prior year's Agreement and the Pre-Award Notification, and b) authorizing the County Executive to execute those three documents on behalf of the County.

By the above-recorded vote, the Board adopted the following Resolution to approve the FY 19 Agreement between the County and VDACS, as well as the addendum extending the prior year's Agreement and the Pre-Award Notification, and authorized the County Executive to execute those three documents on behalf of the County:

**RESOLUTION TO APPROVE THE FY19 AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND
THE COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

WHEREAS, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia Department of Agriculture and Consumer Services as a condition of receiving a FY 19 grant award for the preservation of working farms and forest lands through the ACE Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 19 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Agriculture and Consumer Services, as well as the Addendum extending the prior year's Agreement and the Pre-Award Notification, and authorizes the County Executive to execute the FY 19 Agreement, the Addendum, and the Pre-Award Notification, on behalf of the County after approval as to form and substance by the County Attorney.

INTERGOVERNMENTAL AGREEMENT
Between
Virginia Department of Agriculture and Consumer Services
and
Albemarle County

This INTERGOVERNMENTAL AGREEMENT is entered into this 31st day of December, 2018, in the City of Richmond, Virginia, between the Virginia Department of Agriculture and Consumer Services ("VDACS") and Albemarle County (collectively, "the Parties") to provide mutually advantageous terms for cooperation between VDACS and Albemarle County to implement VDACS' contribution of funds in support of Albemarle County's purchase of agricultural conservation easements.

WHEREAS, the General Assembly, by Chapter 2 of the 2018 Special Session 1 Acts of Assembly, appropriated \$250,000.00 in the fiscal year ending June 30, 2019, to VDACS for the continuation of a state fund to match local government purchase of development rights program funds for the preservation of working farms and forest lands; and,

WHEREAS, § 3.2-201 of the Code of Virginia authorizes VDACS' Office of Farmland Preservation to develop methods and sources of revenue for allocating funds to localities to purchase agricultural conservation easements, and to distribute these funds to localities under policies, procedures, and guidelines developed by VDACS' Office of Farmland Preservation; and,

WHEREAS, for all purposes of this INTERGOVERNMENTAL AGREEMENT, the term "agricultural conservation easement" shall mean a negative easement in gross that has the primary conservation purpose of preserving working farm and/or forest land; and,

WHEREAS, the Albemarle County Board of Supervisors has enacted an ordinance or passed a resolution that: authorizes, in accordance with Title 10.1, Chapter 17 of the Code of Virginia ("the Open-Space Land Act") and other applicable law, Albemarle County to purchase agricultural conservation easements from landowners (each hereinafter called "Grantor"); sets forth a clear, consistent, and equitable administrative process governing such purchases; and outlines the goals and purposes of Albemarle County's farmland preservation program; and,

WHEREAS, Albemarle County has agreed to maintain a public outreach program designed to educate various stakeholders in Albemarle County—including farmers, landowners, public officials, and the non-farming public—about Albemarle County's initiatives to preserve working farms and forest lands; and,

WHEREAS, Albemarle County has agreed to establish a transparent and replicable process for valuation of agricultural conservation easements; and,

WHEREAS, the purchase of agricultural conservation easements is one component of Albemarle County's broader farmland preservation program; and,

WHEREAS, Albemarle County has agreed to use a deed of easement that is sufficiently flexible to allow for future agricultural production in purchases of agricultural conservation easements for which Albemarle County uses funds contributed to it by VDACS; and,

WHEREAS, Albemarle County has agreed that any agricultural conservation easement purchased as per the terms of this INTERGOVERNMENTAL AGREEMENT shall meet the definition of "real estate devoted to agricultural use", "real estate devoted to horticultural use" or "real estate devoted to forest use" as established in § 58.1-3230 of the Code of Virginia; and,

WHEREAS, Albemarle County has agreed to establish a clear strategy for monitoring and enforcing the terms of the agricultural conservation easements that Albemarle County purchases; and,

WHEREAS, Albemarle County has agreed to establish a process that Albemarle County will use to evaluate the effectiveness of its farmland preservation program, including a protocol for making changes to Albemarle County's agricultural conservation efforts based on such evaluations; and,

WHEREAS, VDACS, in reliance on the veracity of the foregoing recitals, certifies Albemarle County is eligible to receive contributions of funds from VDACS in reimbursement for certain costs Albemarle County actually incurs in the course of purchasing agricultural conservation easements; and,

WHEREAS, Albemarle County, and the agents and employees of Albemarle County, in the performance of this INTERGOVERNMENTAL AGREEMENT, are acting on behalf of Albemarle County, and not as officers or employees or agents of the Commonwealth of Virginia;

NOW, THEREFORE, VDACS and Albemarle County agree their respective responsibilities, pursuant to this INTERGOVERNMENTAL AGREEMENT, shall be defined as follows:

1. VDACS Responsibilities

- a. VDACS shall, within thirty (30) days of the date of execution of this INTERGOVERNMENTAL AGREEMENT, restrict \$111,618.52 (hereinafter "the Allocation Amount") in an account, from which VDACS shall withdraw funds only to pay contributions of funds that Albemarle County is eligible to receive pursuant to this INTERGOVERNMENTAL AGREEMENT, except that upon the expiration of two (2) years from the date of this INTERGOVERNMENTAL AGREEMENT, or immediately upon Albemarle County's failure to perform any of its obligations under the terms of this INTERGOVERNMENTAL AGREEMENT, VDACS shall have the right to withdraw any funds then remaining in such account and the right to redirect those funds to other localities that VDACS certifies as being eligible to receive matching funds and that enter into an intergovernmental agreement with VDACS to govern the distribution of matching funds for the purchase of agricultural conservation easements. The allocation amount from this and any prior INTERGOVERNMENTAL AGREEMENT shall not be considered to be a grant as that term is used in paragraph 1(b) of this INTERGOVERNMENTAL AGREEMENT.
- b. Upon Albemarle County or any agent acting on behalf of Albemarle County's recordation of a deed evidencing Albemarle County's purchase of an agricultural conservation easement in the circuit court of the city or county where the Grantor's land is located and Albemarle County's submission to VDACS of a completed claim for reimbursement, on a form prescribed by VDACS, together with the supporting documentation required under paragraph 2(e) of this INTERGOVERNMENTAL AGREEMENT, VDACS shall reimburse Albemarle County fifty percent (50%) of the reimbursable costs that Albemarle County actually incurred in the course of purchasing that agricultural conservation easement, limited to that portion of the allocation amount remaining in the account maintained by VDACS pursuant to paragraph 1(a) of this INTERGOVERNMENTAL AGREEMENT. The following shall not be considered to be reimbursable costs that Albemarle County actually incurred and shall be subtracted from the total amount of reimbursable costs considered for reimbursement by VDACS in connection with any particular agricultural conservation easement transaction: grants made by the United States of America, the Virginia Department of Agriculture and Consumer Services (VDACS), the Virginia Department of Conservation and Recreation (DCR), the Virginia Outdoors Foundation (VOF), or any other governmental agency or political subdivision of the Commonwealth of Virginia; payments made by any other funding sources

either directly to the landowner or to reimburse Albemarle County; or in-kind donations or contributions. VDACS may make alternative arrangements for the distribution of funds pursuant to this INTERGOVERNMENTAL AGREEMENT, provided Albemarle County presents a written request for such alternative arrangement to the Commissioner of VDACS or the Commissioner of VDACS's designated agent (referred collectively hereinafter as "the Grant Manager") prior to incurring any expense for which Albemarle County seeks a distribution of funds under the proposed alternative arrangement.

For purposes of this INTERGOVERNMENTAL AGREEMENT, "reimbursable costs" include:

1. The purchase price of the agricultural conservation easement actually incurred by Albemarle County, at present value, including any portion that Albemarle County will pay over time pursuant to an installment purchase agreement;
 2. The cost of title insurance actually incurred by Albemarle County;
 3. The cost actually incurred by Albemarle County of any appraisal of the land by a licensed real estate appraiser upon which Albemarle County purchases an agricultural conservation easement;
 4. The cost actually incurred by Albemarle County of any survey of the physical boundaries of the land by a licensed land surveyor upon which Albemarle County purchases an agricultural conservation easement, including the cost of producing a baseline report of the conditions existing on the land at the time of the conveyance of the agricultural conservation easement;
 5. Reasonable attorney fees actually incurred by Albemarle County associated with the purchase of an agricultural conservation easement, where reasonable attorney fees include those fees associated with outside counsel required for the completion of the easement, but do not include fees related to county or city attorneys serving as staff and who are paid regular salary in the county's or city's employ;
 6. The cost actually incurred by Albemarle County of issuing public hearing notices associated with Albemarle County's purchase of an agricultural conservation easement that Albemarle County is required by law to issue; and
 7. Any recordation fees actually incurred by Albemarle County that Albemarle County is required to pay pursuant to the laws of the Commonwealth of Virginia.
- c. VDACS shall only be responsible for reimbursing Albemarle County under paragraph 1(b) of this INTERGOVERNMENTAL AGREEMENT for reimbursable costs that Albemarle County actually incurs in the course of purchasing an agricultural conservation easement when Albemarle County or any agent acting on behalf of Albemarle County acquires, by such purchase, a deed of easement that, at a minimum, provides:
1. The primary conservation purpose of the easement conveyed by the deed of easement is the conservation of the land in perpetuity for working farm and/or forestal uses.
 2. The Grantor and Albemarle County agree that the land subject to the agricultural conservation easement shall not be converted or diverted, as the Open-Space Land Act employs those terms, until and unless the Grant Manager, with the concurrence of Albemarle County or an assignee of Albemarle County's interest in the agricultural

conservation easement, certifies that such conversion or diversion satisfies the requirements of the Open-Space Land Act.

3. The Grantor and Albemarle County agree that, in the event of an extinguishment of the restrictions of the agricultural conservation easement that results in the receipt of monetary proceeds by Albemarle County or an assignee of Albemarle County's interest in an agricultural conservation easement in compensation for the loss of such property interest, VDACS shall be entitled to a share of those proceeds proportional to VDACS' contribution toward the total reimbursable cost of acquiring the agricultural conservation easement as evidenced by the completed claim for reimbursement required under paragraph 1(b) of this INTERGOVERNMENTAL AGREEMENT.
4. If the Grantor conveys the agricultural conservation easement for less than its fair market value, the Grantor and Albemarle County mutually acknowledge that approval of the terms of this Deed of Easement by VDACS and/or its legal counsel does not constitute a warranty or other representation as to the Grantor's qualification for any exemption, deduction, or credit against the Grantor's liability for the payment of any taxes under any provision of federal or state law.
5. All mortgagors and other holders of liens on the property subject to the restrictions contained in the deed of easement have subordinated their respective liens to the restrictions of the deed of easement acquired by Albemarle County. All such mortgagors and other holders of liens shall manifest their assent to the easement's priority over their respective liens by endorsing the deed of easement.
6. A baseline report documenting the conditions existing on the land at the time of the conveyance of the agricultural conservation easement is incorporated into the deed of easement by reference.

2. Albemarle County Responsibilities

- a. Albemarle County shall, within thirty (30) days of the date of execution of this INTERGOVERNMENTAL AGREEMENT, have available local funds greater than or equal to the allocation amount for the purpose of purchasing agricultural conservation easements.
- b. Albemarle County shall use matching funds that VDACS contributes to Albemarle County, pursuant to this INTERGOVERNMENTAL AGREEMENT, only for the purpose of purchasing agricultural conservation easements that are perpetual and that have the primary conservation purpose of preserving working farm and/or forest lands.
- c. Within one (1) year from the date of this INTERGOVERNMENTAL AGREEMENT, and for each subsequent year in which the INTERGOVERNMENTAL AGREEMENT or a subsequent agreement is in force, Albemarle County shall submit to VDACS a progress report that:
 1. describes any properties that Albemarle County has identified as prospects for Albemarle County's purchase of agricultural conservation easements and the status of any negotiations for the purchase of such agricultural conservation easements;
 2. estimates the timeframes within which Albemarle County will execute contracts for any such purchases, close on such purchases, and request reimbursement of reimbursable costs for those purchases from VDACS;

3. describes the measures Albemarle County has undertaken to develop and/or maintain a public outreach program designed to educate various stakeholders in Albemarle County's community—including farmers, landowners, public officials, and the non-farming public—about Albemarle County's agricultural conservation easement program and other initiatives to preserve working agricultural land;
 4. describes the measures Albemarle County has undertaken to develop and/or maintain a formal plan for stewardship and monitoring of the working agricultural land on which Albemarle County acquires agricultural conservation easements; and
 5. describes the measures Albemarle County has undertaken to develop and/or maintain a process that Albemarle County will use to evaluate the effectiveness of its program, including a protocol for making changes to Albemarle County's agricultural conservation efforts based on such evaluations.
- d. For any purchase of agricultural conservation easements for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall obtain a policy of title insurance on its purchased interest that covers at least an amount equal to the amount for which Albemarle County requests reimbursement from VDACS.
- e. Prior to closing on a purchase of an agricultural conservation easement for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall submit, for review and approval by VDACS and its legal counsel, the following documentation:
1. a written agreement setting forth, in the manner prescribed by Albemarle County's ordinance or resolution governing its program to acquire agricultural conservation easements, the terms of Albemarle County's purchase of the agricultural conservation easement, including the purchase price;
 2. a written confirmation from the Albemarle County Commissioner of Revenue or Director of Finance, or the Albemarle County Commissioner of Revenue's or Director of Finance's designated agent that the property/properties to be encumbered by the agricultural conservation easement meet the definition of "real estate devoted to agricultural use", "real estate devoted to horticultural use" or "real estate devoted to forest use" as established in § 58.1-3230 of the Code of Virginia;
 3. a written description of the agricultural, environmental and social characteristics of the property/properties to be encumbered by the agricultural conservation easement;
 4. any installment purchase agreement;
 5. the deed of easement that the Grantor will deliver to Albemarle County at closing, including all exhibits, attachments, and/or addenda;
 6. a title insurance commitment for a policy to insure the easement interest under contract indicating an amount of coverage at least equal to the amount of funds for which Albemarle County requests reimbursement from VDACS; and

7. an itemized list of all reimbursable costs that Albemarle County has or will, up to the time of closing, incur in the course of purchasing the agricultural conservation easement.

Albemarle County shall make whatever changes to the proposed deed of easement and/or the installment purchase agreement, where applicable, that VDACS and/or its legal counsel deem necessary to ensure compliance with applicable state law and the requirements and purposes of this INTERGOVERNMENTAL AGREEMENT. If Albemarle County closes on any purchases of easement prior to the review and acceptance of VDACS or its legal counsel, VDACS may withhold part or all of the allotment amount until VDACS approves of the deed of easement.

Albemarle County may fulfill its obligation under this paragraph by submitting accurate and complete copies of all documents enumerated in this paragraph, provided that Albemarle County shall deliver or make available the original documents to VDACS for review at VDACS' request.

- f. Together with any claim for reimbursement pursuant to this INTERGOVERNMENTAL AGREEMENT that Albemarle County submits to VDACS, Albemarle County shall also submit the following supporting documentation:
 1. a copy of the recorded deed of easement that VDACS and/or its legal counsel approved prior to closing, showing the locality, deed book, and page of recordation, and including all exhibits, attachments, and/or addenda,
 2. copies of invoices, bills of sale, and cancelled checks evidencing Albemarle County's incursion of reimbursable costs in the course of purchasing the agricultural conservation easement;
 3. a copy of any executed installment purchase agreement related to the purchase, which shall indicate the purchase price; and
 4. a copy of any deed of trust related to the purchase.
- g. Albemarle County shall provide the Grant Manager immediate written notice of Albemarle County's receipt of any application or proposal for the conversion or diversion of the use of any land upon which Albemarle County or its assignee, where applicable, holds an agricultural conservation easement, for the purchase of which VDACS contributed funds pursuant to this INTERGOVERNMENTAL AGREEMENT.
- h. Albemarle County, or any assignee of Albemarle County's interest in an agricultural conservation easement for which Albemarle County receives a contribution from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT shall at all times enforce the terms of that easement. Albemarle County shall provide the Grant Manager immediate written notice of any actions, whether at law, in equity, or otherwise, taken by locality to enforce the terms of the easement or to abate, prevent, or enjoin any violation thereof by any Party. Any failure by Albemarle County or such assignee to perform its enforcement responsibility shall constitute a breach of this INTERGOVERNMENTAL AGREEMENT, for which VDACS shall have a remedy by way of a civil action for specific performance of that enforcement responsibility; or, VDACS shall have the right and authority, at its option, to demand and receive from Albemarle County a portion of the full market value of the agricultural conservation easement at the time of the breach in proportion to VDACS' contribution toward the total reimbursable cost of acquiring the agricultural conservation easement as evidenced by the completed claim for reimbursement required under paragraph 1(b) of this INTERGOVERNMENTAL AGREEMENT.

- i. For any purchase of an agricultural conservation easement for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall derive its valuation of the agricultural conservation easement according to the valuation methods prescribed by ordinance or resolution.

3. Merger and Superseding of Prior Agreement

The Parties agree that terms of any INTERGOVERNMENTAL AGREEMENT previously entered into between the Parties to govern VDACS' distribution of funds to Albemarle County in support of Albemarle County's purchase of agricultural conservation easements shall be merged into the instant INTERGOVERNMENTAL AGREEMENT, the latter of which shall supersede all former INTERGOVERNMENTAL AGREEMENTS to the extent that there are any inconsistencies between the terms of these INTERGOVERNMENTAL AGREEMENTS. Notwithstanding the language of this paragraph, VDACS shall be required to restrict the allocation amount(s) provided in paragraph 1(a) of any prior agreement(s) in addition to the current allocation amount, but shall only be required to restrict any prior allocation amount(s) until the expiration of two (2) years from the date of execution of the prior agreement(s).

4. Recertification

This INTERGOVERNMENTAL AGREEMENT pertains exclusively to VDACS' contribution of funds that the General Assembly has appropriated to VDACS through the fiscal year ending June 30, 2019. VDACS shall not contribute other funds in the future to Albemarle County except upon VDACS' recertification of Albemarle County's eligibility to receive such funds. VDACS may establish and communicate to Albemarle County certain benchmarks of program development that VDACS will impose upon Albemarle County as preconditions to Albemarle County's recertification for future contributions.

5. Governing Law

This INTERGOVERNMENTAL AGREEMENT is governed by and shall be interpreted in accordance with the laws of the Commonwealth of Virginia. In all actions undertaken pursuant to this INTERGOVERNMENTAL AGREEMENT, preferred venue shall be in the City of Richmond, Virginia, at the option of VDACS.

6. Assignment

Albemarle County shall not assign this INTERGOVERNMENTAL AGREEMENT, either in whole or in part, or any interest in an agricultural conservation easement for the purchase of which VDACS contributes funds pursuant to this INTERGOVERNMENTAL AGREEMENT, without the prior, written approval of the Grant Manager.

7. Modifications

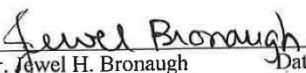
The Parties shall not amend this INTERGOVERNMENTAL AGREEMENT, except by their mutual, written consent.

8. Severability

In the event that any provision of this INTERGOVERNMENTAL AGREEMENT is unenforceable or held to be unenforceable, then the Parties agree that all other provisions of this INTERGOVERNMENTAL AGREEMENT have force and effect and shall not be affected thereby.

In witness, whereof, the Parties hereto have executed this INTERGOVERNMENTAL AGREEMENT as of the day and year first written above.

(The rest of this page is intentionally left blank. Signatures manifesting the Parties' mutual assent to the terms contained in this INTERGOVERNMENTAL AGREEMENT appear on the next page.)

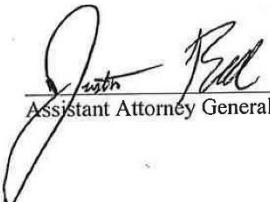

Dr. Jewel H. Branaugh
Commissioner
Virginia Department of Agriculture and
Consumer Services

1/3/19
Date


County Administrator

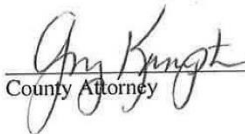
3/8/19
Date

APPROVED AS TO FORM ONLY:


Assistant Attorney General

12/21/18
Date

APPROVED AS TO FORM ONLY:


County Attorney

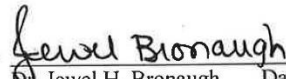
02/07/19
Date

**ADDENDUM A
TO
INTERGOVERNMENTAL AGREEMENT**
Between
Virginia Department of Agriculture and Consumer Services
and
Albemarle County

1. Notwithstanding any provision in this INTERGOVERNMENTAL AGREEMENT, any unused allocation amount provided in paragraph 1(a) of the agreement entered into on December 31, 2016, remaining as of December 31, 2018, shall be restricted by VDACS until June 30, 2019, from which VDACS shall withdraw funds only to pay contributions of funds that Albemarle County is eligible to receive pursuant to this INTERGOVERNMENTAL AGREEMENT, and only if the approved agricultural conservation easement to be submitted as part of the claim for reimbursement pursuant to this INTERGOVERNMENTAL AGREEMENT is recorded no later than May 31, 2019.
2. This Addendum has no effect on any provision of this INTERGOVERNMENTAL AGREEMENT other than those provisions setting forth the date until which VDACS is required to restrict any unused allocation amounts provided in paragraph 1(a) of the prior agreement(s).

This Addendum to the INTERGOVERNMENTAL AGREEMENT is effective as of the date when all four (4) signatures solicited below are affixed here to.

By signing this Addendum, the Parties are agreeing to its terms:



Jewel H. Bronaugh 1/3/19

Date
Commissioner
Virginia Department of Agriculture &
Consumer Services


County Administrator 3/8/19


Date

APPROVED AS TO FORM ONLY:


Assistant Attorney General 12/3/18

Date

APPROVED AS TO FORM ONLY:


County Attorney 03/07/19

Date

Item No. 8.10. North Garden Lane Rural Rustic Road Designation.

The Executive Summary forwarded to the Board states that route 712, North Garden Lane, is scheduled to be paved in FY 2019 under the Rural Rustic Road paving program. This paving project was previously prioritized by the Board and approved in the most recent Secondary-Six Year Improvement Plan (SSYIP). The Virginia Department of Transportation (VDOT) requires that the governing body of the jurisdiction within which a road proposed for paving under the Rural Rustic Road program is located adopt a Resolution designating that road as a Rural Rustic Road.

Each spring the Board approves the SSYIP, which includes funds dedicated to paving unpaved roads in the County under the Rural Rustic Road (RRR) Program. The RRR Program is VDOT's preferred approach to paving low-volume roads. The goal of the program is to keep traditional rural lane ambience, while improving the road surface within the current right-of-way. In FY 2020 Albemarle County expects to receive approximately \$550,000 in funds toward paving unpaved state-maintained roads, which includes the funds to pave North Garden Lane (Route 712) from Plank Road (Route 692) to Monacan Trail (Route 29).

The process for identifying and prioritizing RRR paving projects in Albemarle begins with an evaluation of submitted paving requests to identify the eligibility and need. The Board then approves the prioritized list of projects and the SSYIP that reflects those priorities. Within one year before paving the road, adjacent landowners are notified and given an opportunity to comment. Following that comment period, the Board is presented with a Resolution designating the road a RRR.

Property owner notifications went out in early January 2019 for this project requesting comments back by late February 2019. Two property owners responded in support of the project because of numerous pot holes that developed along North Garden Lane. VDOT supports paving the road to reduce maintenance costs.

North Garden Lane serves Southern Hills Subdivision and is located in an area of the County designated by the Comprehensive Plan and zoned as both Rural Areas and Village Residential. The most current Average Annual Daily Traffic (AADT) from 2012 for this road was 290 vehicles per day and is

unlikely to increase because of the Rural Areas designation and because Southern Hills is an older, fully developed subdivision.

Adoption of this Resolution will have no impact on the County budget. This authorizes VDOT to expend state funds on a project to which the Board has previously recommended state funds be allocated through the SSYIP.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to designate Route 712, North Garden Lane, as a Rural Rustic Road.

By the above-recorded vote, the Board adopted the following Resolution to designate Route 712, North Garden Lane, as a Rural Rustic Road:

**RESOLUTION TO DESIGNATE ROUTE 712,
NORTH GARDEN LANE, AS A RURAL RUSTIC ROAD**

WHEREAS, Virginia Code § 33.2-332 permits the hard-surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and carry no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to consider whether Route 712, North Garden Lane, from Route 692, Plank Road, to Route 29, Monacan Trail, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of any pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates Route 712, North Garden Lane, from Route 692, Plank Road, to Route 29, Monacan Trail, a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

BE IT FURTHER RESOLVED, that the Board requests that Route 712, North Garden Lane, from Route 692, Plank Road, to Route 29, Monacan Trail, be hard-surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Resident Engineer.

Item No. 8.11. Resolution of Intent for Rio29 Form Based Code.

The Executive Summary forwarded to the Board states that the Rio29 Small Area Plan was adopted by the Board on December 12, 2018. The Plan establishes a vision for the Rio29 area that calls for improving multi-modal connectivity, creating a vibrant mixed-use community, and enhancing the area through conservation and public amenities. The Implementation Chapter of the Plan includes a recommendation to implement form based code as one method to achieve the vision and to allow the desired form of development through a by-right process.

The Board's Strategic Plan directs staff to present a draft ordinance to implement the Rio29 vision and encourage by-right implementation of the desired urban land use and form by December 2019. To this end, staff has developed a Work and Engagement Plan (Attachment B) that strives to have a draft form based code before the Board in December. The scope of work proposes a four-pronged approach that would integrate the work of a staff technical working group with opportunities for input and feedback from stakeholders, the broader community, and the Board and Planning Commission.

The work and engagement plan proposes up to six meetings with a stakeholder steering committee, up to three broader community engagement events (designed to build off of the February 4 Joint CAC meeting), and three opportunities for work sessions with the Board and Planning Commission. It is staff's hope that this schedule will result in a draft ordinance by the December deadline that is supportive of the Rio29 vision and supported by stakeholders and the community.

The schedule builds in opportunities for stakeholder and community input on all the major elements of form based code and provides an opportunity for feedback on draft recommendations. However, should the community and stakeholders identify a need for further revisions after the initial feedback opportunities, it is unlikely the project will stay on track for the December deadline. The proposed schedule does not include time for subsequent rounds of revisions or follow-up engagement

opportunities. Staff will also note that more time may be desired after December to allow for additional internal and external vetting and trial runs prior to public hearing and final adoption.

The first step of the ZTA process is Board adoption of the Resolution of Intent ("ROI", Attachment A) and the work/engagement plan (Attachment B), which directs staff and the Planning Commission to begin work on developing a draft form based code ordinance to help realize the vision of a walkable, mixed use form of development for the Rio29 area.

No additional impact is expected at this time, though future costs to support community engagement efforts during ordinance drafting or staffing needs for implementation could be identified through this process.

Staff recommends the adoption of the ROI and approval of the work/engagement plan titled Getting to Form Based Code: 2019 Work and Community Engagement Plan.

By the above-recorded vote, the Board adopted the following Resolution of Intent and approval of the work/engagement plan titled Getting to Form Based Code: 2019 Work and Community Engagement Plan:

**RESOLUTION OF INTENT
FOR FORM BASED CODE**

WHEREAS, on November 7, 2018, the Board of Supervisors adopted priorities for the County's Strategic Plan FY 2020-2022, and

WHEREAS, one of the nine strategic priorities of the adopted plan is to "Redevelop Rio/Route 29 Intersection Area"; and

WHEREAS, one of the objectives of this priority is to present to the Board a draft ordinance to implement the Rio29 vision and encourage by-right implementation of desired urban land use form; and

WHEREAS, on December 12, 2018, the Board of Supervisors adopted the Rio29 Small Area Plan as a component of the Places 29 Master Plan portion of the Comprehensive Plan; and

WHEREAS, as identified in the Small Area Plan, the current Zoning Ordinance regulations do not support the plan's vision for a human-scale mixed-use area; and

WHEREAS, a stated intention of the Zoning Ordinance is to implement the policies, goals, and objectives of the Comprehensive Plan; and

WHEREAS, to implement the Small Area Plan's vision, a necessary step will be to update the Zoning Ordinance and development review processes to create an efficient by-right development process that establishes clear expectations for new development proposals; and

WHEREAS, to provide the regulatory framework needed to achieve the Plan's vision, thus the policies, goals, and objectives of the Comprehensive Plan, amending the Zoning Ordinance and Map to include a form-based code tailored to the Rio29 area is now desired; and

WHEREAS, amendments to the Zoning Ordinance to reflect the Plan's vision may include the creation of a new zoning district or overlay district and amending, adding and or repealing certain definitions.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend the Zoning Ordinance as described herein including Section 3.1, and any other sections deemed appropriate; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on this resolution of intent and return its recommendations to the Board of Supervisors at the earliest possible date.

Item No. 8.12. ZMA2015-001 Old Trail Village Special Exception.

The Executive Summary forwarded to the Board states that the applicant is requesting a variation to the previously approved Code of Development specifically for Blocks 19, 24-25, and 32-34. The Code of Development currently states that "Residential lots shall not be permitted within stream buffers". The request is to allow lots and disturbance within the stream buffers in specific areas within the blocks listed. In addition, the applicant is also requesting to modify the Stream Buffer Area as identified on the Application Plan to accurately reflect current on site location of streams and the buffer.

County Code §18-8.5.5.3 allows special exceptions to vary approved Application Plans and Codes of Development upon considering whether the proposed variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application. County Code § 18-33.43(B) requires that

any request for a variation be considered and acted upon by the Board of Supervisors as a special exception. Please see Attachment A for full details of staff analysis.

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

By the above-recorded vote, the Board adopted the following Resolution to approve the special exception for ZMA2015-001 Old Trail Village:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
TO MODIFY CODE OF DEVELOPMENT AND APPLICATION PLAN
APPROVED IN CONJUNCTION WITH ZMA201500001 OLD TRAIL**

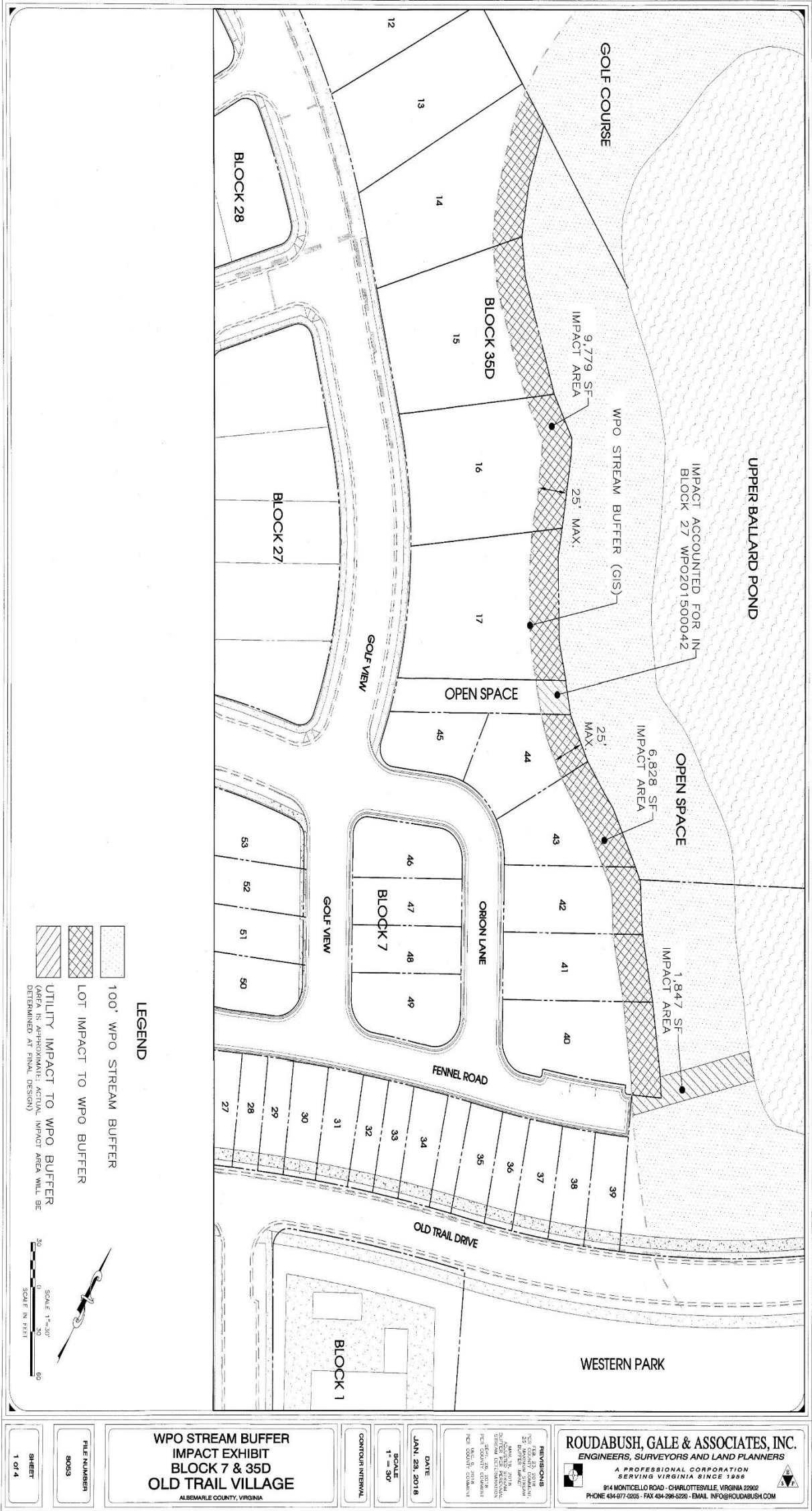
WHEREAS, the Owner of Tax Map Parcel Number 055E0-01-22-00000 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA201500001 Old Trail to allow lots and disturbance within the stream buffers and to modify the Application Plan Open Green Space Areas to reflect the current stream buffers.

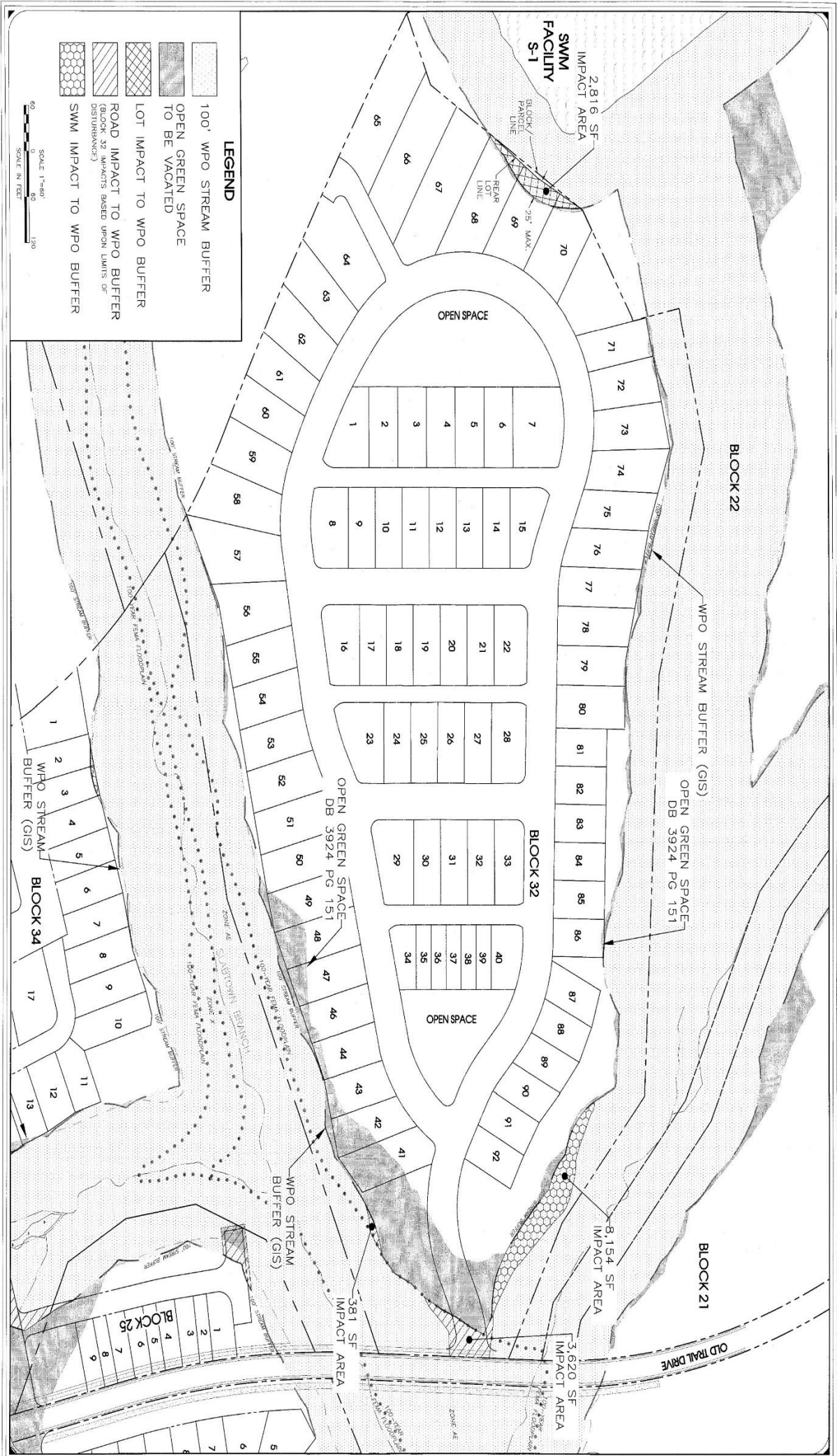
NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3 and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA201500001 Old Trail and to modify the Application Plan as set forth hereinabove, subject to the condition attached hereto.

* * *

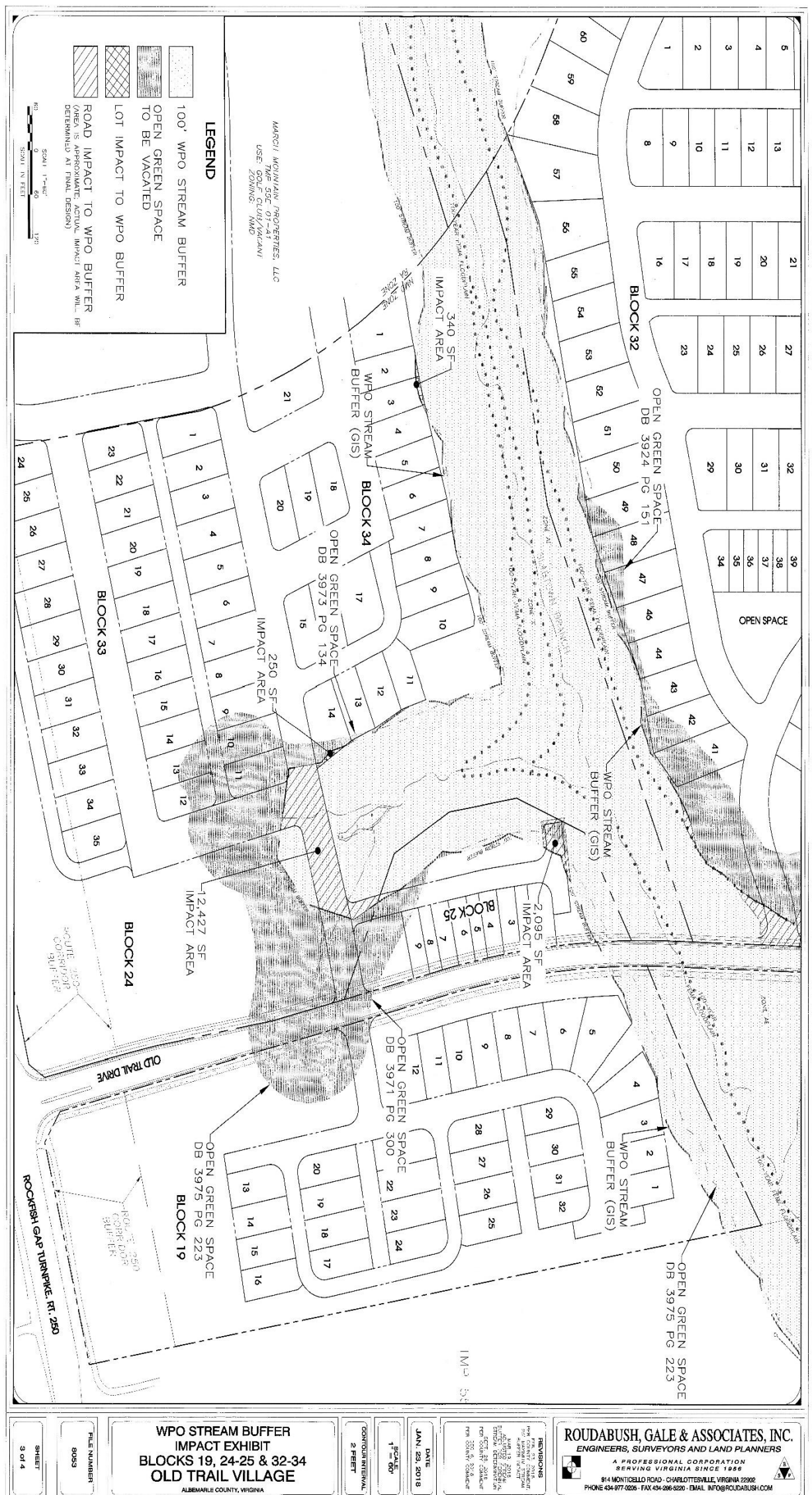
**Special Exception to Vary the ZMA201500001 Old Trail Code of Development
and to Modify the Application Plan Special Exception Condition**

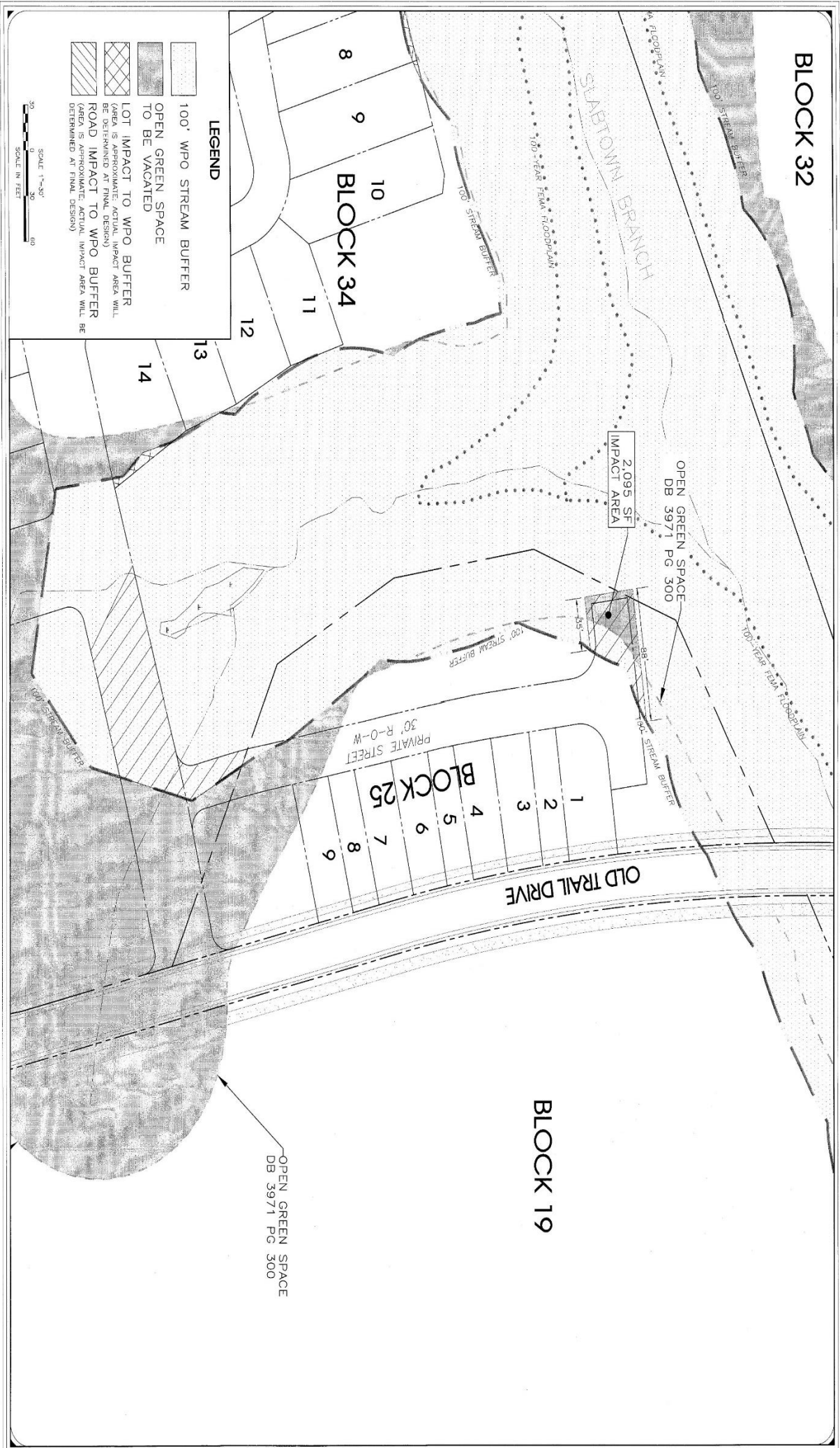
1. Stream buffer mitigation shall be provided at a 2:1 ratio in accordance with a buffer mitigation plan for Old Trail Village ZMA2015-001, as approved by the County Engineer.
2. Disturbance to the buffer shall be limited to the areas depicted on pages 1-4 of the exhibit prepared by Roudabush, Gale & Associates, Inc., entitled "WPO Stream Buffer Impact Exhibit Blocks 19, 24-25, 32-43" dated January 23, 2018, with a revision date of December 6, 2018.
3. Modification of the "Open Green Space" shall be limited to the areas depicted on pages 1-4 of the exhibit prepared by Roudabush, Gale & Associates, Inc., entitled "WPO Stream Buffer Impact Exhibit Blocks 19, 24-25, 32-43" dated January 23, 2018, with a revision date of December 6, 2018.





REVISIONS 1. 100' WPO STREAM BUFFER 2. 100' WPO STREAM BUFFER 3. 100' WPO STREAM BUFFER 4. 100' WPO STREAM BUFFER 5. 100' WPO STREAM BUFFER 6. 100' WPO STREAM BUFFER 7. 100' WPO STREAM BUFFER 8. 100' WPO STREAM BUFFER 9. 100' WPO STREAM BUFFER 10. 100' WPO STREAM BUFFER 11. 100' WPO STREAM BUFFER 12. 100' WPO STREAM BUFFER 13. 100' WPO STREAM BUFFER 14. 100' WPO STREAM BUFFER 15. 100' WPO STREAM BUFFER 16. 100' WPO STREAM BUFFER 17. 100' WPO STREAM BUFFER 18. 100' WPO STREAM BUFFER 19. 100' WPO STREAM BUFFER 20. 100' WPO STREAM BUFFER 21. 100' WPO STREAM BUFFER 22. 100' WPO STREAM BUFFER 23. 100' WPO STREAM BUFFER 24. 100' WPO STREAM BUFFER 25. 100' WPO STREAM BUFFER 26. 100' WPO STREAM BUFFER 27. 100' WPO STREAM BUFFER 28. 100' WPO STREAM BUFFER 29. 100' WPO STREAM BUFFER 30. 100' WPO STREAM BUFFER 31. 100' WPO STREAM BUFFER 32. 100' WPO STREAM BUFFER 33. 100' WPO STREAM BUFFER 34. 100' WPO STREAM BUFFER 35. 100' WPO STREAM BUFFER 36. 100' WPO STREAM BUFFER 37. 100' WPO STREAM BUFFER 38. 100' WPO STREAM BUFFER 39. 100' WPO STREAM BUFFER 40. 100' WPO STREAM BUFFER 41. 100' WPO STREAM BUFFER 42. 100' WPO STREAM BUFFER 43. 100' WPO STREAM BUFFER 44. 100' WPO STREAM BUFFER 45. 100' WPO STREAM BUFFER 46. 100' WPO STREAM BUFFER 47. 100' WPO STREAM BUFFER 48. 100' WPO STREAM BUFFER 49. 100' WPO STREAM BUFFER 50. 100' WPO STREAM BUFFER 51. 100' WPO STREAM BUFFER 52. 100' WPO STREAM BUFFER 53. 100' WPO STREAM BUFFER 54. 100' WPO STREAM BUFFER 55. 100' WPO STREAM BUFFER 56. 100' WPO STREAM BUFFER 57. 100' WPO STREAM BUFFER 58. 100' WPO STREAM BUFFER 59. 100' WPO STREAM BUFFER 60. 100' WPO STREAM BUFFER 61. 100' WPO STREAM BUFFER 62. 100' WPO STREAM BUFFER 63. 100' WPO STREAM BUFFER 64. 100' WPO STREAM BUFFER 65. 100' WPO STREAM BUFFER 66. 100' WPO STREAM BUFFER 67. 100' WPO STREAM BUFFER 68. 100' WPO STREAM BUFFER 69. 100' WPO STREAM BUFFER 70. 100' WPO STREAM BUFFER 71. 100' WPO STREAM BUFFER 72. 100' WPO STREAM BUFFER 73. 100' WPO STREAM BUFFER 74. 100' WPO STREAM BUFFER 75. 100' WPO STREAM BUFFER 76. 100' WPO STREAM BUFFER 77. 100' WPO STREAM BUFFER 78. 100' WPO STREAM BUFFER 79. 100' WPO STREAM BUFFER 80. 100' WPO STREAM BUFFER 81. 100' WPO STREAM BUFFER 82. 100' WPO STREAM BUFFER 83. 100' WPO STREAM BUFFER 84. 100' WPO STREAM BUFFER 85. 100' WPO STREAM BUFFER 86. 100' WPO STREAM BUFFER 87. 100' WPO STREAM BUFFER 88. 100' WPO STREAM BUFFER 89. 100' WPO STREAM BUFFER 90. 100' WPO STREAM BUFFER 91. 100' WPO STREAM BUFFER 92. 100' WPO STREAM BUFFER 93. 100' WPO STREAM BUFFER 94. 100' WPO STREAM BUFFER 95. 100' WPO STREAM BUFFER 96. 100' WPO STREAM BUFFER 97. 100' WPO STREAM BUFFER 98. 100' WPO STREAM BUFFER 99. 100' WPO STREAM BUFFER 100. 100' WPO STREAM BUFFER	WPO STREAM BUFFER IMPACT EXHIBIT BLOCKS 19, 24-25 & 32-34 OLD TRAIL VILLAGE ALBEMARLE COUNTY, VIRGINIA	FILE NUMBER 9063	SHEET 2 of 4	DATE JAN. 23, 2018	SCALE 1"=80'	CONTINUOUS INTERVAL 2 FEET	ROUDABUSH, GALE & ASSOCIATES, INC. ENGINEERS, SURVEYORS AND LAND PLANNERS A PROFESSIONAL CORPORATION SERVING VIRGINIA SINCE 1958 914 MONTICELLO ROAD - CHARLOTTEVILLE, VIRGINIA 22802 PHONE 434-677-0205 - FAX 434-296-8220 - EMAIL INFO@ROUDABUSH.COM
	REVISIONS 1. 100' WPO STREAM BUFFER 2. 100' WPO STREAM BUFFER 3. 100' WPO STREAM BUFFER 4. 100' WPO STREAM BUFFER 5. 100' WPO STREAM BUFFER 6. 100' WPO STREAM BUFFER 7. 100' WPO STREAM BUFFER 8. 100' WPO STREAM BUFFER 9. 100' WPO STREAM BUFFER 10. 100' WPO STREAM BUFFER 11. 100' WPO STREAM BUFFER 12. 100' WPO STREAM BUFFER 13. 100' WPO STREAM BUFFER 14. 100' WPO STREAM BUFFER 15. 100' WPO STREAM BUFFER 16. 100' WPO STREAM BUFFER 17. 100' WPO STREAM BUFFER 18. 100' WPO STREAM BUFFER 19. 100' WPO STREAM BUFFER 20. 100' WPO STREAM BUFFER 21. 100' WPO STREAM BUFFER 22. 100' WPO STREAM BUFFER 23. 100' WPO STREAM BUFFER 24. 100' WPO STREAM BUFFER 25. 100' WPO STREAM BUFFER 26. 100' WPO STREAM BUFFER 27. 100' WPO STREAM BUFFER 28. 100' WPO STREAM BUFFER 29. 100' WPO STREAM BUFFER 30. 100' WPO STREAM BUFFER 31. 100' WPO STREAM BUFFER 32. 100' WPO STREAM BUFFER 33. 100' WPO STREAM BUFFER 34. 100' WPO STREAM BUFFER 35. 100' WPO STREAM BUFFER 36. 100' WPO STREAM BUFFER 37. 100' WPO STREAM BUFFER 38. 100' WPO STREAM BUFFER 39. 100' WPO STREAM BUFFER 40. 100' WPO STREAM BUFFER 41. 100' WPO STREAM BUFFER 42. 100' WPO STREAM BUFFER 43. 100' WPO STREAM BUFFER 44. 100' WPO STREAM BUFFER 45. 100' WPO STREAM BUFFER 46. 100' WPO STREAM BUFFER 47. 100' WPO STREAM BUFFER 48. 100' WPO STREAM BUFFER 49. 100' WPO STREAM BUFFER 50. 100' WPO STREAM BUFFER 51. 100' WPO STREAM BUFFER 52. 100' WPO STREAM BUFFER 53. 100' WPO STREAM BUFFER 54. 100' WPO STREAM BUFFER 55. 100' WPO STREAM BUFFER 56. 100' WPO STREAM BUFFER 57. 100' WPO STREAM BUFFER 58. 100' WPO STREAM BUFFER 59. 100' WPO STREAM BUFFER 60. 100' WPO STREAM BUFFER 61. 100' WPO STREAM BUFFER 62. 100' WPO STREAM BUFFER 63. 100' WPO STREAM BUFFER 64. 100' WPO STREAM BUFFER 65. 100' WPO STREAM BUFFER 66. 100' WPO STREAM BUFFER 67. 100' WPO STREAM BUFFER 68. 100' WPO STREAM BUFFER 69. 100' WPO STREAM BUFFER 70. 100' WPO STREAM BUFFER 71. 100' WPO STREAM BUFFER 72. 100' WPO STREAM BUFFER 73. 100' WPO STREAM BUFFER 74. 100' WPO STREAM BUFFER 75. 100' WPO STREAM BUFFER 76. 100' WPO STREAM BUFFER 77. 100' WPO STREAM BUFFER 78. 100' WPO STREAM BUFFER 79. 100' WPO STREAM BUFFER 80. 100' WPO STREAM BUFFER 81. 100' WPO STREAM BUFFER 82. 100' WPO STREAM BUFFER 83. 100' WPO STREAM BUFFER 84. 100' WPO STREAM BUFFER 85. 100' WPO STREAM BUFFER 86. 100' WPO STREAM BUFFER 87. 100' WPO STREAM BUFFER 88. 100' WPO STREAM BUFFER 89. 100' WPO STREAM BUFFER 90. 100' WPO STREAM BUFFER 91. 100' WPO STREAM BUFFER 92. 100' WPO STREAM BUFFER 93. 100' WPO STREAM BUFFER 94. 100' WPO STREAM BUFFER 95. 100' WPO STREAM BUFFER 96. 100' WPO STREAM BUFFER 97. 100' WPO STREAM BUFFER 98. 100' WPO STREAM BUFFER 99. 100' WPO STREAM BUFFER 100. 100' WPO STREAM BUFFER						





WPO STREAM BUFFER IMPACT EXHIBIT BLOCK 25 OLD TRAIL VILLAGE ALBEMARLE COUNTY, VIRGINIA	FILE NUMBER 8053	DATE FEB. 10, 2018	SCALE 1"=30'	CONTOUR INTERVAL 2 FEET	REVISIONS REV. NO. 1 DATE 10/10/2018 BY J. GALE DESCRIPTION WPO STREAM BUFFER IMPACT EXHIBIT	ROUDABUSH, GALE & ASSOCIATES, INC. ENGINEERS, SURVEYORS AND LAND PLANNERS A PROFESSIONAL CORPORATION SERVING VIRGINIA SINCE 1984 514 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902 PHONE 434-977-0205 - FAX 434-296-6220 - EMAIL: INFO@ROUDABUSH.COM

Item No. 8.13. Special Exception to ZMA200400007 Belvedere Code of Development, Architectural Standards (Variations #58).

The Executive Summary forwarded to the Board states that the Applicant is requesting a special exception to vary the Belvedere Code of Development approved with ZMA200400007. County Code § 18- 8.5.5.3 allows minor variations to codes of development and application plans, provided major elements and features remain the same. The applicant's requested changes are summarized below.

- Clarify that chain link fence is prohibited on residential lots but permitted in other areas to fence facilities and other spaces (such as stormwater management facilities, dog park, tot lots, etc.);
- Modify required dimensions for front porches to allow more flexibility in design to better address townhouse/attached unit designs;
- Modify review processes for the Belvedere community's internal *Architectural Standards/Review Committee* (as shown on Attachment B); - Simplify the document by combining two redundant sections addressing carriage houses (no substantive changes to the guidelines occur with the change);
- Delete vinyl as a permitted siding material;
- Update the Sustainability/Energy Efficiency construction standards to also accept other construction standards equivalent to EarthCraft;
- Make other technical corrections/updates (references to current owner's names; update terminology, etc.).

Staff analysis of the request is provided as Attachment B.

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving the special exception.

By the above-recorded vote, the Board adopted the following Resolution approving the special exception for ZMA2004-00007 Belvedere Code of Development:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
TO VARY THE CODE OF DEVELOPMENT
APPROVED IN CONJUNCTION WITH ZMA200400007 BELVEDERE**

WHEREAS, the Owner of Tax Map Parcels 06100-00-00-154E0, 06100-00-00-15800, 06100-00-00-16000, 06200-00-00-002A1, 06200-00-00-002B0, 06200-00-00-002C0, 062A3-00-00-00100, 062G0-00-00-005A0, 062G0-00-00-005A1, 062G0-00-00-007A0, 062G0-00-07-15700, 062G0-00-07-16500, 062G0-00-07-17100, 062G0-00-07-17200, 062G0-00-07-17400, 062G0-00-07-17900, 062G0-00-07-18000, and 062G0-00-00-009A0 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA200400007 Belvedere to allow several minor modifications.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3, 18-33.43, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA200400007 Belvedere as requested, subject to the condition attached hereto.

* * *

**Special Exception to Vary the ZMA200400007 Belvedere
Code of Development Condition**

1. The variations shall be limited to the following:
 - a. Clarify that chain link fence is prohibited on residential lots but permitted in other areas to fence facilities and other spaces (such as stormwater management facilities, dog park, tot lots, etc.);
 - b. Modify required dimensions for front porches to allow more flexibility in design to better address townhouse/attached unit designs;
 - c. Modify review processes for the Belvedere community's internal *Architectural Standards/Review Committee* as requested by Applicant and approved by the Board on February 20, 2019;
 - d. Simplify the document by combining two redundant sections addressing carriage houses (no substantive changes to the guidelines occur with the change);
 - e. Delete vinyl as a permitted siding material;
 - f. Update the Sustainability/Energy Efficiency construction standards to also accept other construction standards equivalent to EarthCraft; and

- g. Make other technical corrections/updates (references to current owner's names; update terminology, etc.).

Item No. 8.14. 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 an 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 – January 16, 2019 through February 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 Environmental Quality	Stormwater Local Assistance Fund (SLAF) Chapel Hills Stream Restoration	State	\$ 210,837	\$210,837	Water Resources CIP	Facilities & Environmental Services, Environmental Services Division	This grant award will provide funding for the Chapel Hills Stream Restoration project. The project will provide highly cost-effective pollution reduction.

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. 8.15. Q2 FY 19 Quarterly Financial Report; Q2 FY 19 General Fund Revised Financial Projections Report; and Q2 FY 19 Quarterly Economic Indicators Report, ***was received for information.***

The Executive Summary forwarded to the Board states that the attached Quarterly Financial Report (QFR) (Attachment A) provides information regarding the County's FY 19 General Fund and School Fund performance as of December 31, 2018. The General Fund Revised Financial Projections Report (Attachments B and C) includes projected General Fund revenues and expenditures for FY 19. The Quarterly Economic Indicator Report (Attachments D and E) provides an overview of recent general economic conditions in the County.

Quarterly Financial Report

The Quarterly Financial Report (QFR) reflects year-to-date (YTD) data through December 31, 2018, the end of the second quarter (Q2) of FY 19. The data in the attached QFR is organized in a way that is consistent with Exhibit 12 of the County's Comprehensive Annual Financial Report (CAFR). Most line item titles in the QFR match the line item titles in the CAFR.

Highlights from the QFR include:

Revenues - YTD Actual

YTD total revenues in Q2 FY 19 were \$129,428,012 compared to \$123,899,488 in Q2 FY 18. In percentage terms, FY 19 YTD actual revenues as a percentage of FY19 Revised Budget revenues were 44.09%, compared to 44.61% in FY 18.

Expenditures - YTD Actual

YTD total expenditures in Q2 FY 19 were \$133,690,574 compared to \$128,096,505 in Q2 FY 18. In percentage terms, FY 19 YTD actual expenditures as a percentage of FY 19 Revised Budget expenditures were 45.54%, compared to 46.12% in FY 18.

County Executive Authorized Transfers and Appropriations A table listing the County Executive authorized transfer and appropriations made during the first quarter of FY 19 is included on page 8.
ACPS Quarterly Financial Report

As requested by the Board, the Albemarle County Public Schools Quarterly Financial Report as of December 31, 2018 is included as a table on page 11 of the QFR.

An *Investment Activity Summary* for the Quarter Ended December 31, 2018 is included on page 12.

General Fund Revised Financial Projections Report

The General Fund Revised Financial Projections Report (GFRFPR) (Attachment B) provides a streamlined summary of forecasted revenues and expenditures. The GFRFPR indicates that by June 30, 2019, actual revenues, including transfers, are forecasted to be above appropriated revenues by \$0.269 million. This result reflects better-than-expected growth in most major revenue streams. Expenditures, including transfers, are projected to be \$1.323 million below appropriated expenditures. The difference between appropriated expenditures and forecasted expenditures is due primarily to the fact that funding for the Public Safety Pay Scale adjustment has not yet been distributed to departments. The result of the surplus in revenues plus the anticipated expenditures savings is a projected net increase (rounded) of \$1.592 million additional fund balance by the end of FY 19. Please note that this projected \$1.592 million in additional fund balance equals only 0.54% of the forecasted \$292.249 million FY 19 expenditures and transfers; this small percentage “buffer” would seem to indicate a disciplined budgetary environment.

Quarterly Economic Indicators Report

The Quarterly Economic Indicators Report (QEIR) (Attachment D) shows the state of the County's economy. The QEIR contains data taken from the most recently available quarter and compares this data with data from the same quarter of previous fiscal years. General economic activity, as measured by five select revenue streams, collectively grew between Q2 FY 18 and Q2 FY 19 (the most recent quarter for which complete data is readily available), although revenue in one stream fell steeply, while revenue in other streams was either relatively flat or grew substantially. The unemployment rate in Albemarle declined between Q2 FY 18 and Q2 FY 19, dropping from 2.97% to 2.37%. This year-over-year decline was consistent with drops in national and state rates. Nominally, the County appears to be experiencing a labor shortage. The County's jobs base, meanwhile, appears to have experienced growth between Q1 FY 18 and Q1 FY 19, again the most recent quarter for which information is available. The total number of jobs increased from 55,871 to 56,103. Note that this growth of 0.42% year-over-year was much more subdued than in recent quarters. This result suggests that the local labor market might have cooled in Q1 FY 19. Despite reasonably good strength in the County's labor market, the inflation-adjusted average weekly wage remained essentially flat between Q1 FY 18 and Q1 FY 19. The Federal Housing Finance Agency's Home Price Index for the region, meanwhile, grew by 3.22%. Collectively, the data suggests that the County's economy grew at a healthy pace in the most recent year, a situation that is consistent with the U.S. and state economies. The outlook for the County's economy in coming quarters generally looks good, but there exist foreseeable scenarios in which growth might slow or reverse.

Revenues and expenditures data contained in the UQFR reflects the state of the County's FY 19 budget-to-actual financial performance as of December 31, 2018. Data shown in the QEIR reflects economic variables that impact the County's current and future revenues and expenditures.

These reports are for information only. Staff welcomes the Board's feedback regarding the content and presentation of these reports.

Agenda Item No. 9. Adoption of Amended Board Rules of Procedures and Adoption of Amended Board Administrative Policies.

The Executive Summary forwarded to the Board states that the Board of Supervisors' Rules of Procedure require that any changes to the Rules be made only after a Board member provides “notice” of a proposed motion to amend the Rules. The Rules also require that the actual motion to amend be made at the next regular meeting of the Board. Notice of proposed changes was provided at the Board's February 6, 2019.

The attached revised draft Rules (Attachment A) and Administrative Policies (Attachment B) are intended to incorporate suggestions by Supervisors over the past year, to reflect recent changes in the law, and to improve clarity and readability. Attachments A and B are the same drafts distributed to the Board on January 3, 2019. Since then, some Supervisors have provided preliminary feedback, and this feedback is discussed below.

Rules

Rule 5(A) (page 4): The reference to Rule “6(B)” will be corrected to refer to Rule “5(B).”

Rule 5(A)(2)(b) (page 4): The Rule allows the County Executive to add an item at any time. The purpose for this change was to allow the County Executive to add an item when timely Board action is required. Supervisor Mallek suggested that, if the Rule remains, the County Executive be subject to the Monday 5:00 p.m. deadline that applies to Board members.

Rule 5(A)(4)(b) (page 5): The Rule, which is not new, allows the Director of Community Development to waive the requirement that all final documents for a rezoning application be submitted

before a rezoning application is advertised for public hearing before the Board. Supervisor Mallek asked whether the waiver should be eliminated or the authority to waive the requirement be given to the Clerk.

Rule 6(A) (page 6): The Rule would add the following: “Any changes to the Consent Agenda should be made when the Final Agenda is adopted.” The comment explains that the proposed change is to address a gap in the Board's procedures. Supervisor Gallaway asked for clarification about the reason for the Rule and, instead, not pulling an item when the Board reaches the Consent Agenda. Following are the three reasons provided to Supervisor Gallaway: (1) when the change to the Consent Agenda is made is not currently addressed in the Rules, although one would infer from Rule 6(E)(3) that pulling an item from the Consent Agenda may occur during the Consent Agenda; (2) when a change to the Consent Agenda is made by removing the item for separate consideration, Rule 6(E)(3) provides that it be moved to a specific time or at the end of the agenda; this effectively amends the agenda after the Final Agenda is adopted; and (3) when an item is pulled from the Consent Agenda during the Consent Agenda, members of the public attending the meeting may lose the opportunity to address, for example, a concern raised by a Supervisor about the item that is being pulled because the Consent Agenda follows “matters from the public” on the Board’s agenda.

Policies

Policy 3(B)(3) (page 3): This Policy describes the practices for the Clerk when advertising positions on boards, commissions, and committees. The Policy provides that the Clerk will collaborate with the Director of Communications and Community Engagement to “provide notice of the vacancy.” Supervisor Mallek asked whether the Policy, as written, required the Clerk to collaborate with the Director of Communications in preparing the notice itself. That was not the intention, and the Policy will be clarified to state that the Clerk will collaborate with the Director of Communications to *distribute* the notice.

Policy 3(B)(4) (pages 3 and 4): This Policy describes the content of an application for appointment by the Board to a board, commission, committee. One of the elements is for an applicant to identify his or her family relationship to any County officers, employees, or appointees. Supervisor McKeel suggested that it be clarified to expressly include a reference to Supervisors, so the language can be amended to read “any County Supervisor or other officer, employee, or appointee.”

Policy 4(B) (page 5): This Policy would require Supervisors who serve without remuneration as a member of the board of trustees of a not-for-profit entity to disclose that fact at “each meeting of the Board of Supervisors at which a matter pertaining to the not-for-profit entity is considered or acted upon.” Recognizing that multiple Supervisors may be serving on one or more not-for-profit boards of trustees, the question for the Board to consider is, if this proposed Policy is added, whether the disclosure should be made at each meeting of the Board of Supervisors, or only the first time.

There is no budget impact.

Staff recommends that the Board adopt the amended Board Rules of Procedure and Administrative Policies, with any further revisions desired by the Board.

Mr. Kamptner stated that he would facilitate the Board’s discussion, present slides that frame the issues based on discussions held over the past several weeks, and respond to questions posed by the Board. He said the first question raised was whether the Board should retain the annual designation of the Clerk and Deputy Clerk? He said that the draft presented to the Board proposes to strike this because the Clerk was under contract and the Deputy Clerk’s status would be addressed through an agreement or through the amendment of the rules of procedure. He said there was no issue with retaining this designation and it could be considered as a ceremonial step. He said he does not want anyone to think that the job status of the Clerk was on the line at each annual meeting.

Ms. Palmer said this has been her suggestion, and many do not understand what the Clerk’s job was; it was an extremely important job with a lot of work behind the scenes to make the meetings happen, and it was a lot more than a secretarial position. She said she wants everyone to know that the Clerks do not have to get reappointed every year, that everyone know they have their jobs, while at the same time she likes to bring to people’s attention that the Clerks are an important part of what the Board does.

Ms. Mallek stated that she would like to keep the ceremony.

Mr. Randolph remarked that if they did this for the Clerk then for reasons of consistency. they should do this for the County Attorney and County Executive, as they also serve contractually.

Ms. Palmer remarked that the County Attorney and County Executive are heard from with reasonable frequency and have a more high-profile job, while the Clerks do not come before the Board or speak at meetings, which explains her reasoning. She added that it was clear to most what the County Attorney and County Executive does.

Ms. McKeel noted that a description of the roles of the Clerks was not provided during the annual recognition in January and asked Ms. Palmer if she suggested that a job description accompany this recognition. Ms. Palmer explained that her idea was to recognize and show appreciation for the work of the Clerks at the beginning of each year.

sMs. McKeel reminded the Board that there was an Annual Clerk Week and suggested they recognize and celebrate the Clerks at that time. Ms. Palmer expressed that she would like to do both.

Mr. Dill agreed that it was a good idea to do this at the beginning of the year in order to introduce the team and set the tone for a productive year, as there was no cost, nor much time involved.

Ms. McKeel expressed that she would rather recognize them during Clerk Week as this was not about money.

Mr. Randolph said that Ms. McKeel has raised a good point.

Mr. Gallaway recognized that three members are in favor of keeping the ceremony and asked if any members are opposed.

Mr. Randolph suggested they follow Ms. McKeel's offer to recognize the investment and contributions made by the Clerks during Clerk Week. He emphasized that if part of Ms. Palmer's goal was to educate the public as to the contributions of the Clerks, then it was important to do this annually, noting that it has not been done recently.

Ms. Mallek said she was in favor of making a bigger deal when the time come.

Ms. Palmer expressed that she would like the Board to do both.

Mr. Kamptner stated that he inserted a provision to allow the County Executive to add an item to the agenda at any time. This arose out of the context of an economic development project where the deadlines had passed, and Ms. Mallek had asked to add an item. He said an alternative would be for the Clerk to poll Supervisors, provide them with a blurb on what it was about, and ask them for approval to add an item to the agenda.

Mr. Gallaway encouraged Supervisors to comment.

Mr. Dill expressed support to allow the County Executive the opportunity to add an item at the last minute.

Ms. Palmer said that she does not support allowing this at any time. She said the Clerk and Board Chair need to keep control over the agenda, and her ideal way to do this would be at 5:00 p.m. on Mondays, in consultation with the Chair or Vice-Chair and Clerk, or at least to have the Chair and Clerk involved in last minute additions.

Mr. Randolph said he favors the establishment of 5:00 p.m. on Monday prior to a Wednesday meeting as the latest time to add an item. He said he assumes the Clerk would get at this and share it with the Board Chair.

Ms. Mallek expressed support for what was suggested by Mr. Randolph.

Ms. McKeel said she was not in favor of having an arbitrary date and time on Monday, as something could happen on Tuesday or Wednesday morning. She said the County Executive should have the ability to add something whenever he deems it necessary, as emergencies could arise. She added that she would like the Clerk or Chair to give Board members advance notification of a change.

Ms. Mallek emphasized that in the case of an emergency, things could be resolved with a phone call, but she would like the basic policy to be consistent with what Board members are supposed to do and with unanimous consent that the exemption has already been provided for the Board as well.

Ms. McKeel said she sees the County Executive as being the one person who should have the ability to add something if necessary, as long as he makes people aware of this.

Mr. Gallaway expressed an appreciation for the 5:00 p.m. Monday deadline to allow time for people to prepare for the meeting, although he supports the ability to add an emergency item at the last minute, if necessary.

Mr. Randolph said that if the Board wants to truly be transparent, then they would want the public to be aware that an item has been added. He expressed support for the Monday deadline as a way to allow time for people to prepare for the meeting, with the understanding that in the case of an emergency, they might have to deviate from this norm.

Ms. McKeel asked Mr. Kamptner if he has a compromise. Mr. Kamptner offered to replace "at any time" with "at the latest, by 5:00 p.m. Monday prior to the Wednesday meeting." He said they could also add a sentence that authorizes an item to be added after that time in the case of an emergency, with the unanimous consent of the Board.

Ms. McKeel remarked that it could be difficult to contact all the Board members to obtain unanimous consent and suggested that they allow an item to be added with the consent of the Chair or Vice-Chair. Mr. Kamptner added that information would also be distributed to everyone.

Ms. Mallek and Ms. Palmer accepted Ms. McKeel's suggestion.

Mr. Kamptner noted that many items that come through Community Development require the signing and submission of documents. He said that under the current rule, items are not advertised until all the documents have been received, although it allows the Director of Community Development, with good cause, to allow a hearing to be advertised. He said a question was posed as to whether to allow this practice to continue.

Ms. Mallek acknowledged that she raised this issue because it has been an off and on concern. She said the tendency to grant more waivers put the applicant, staff, and citizens at a disadvantage when things that were not part of the packet emerge.

Ms. McKeel agreed with Ms. Mallek and indicated that she was not in favor of continuing this. She added that it tends to create a culture that was not good for the process and organization of the agenda.

Mr. Gallaway polled the Board.

Ms. Palmer said the change was fine with her.

Mr. Kamptner addressed the next proposal and said there was a gap in the rules as to when the Board adopts its final agenda should it also be making any final adjustments to its consent agenda. He noted that if you read the comments in the annotated version of the rules, they do not fully flesh it out. He noted that Mr. Gallaway asked him to explain why this was being made. He said it does fill the gap in the rules and makes sense logically if the Board was setting its final agenda and then a few minutes later started moving things around. He said that by adopting the final agenda including the consent agenda now, it allows Board members to speak to an item in a timely manner. He said this was the fuller explanation of why this recommendation was made.

Ms. McKeel said she definitely agrees with this suggestion as it was a great catch.

Mr. Randolph, Ms. Palmer, and Mr. Dill also expressed their agreement.

Mr. Kamptner stated that the current rules allow people to speak for three minutes, which could be reduced to two minutes if there were many speakers, and he invited the Board to discuss this.

Ms. McKeel said most of the time this was not applicable, although there have been times when the gallery has been packed, and the Chair should have the ability to reduce speaking time from three to two minutes.

Mr. Kamptner pointed out that the rule was written as “may” and does not kick in automatically.

Ms. Palmer suggested that they set the time at three minutes for public hearings and have the ability to reduce the time if the number of speakers was much greater than ten. She added that it was frustrating for the public to have to reduce time from three to two minutes.

Ms. McKeel said that maybe they should separate them out, as the public hearings are very different from regular agenda items.

Mr. Randolph said he thinks they need two policies.

Ms. Mallek recalled that she was the 88th speaker at a 2004 public hearing on the rezoning for the Hollymead Town Center and she would advocate that they separate matters from the public from a public hearing.

Ms. McKeel agreed that they should separate them.

Mr. Dill said he was fine with separating them, though they should establish a threshold at 60 speakers instead of 10, out of respect to speakers who deserve to be heard. He said it was important to allow people to express themselves over that of reducing meeting lengths.

Ms. McKeel remarked that if the threshold was set at 60 speakers, there was no point in setting a number.

Mr. Dill said he does not think there is a difference in whether it is the public speaking on matters from the public or speaking on a public hearing. He thinks they should allow anyone to speak when they want, unless there is an extreme situation.

Ms. Palmer remarked that the idea of establishing a time limit was to allow them to abide by a schedule.

Ms. Mallek recalled that when she served as Chair, there would be \$100 per hour lawyers attending who were representing applicants. She advocated for a compromise that would allow a shorter time waiting to represent their applicant, which worries her because of the cost it adds during matters from the public.

Mr. Randolph suggested they allow the Board Chair and Vice-Chair to determine whether to expedite a meeting by reducing speaking time to two minutes should more than 10 meeting attendees wish to speak. He recounted how sometimes multiple speakers would express the same opinion and the

Chair could expedite the meeting by asking those in attendance who agree with the opinion of a speaker to raise their hand.

Ms. Mallek strongly disagreed with Mr. Randolph's suggestion to limit the number of speakers who express a similar opinion, as it sounds as though they are diminishing everyone else in the audience.

Mr. Dill agreed with Ms. Mallek.

Mr. Gallaway said he does not see the need to change the policy; he likes the flexibility to determine whether they have time to allow for more public comment, and most public hearings are fine. It is a judgment call and he likes the flexibility.

Ms. McKeel and Mr. Randolph said they were comfortable with the existing policy.

Ms. Palmer expressed a preference for increasing the limit of the number of speakers beyond 10, as there are often times when a few more than 10 attendees wish to address the Board. Mr. Gallaway said it is still a judgment call. He cannot recall a time when the Board restricted the speaking time from three to two minutes, though he was comfortable to allow a judgment call to be made.

Ms. Mallek expressed that by having speakers sit at the front so they could quickly follow a prior speaker would save time.

Mr. Gallaway, Ms. McKeel, and Mr. Randolph expressed that they were happy to leave the policy the way it was.

Ms. Mallek agreed to accept this.

Ms. Palmer expressed that she would at least like the entire Board to have a say by vote. Ms. McKeel commented that as long as they put a time limit on the discussion.

Mr. Kamptner acknowledged that the consensus was to leave the policy unchanged and should an unusual circumstance arise, the Board would decide how to allow the Chair to exercise discretion.

Mr. Kamptner said he would now shift to the Board's policies. He recounted that Ms. Mallek had asked whether the Director of Communications and Community Engagement was involved in the act of providing notice. He said the intention was to allow that position to assist in distributing the notice. The act of creating and the duty to provide notice remains with the Clerk.

Mr. Kamptner addressed the contents of the application and the application process to serve on boards, committees, and commissions. He said that Item No. V identifies a family relationship, the draft had said "to any County officer," and Ms. McKeel had wanted to clarify that it should also call out Supervisors.

Mr. Kamptner noted that the current Board policy requires that appointees attend at least 50% of that particular body's meetings and Ms. McKeel had remarked that this number seems low. He proposes to add language that would allow the Board to establish a different threshold if it chooses.

Ms. Mallek remarked that community advisory committees have a standard attendance requirement, and a member may be removed if he/she does not attend a minimum number of meetings. Mr. Kamptner remarked that the CACs may have their own standard and some bodies are allowed by state law to allow the Chair to report that a member was not meeting the attendance obligations. He noted that the question before the Board was whether the default should remain at 50%.

Mr. Randolph stated that if the goal was to have an effective committee, then you need participation from the people involved, and he suggests a minimum of at least three quarters, similar to requirements set by non-profit institutions for their boards.

Ms. Mallek acknowledged that those who miss many meetings are completely ineffective.

Ms. McKeel asked for confirmation that they are talking about the Board's appointees and not boards that Supervisors serve on or joint boards with the City. She suggested that they establish a meeting attendance requirement above 50%, perhaps similar to what the Metropolitan Planning Organization has.

Mr. Randolph remarked that the MPO has a 75% attendance requirement.

Ms. McKeel proposed that they establish a consecutive meeting attendance requirement instead of a percentage, as this may be easier to track.

Ms. Mallek suggested a requirement of three consecutive meetings.

Mr. Randolph pointed out that without a percentage of meetings attendance requirement, a member could skip every other monthly meeting and never trigger three in a row but would have attendance at only 50%.

Mr. Dill pointed out that they could attend one of three meetings and not trigger it without a consecutive attendance requirement.

Mr. Gallaway proposed a 75% attendance requirement as he does not like attending meetings where a quorum was not established.

Ms. McKeel said that she would like to review their committee processes at a later date, as she would like to have them review the format and the expectations of members.

Mr. Randolph suggested that they increase the attendance requirement to 75%.

Mr. Kamptner noted that he heard consensus for 75%.

Other members expressed agreement.

Mr. Kamptner next referred to the proposed policy by exemption under the Conflict of Interest Act. He said that those who serve on non-profit boards and do not receive compensation are excused from a disclosure requirement or disqualification. He recalled that there was discussion over the past year that a Board member disclose his/her membership on a board of a non-profit organization when discussion of the organization's funding comes up. He pointed out that there are two questions to be addressed: whether they should establish a disclosure requirement, and whether the Board member should be required to disclose his membership on a body every time an issue involving the nonprofit comes before the Board.

Mr. Randolph expressed a preference to require disclosure each time, as membership status on boards often change, and to include the disclosure of relatives who serve on boards. He commented that this was important both to other Board members as well as to the public, which could evaluate a Board member's vote and contextualize it.

Ms. Palmer stated that her brother lives in the area although she was not aware if he serves on a board. She asked Mr. Randolph if his intent was to require the disclosure of any member of the family. Mr. Randolph confirmed that he proposes to include a disclosure requirement about family members.

Mr. Kamptner said that the policy was limited to Board members and does not include family members.

Ms. Mallek pointed out that what caused this concern was her membership on the board of the Mountainside Assisted Living facility in Crozet, which has since been purchased by a private entity and its board subsequently dissolved.

Mr. Dill said that the disclosure requirement was not just for nonprofits but also for for-profit activities. He expressed support to require disclosure each time a matter comes up.

Mr. Kamptner pointed out that the act requires conflicts of interest to be disclosed each time.

Ms. Palmer pointed out that Section 5(a)(1) on the addition of resolutions by Board members does not specify a time requirement, and she supports the establishment of a deadline for additions before a meeting. She clarified that she was thinking mostly of proclamations rather than resolutions.

Ms. McKeel said she thinks that a reasonable amount of time was necessary and suggested one week.

Ms. Palmer reminded Supervisors that she had sent them an email suggesting that they place closed meeting motions on the website, as people would only be aware of this if they are listening to the meeting or they read the minutes afterward. She pointed out that this was not listed on the agenda and would improve transparency.

Ms. Mallek suggested that they add a disclaimer indicating that this may change at a moment's notice.

Ms. McKeel agreed with Ms. Mallek.

Mr. Randolph asked Mr. Kamptner if the Board was under any legal obligation to provide advance notice to the public about closed meeting motions. Mr. Kamptner responded that they are not, and all that was required was when the motion was read, and it has to comply with the act.

Mr. Randolph praised staff for providing the Board with advance notification of what would be discussed at meetings, which helps him to prepare. He said the County bends over backwards to be transparent and if they post notification right before a meeting starts, the media and public would know the context of a motion in advance.

Mr. Kamptner remarked that his direction was to incorporate these changes and bring them back for action at a future meeting.

Agenda Item No. 10. Review of Board of Supervisors Operating Guidelines.

The Executive Summary forwarded to the Board states that at the Board's July 9, 2018, meeting the County Executive presented the Board's Operating Guidelines for High Quality Governance as developed during the May 2-3, 2018 Board Retreat for the Board's review. At the August 8th Board meeting there was consensus to make the final revisions outlined and incorporated in Attachment A, Operating Guidelines for High Quality Governance Final Version. At the September 5 Board meeting there was final direction to revisit these guidelines in six months for a check-in to help insure they are working as originally discussed.

During the Board's February 20, 2019 meeting, the County Executive will bring forth the Board Operating Guidelines for a six-month check-in discussion.

There is no budget impact anticipated with the adoption of these guidelines.

Staff supports Board Operating Guidelines that assists both the Board and staff in achieving a mutually beneficial and effective working relationship for the purpose of serving Albemarle County and its citizens.

Mr. Gallaway noted that this was a chance to check in on what the Board approved six months earlier.

Ms. Mallek asked Mr. Richardson if he had comments or feedback on how the new guidelines have been working for the first six months. Mr. Richardson applauded the Board for its conscientiousness in working to give staff clear direction. The eight operating guidelines has helped the staff and gives clear communication from the Board that they should come and ask. He also thanked the Board for its attention in last summer's retreat and the work it did.

Agenda Item No. 11. **Work Session:** CPA201800003 – Pantops Master Plan Update.

The Executive Summary forwarded to the Board states that staff began the process of updating the Pantops Master Plan in January of 2018 with a series of monthly public meetings and other feedback opportunities such as online surveys and A-Mail questionnaires. Staff from Community Development, Parks and Recreation, Economic Development, and partner agencies such as the Virginia Department of Transportation (VDOT) have been involved throughout the process. Property owners, business representatives, and residents of Pantops have provided feedback and shared their priorities and ideas on the long-term vision for Pantops.

Using the feedback from the public meetings, staff provided the Pantops Community Advisory Committee (CAC) with draft revisions of each Master Plan chapter. The CAC endorsed the proposed Parks and Green systems revisions during the September 24, 2018 CAC meeting. Staff's proposed changes to the Vision Statement, Guiding Principles, and Land Use were reviewed by the CAC at the October 22, 2018 CAC meeting. The CAC had mixed support of the land use recommendations, as discussed at the December 11 Planning Commission Work Session (Attachment A). On November 19, 2018, the CAC unanimously endorsed the proposed revisions to the Transportation and Implementation sections of the Plan.

At a December 11, 2018 work session, the Planning Commission reviewed and provided feedback on staff's proposed revisions to the land use portion of the 2008 Pantops Master Plan and agreed with staff's recommended changes to the land use descriptions and map (Attachments A, B, C). At a February 5, 2019 work session, staff presented an updated list of implementation projects to the Planning Commission and the Commission supported the revisions and updates, with the suggestion that the highest priority projects be more clearly identified (Attachments D, E, F).

A timeline of all public input meetings which occurred during 2018 can be found in Attachment G. Attachment G also summarizes the outcomes of the Planning Commission work sessions that occurred in December 2018 and February 2019.

The Board is asked to provide feedback and direction on the recommended changes to the Land Use and Implementation portions of the Master Plan. If the Board offers endorsement of the recommended changes during this work session, staff will incorporate the changes into a revised Pantops Master Plan draft and bring the draft forward for public hearings this spring.

Staff is recommending substantive changes to the land use chapter of the Master Plan to accomplish two goals: to rename and update the descriptions of future land use categories to achieve consistency across other County Master Plans, and to update the land use map so that future land use recommendations are more consistent with both existing and anticipated development patterns in Pantops. The Board is asked to weigh in on whether they support the revisions to the Land Use categories, descriptions, and map as recommended by staff and the Planning Commission.

Staff is also proposing updates to the Implementation chapter of the Master Plan. Updates include removing projects that have been completed, removing those that are no longer deemed priorities for the community, updating and clarifying previously listed projects, and adding new projects to reflect the current values of the community. In total, staff is recommending twenty-three implementation projects,

which are those that represent capital improvement projects such as parks and street improvements. Staff has also included a draft list of implementation recommendations that include policy and programming steps that can help support the Plan's vision and goals. The Board is asked to provide feedback and state whether they support the proposed changes to the implementation chapter.

No additional impact is expected at this time, though future costs for implementation projects identified within the Master Plan are expected.

Staff recommends that the Board provide feedback and direction on the recommended changes to the Land Use and Implementation portions of the Master Plan and state whether the content is ready to be brought forward to a revised Pantops Master Plan draft for public hearing in the spring.

Mr. Cameron Langille, Senior Planner in the Department of Community Development, presented. He said the purpose of the work session was to provide background on the current Pantops Master Plan, an overview of the update process, and a summary of proposed revisions. He said it would also serve as an opportunity for staff to pose three questions regarding specific land use change to the Board and review and obtain Board feedback on the proposed implementation projects. He said the master plan was adopted on March 17, 2008, was identified as a strategic objective in the FY 17–19 Albemarle County Strategic Plan and was on target for adoption of a revised plan in June 2019. He said the public input process began in January 2018 with a series of public meetings held by the Pantops Community Advisory Committee, as well as surveys and forms on the County's website that were also sent out from the A-mail system. He noted that staff from Department of Community Development, Parks and Recreation, Economic Development, Facilities and Environmental Services, and VDOT have been attending the meetings and generating questions for the survey forms.

Mr. Langille said he would first talk about Chapter 2 of the Master Plan: Vision and Guiding Principles. He said the 2008 plan includes six objectives that guide the rest of the plan. The CAC has requested that they modify the plan's objectives to reflect changes that have occurred in Pantops over the last 11 years. Attachment A (copy on file) includes sub-attachment A, a draft version of the revised objectives, and he added that this was not a final version. He noted that Chapter 4 involves land use and guides land use decisions in the development area. He presented a slide with both the adopted and draft update versions of the plan. Mr. Langille stated that he would talk about four things, the first of which was reclassification of some available land use designations in Pantops, which he characterized as being primarily a naming exercise. As an example, he said they propose to change Urban Mixed-Use to Community Mixed-Use.

Mr. Langille stated that another change was to make future land use classifications on certain properties in Pantops consistent with the existing zoning district that allows by-right uses there. He said they would also make the future land use classifications consistent with active development applications that are in review or have been approved since 2008. He said they are also identifying areas in Pantops that are most suitable for a transit node and mixed-use community center, which he pointed out are identified as urban centers on the graphic, near the Pantops and Rivanna Ridge shopping centers. He said the neighborhood service center was also a community focal point. He said they are proposing two new districts, with the first being the Employment District, which was the area around Martha Jefferson Hospital and Peter Jefferson Parkway. He said the second was the Recreational District, which was the area of Darden-Towe Park. He noted that the parks and green systems classification would be changed to more closely follow natural features and open space areas.

Mr. Langille next reviewed Chapter 5: Green Infrastructure. He said the Pantops community has identified the preservation of green space and recreational amenities as two of the most important objectives of the master plan. He noted that the updated parks and green systems map was found in Attachment A, sub-attachment D, and he presented the map on the screen. He noted that green areas contain environmental features, and these areas overlap with the parks and green systems land use classification shown on the previous map. He continued that they have labeled existing public and private trails throughout the development area, including private residential trails and public trails such as the Old Mills Trail along the Rivanna River.

Mr. Langille reviewed Chapter 6: Transportation, and noted that a revised street network and intersection improvements plan was found in Attachment A, sub-attachment E. He said that the plan shows all streets constructed since 2008 and the remaining segments that have not yet been constructed. He said the map identifies recommended future cross-sections for streets in Pantops that would optimize their level of service and capacity, pointing out the classifications of boulevard, avenue, and local streets. He said the revised plan would have another map with the locations of bicycle/pedestrian/transit services, as well as recommended sidewalks, trails, and bike lanes. He stated that the revised plan would also refer to economic development, and it would include language to be interspersed within chapters that help support the goals and strategies of Project ENABLE.

Mr. Langille stated that the 2008 plan has two types of future land uses that would be renamed with the update: Employment Mixed-Use would be renamed to Office R&D, and Employment District would be renamed Flex. He explained that the renaming brings consistency between the Pantops Master Plan and land use classifications within other master plans. He noted that the other master plans have a fourth use type, Light Industrial, which staff recommends be included, though the Pantops CAC has voted to not include the category of Light Industrial in future land use designations. He noted that all of the County's commercial zoning districts allow manufacturing, processing, assembly, fabrication, and recycling uses in buildings up to approximately 4,000 square feet, which was similar to what was seen

under the Light Industrial future land use classification. He said that many of the properties in the employment district area that would fall under the Office R&D Flex future land use are now zoned commercial. He said that at its December 11 work session, the Planning Commission recommended that they include Light Industrial in the future land use category.

Mr. Langille said the second question pertains to the type of classification that should be on specific properties in Pantops. He presented four maps with current zoning, existing environmental features, the 2008 Land Use Plan, and the 2018 Land Use Plan. He explained that the area in question includes the west side of State Farm Boulevard and the north side of South Pantops Drive at the intersection of Peter Jefferson Parkway, where six properties are owned by Sentara/Martha Jefferson and measures approximately 2,200 acres combined. He said that half the area was occupied by tree cover and a managed deep slope overlay district, the properties are zoned Commercial/Office, and they could be developed by right. He said the 2008 plan recommended a public park on 60% of the area with Urban/Mixed-Use for the remaining area.

Mr. Langille stated that staff proposes to change the future land use designations so that parks and green systems follows the existing environmental features and the managed deep slopes overlay district and to expand the developable area and change the designation from Urban Mixed Use to Office/R&D Flex because the area was at the far bounds of the Employment District. He said the CAC voted 5:5 at its October 22 meeting to not change to Office/R&D/Flex and to retain Community Mixed Use, as they feel this would be more appropriate based on some existing nearby residential neighborhoods. He said that on December 11, staff brought this question to the Planning Commission, which voted for the category of Office/R&D/Flex/Light Industrial instead of Urban/Mixed Use. He emphasized that everyone supported having parks and green systems on the property, with the question being the land use designation for the developable area.

Mr. Langille said the third question involves the same general vicinity, the Overlook condominium property on the south side of South Pantops Drive just west of the intersection of State Farm Boulevard and Peter Jefferson Parkway, as well the adjacent Tax Map Parcel 78-20. He stated that a development application of a final site plan for an apartment complex known as The Vistas at South Pantops was currently under review. He said it was by right and would involve 144 multi-family dwelling units at a density of 10.8 units per acre. He said that staff has proposed to establish future land use of TMP 78-20 as Urban Density Residential where the buildings would go and retain the green space designation for the remainder of the property. He noted that the 2008 plan calls for the entire property to be a public park. He said they would also change the future land use of the Overlook condominium from Community Mixed Use to Urban Density Residential to bring consistency between existing zoning and what was in the future land use plan. He said the CAC voted 5:5 at its December meeting on the question of future land use for TMP 78-20 and whether to keep it as parks and green systems or to allow the developable portion to be Urban Density Residential. He said that at its December 11 meeting, the Planning Commission voted to approve Urban Density Residential for the locations of The Vistas and to leave the remainder as parks and green systems. He concluded and invited Board discussion about staff's recommendations.

Ms. Mallek recalled that Mr. Langille made a comment about open space features and noted that the target parcel appears to be almost vertical. She said this steep property has been shown as open space and changed to very high density residential and seems to spill over into the steep topography. She said she was in favor of the property division but was concerned about spill out on steep terrain and issues with runoff control. Mr. Langille pointed to the top right panel on the screen, the location of The Vistas, which he said was environmental features. He said the white area does not have preserved steep slopes, floodplain, or a water protection ordinance buffer. The property was zoned R15 and could be developed on top of that, which was what The Vistas was looking to do. He said the 2008 Land Use Plan shows public parks on the whole property while the revision would have orange within The Vistas for the developable part and the rest remaining under the parks and green systems land use designation.

Ms. Palmer asked what would go into the area just to the left of the orange. Mr. Langille said he thinks The Vistas would go into that area and a question for the Board was if they would be changing the Urban Density Residential to be within the whole developed portion, which was being done with the final site plan. He said they would be making sure this change was done before the master plan comes back for the public hearing.

Ms. Mallek asked if a change was made within the developable area, if the application would have to deal with it. Mr. Langille responded that the application would not be going into any of the preserved steep slopes, but the master plan future land use would be changed to reflect where the final site plan has new parking, buildings, and anything they are doing by right.

Mr. Randolph referred to the parks and green space map and asked how an employee of Willow Tree would get to Pantops as he does not see evidence of connectivity across from the east side of the Rivanna River to the west side where the trail was meant to go. He said he hopes to see some thought to connectivity at Woolen Mills and further upstream short of the Long Street Bridge before it comes back to the Board. He noted that he was aware that the former Mayor of Charlottesville was determined that a pedestrian bridge over the Rivanna to connect the City and County was not constructed, though fortunately they have moved on since, and there has been a lot of progress, and there was an opportunity for the bridge to be placed in one of the bends in order to increase connectivity between the lower Pantops area and the City. Mr. Langille responded that this was something they would touch on when they get to the implementation phase of the presentation, as the staff recommends river crossings to be determined by a study.

Mr. Randolph referred to Question 3 and recalled that Planning Commissioner Karen Firehock had expressed concern with connectivity of the proposed park that lays across on South Pantops Drive. He noted that a Hampton Inn Hotel has been proposed for State Farm Boulevard and observed that as presented, there was no recreational corridor there short of having to get on the sidewalk at South Pantops Drive. He said that a resident of Overlook condominiums would have to cross the street, go down the sidewalk, and walk back to the proposed park, which was segregated to the most marginal portion of the land with the steepest slopes and wetlands. The land that was proposed in 2008 and was being upzoned in the view of community members, and the better land was going to the commercial use. He said that the proposal to put the additional condominiums to the west of Overlook does not indicate an access way through. He said he hopes they require the Overlook application to include a corridor to allow recreational access going from South Pantops Drive towards the river, as this would allow people to go down to a trail once a trail was built on the west side and to access one of the two bridges on the east side. His concern is that he sees the plan design as cutting off recreational access to recreational space for current residents and new residents. He then recounted how he and Cal Morris, when they served as Planning Commissioners, talked about developing Office/R&D/Flex as a designation in the new Comprehensive Plan, intentionally designed to allow a commercial enterprise with very small light industrial to get started and not have to move. He said they are not talking about having a Ford factory in Pantops but offices with a very light industrial component, and he expressed support for the use of the full definition of Office/R&D/Flex.

Mr. Gallaway invited other Supervisors to comment on **Q1: Should the “Office/R&D/Flex” future land use classification also allow for light industrial “LI” uses?**

Ms. Mallek said she was fine with it, especially if it would include flexibility amongst the three designations rather than rigid square footages, as businesses need to be able to expand their research lab without re-permitting.

Ms. McKeel remarked that while she recognizes that Pantops has some challenges, she appreciates its green spaces, though she also recognizes that if there are development and rural areas, then the development area has to be used. She supports the Planning Commission’s recommendation for Question 1.

Mr. Dill said the importance of maintaining green space in the area as it has incredible views of the mountains, though parts of the green areas are incredibly steep and not walkable. He said that a connection between the park area and the river was important, though the hill down was very steep and not likely to be a commuter route to Woolen Mills. He said it was not clear to him the options for green space at The Vistas, recognizing that it was a by-right development.

Mr. Langille pointed out that the site plan for The Vistas has not yet been approved. The developer has proposed to dedicate the unused land through either a greenway easement or something else, for a walking trail from South Pantops Drive to Old Mills Trail. He added that everything that would not be developed would be done to the 2008 Future Land Use Plan. The developer has been working with staff, and they are currently on the fourth review of the site plan. He noted that they would put in sidewalks along the south side of South Pantops Drive; there are currently sidewalks on a portion of the north side of South Pantops. He pointed out an area in which they plan to have a public park, which would include trails through the Martha Jefferson properties from State Farm Boulevard west to the future park area.

Mr. Dill remarked that the planned hotel has agreed to donate a couple of acres. Mr. Langille noted that the hotel proposal was not located on the Martha Jefferson properties. The staff has been working to possibly obtain some acreage at the rear of the property where there was green space as future land use.

Mr. Gallaway stated that he had heard four in support of the LI for Question 1 and asked Ms. Palmer if she has any differing views.

Ms. Palmer expressed her support.

Mr. Gallaway invited Supervisors to provide input on **Q2: Should the developable portions of properties owned by Martha Jefferson Hospital at the intersection of S. Pantops Drive and State Farm Boulevard be reclassified from Public Parks and Urban Mixed Use to Office/Flex/R&D?**

Ms. Mallek asked if there were other properties in addition to The Vistas property that according to their current rules could be developed as something radically different from the 2008 Land Use Plan in the master plan. She noted that it was mostly green space with a very small amount of developable land for Community Mixed-Use. Mr. Langille responded that in the 2008 plan, the brown color was Urban Mixed Use, which would be renamed Community Mixed Use.

Ms. Mallek observed that they were proposing a radical increase in the acreage available for R&D Flex with a significant reduction in green space. Mr. Langille agreed that they propose to increase the area of Office/R&D/Flex/Light Industrial classification, and their idea was not to change the future land use classification to make the entire property developable but to make the green space follow the managed steep slopes.

Ms. Mallek observed that the area in purple on the map was double that of the brown and it seems like the green space area to the left would be gone. Mr. Langille agreed, noting that one of the six

properties was listed under public parks in the 2008 plan. He said it could be developed by right since it does not have anything on it. He said they are also trying to set expectations with the public, so they are not promised one thing and then see something else happen that was different from the expectations of the 2008 master plan.

Ms. McKeel said she supports the Planning Commission and staff's recommendation. She noted that she has light industrial in her district, which people are not aware of.

Ms. Palmer said she accepts the recommendation of staff and the Planning Commission.

Mr. Randolph said he would rather see it remain Community Mixed Use from a zoning standpoint, but the hotel complex plan was going to move forward regardless. He reiterated his earlier comments that there be a pathway from the proposed park to the west/northwest back out to State Farm Boulevard through the commercially developed Commercial/Office/R&D Flex to allow ingress and egress.

Ms. McKeel observed that in a way, they are bringing reality into the plan.

Mr. Gallaway remarked that they have consensus on Question 2 and invited Supervisors to provide input on **Q3: What land use classification should be assigned to the Overlook Condominiums property and the adjacent parcel?**

Ms. Mallek stated that she supports the proposal for the 2018 picture.

Ms. McKeel agreed.

Mr. Langille presented a map that has been updated since the last Planning Commission work session. He said the land use map was updated based on what the Planning Commission told staff. He added that the orange represents Urban Density Residential and was the boundary of The Vistas development.

Mr. Dill remarked that this gives the owner of the Overlook some insecurity and asked if there was a need to do that. Mr. Langille remarked that the existing density of units within the Overlook property was consistent with the urban density residential requirement, which calls for 6-34 units per acre.

Mr. Gallaway commented that there has been consensus on the three questions and asked what was remaining.

Mr. Langille said Chapter 9 of the 2008 Plan was the Implementation chapter. There were 46 total projects, broken into four categories. Since 2008, 11 of the projects have been fully completed and five others are currently underway. Seven of those 46 projects were evaluated by the County and determined to be infeasible, unnecessary or assigned to a different County plan or the work program of another department. This is an important chapter for overall planning. The capital projects and other public infrastructure improvements that are recommended to be done to realize the vision and goals of the plan. Attachment D includes a table that lists all of the 2008 projects and their current status and includes a revised list of implementation projects staff was recommending as part of this update. The map before the Board is a new implementation project map that will be added to the plan. The 23 projects from the 2008 plan that have not yet been started or evaluated will be retained as a standalone project or as a component of one of the recommended projects. The list includes project descriptions, cost estimates, possible funding sources and timing of completion. The terminology used in the table is either catalyst or long term which was pulled from the recently adopted Rio29 Small Area Plan. Catalyst projects are those that staff recommends be done in the next eight years after adoption of the Master Plan and are the most important projects that can help realize the goals of the Plan. The long terms projects are those that would need to happen further down the road or possibly as properties are developed through private development applications. A revised list has been developed into two categories: transportation and road projects; and parks, trails and greenway projects. There are 18 transportation road projects, eight of which are catalyst projects, and six park, trail and greenway projects, with three being catalyst projects. He referred to the list of projects before the Board that was brought before the Pantops CAC at its November 19 meeting, and there was overwhelming consensus that this was the right group of projects, and it was endorsed, and the list was affirmed by the Planning Commission on February 5. He said staff was requesting final consensus from the Board that it supports the revisions to the implementation chapter.

Mr. Randolph stated that he supports the implementation plan.

Mr. Dill **moved** that the Board support the implementation plan. The motion was **seconded** by Ms. Mallek.

Ms. Mallek recounted that in 2003 or 2004, the City and County had a conversation about a bike/pedestrian bridge from either the circus grounds to the Roses' subdivision or further south to East Market across from the Old Mills Trail. She said there was also one up to Darden Towe and Penn Park that would be very well supported. She said that Mr. Dan Mahon had a plan to hang something off the railroad bridge, though this was a bit further south and not as helpful for pedestrians.

Mr. Langille pointed out a location on the map where the transportation project would create a second crossing of the river.

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

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

NAYS: None.

Mr. Dill expressed thanks for the hard work of staff members Mr. Langille and Ms. Falkenstein, CAC Chair, Cal Morris, and Planning Commissioner Daphne Spain. He also recognized the involvement of Rita Krenz of the CAC, who was disappointed that the green space was not protected as much as the community would have liked, though they continue to work to make the area a better place to live and hopefully protect it as much as possible.

Recess. The Board recessed at 3:28 p.m. and reconvened at 3:38 p.m.

Agenda Item No. 12. 2019 Resident Survey.

The Executive Summary forwarded to the Board states that since 2002, the County has contracted with survey consultants to conduct a reliable and valid County-wide resident survey biennially. The survey results have been used by staff, elected officials and other stakeholders for community planning and resource allocation, program improvement and policy making.

Though the most recent citizen surveys have been conducted by the National Research Center, Albemarle County has a long history, since 2002, of working with UVA's Weldon Cooper Center for Survey Research (CSR) to complete the biennial citizen survey.

In developing the 2019 Resident Survey, staff intends to work with CSR to create an actionable, representative, and resident-focused 2019 survey.

Staff's presentation to the Board will review:

- the tailored-design approach, providing proven effective strategies for increasing the response rate
- increased actionability of results (ex. information broken into magisterial districts)
- expected timing
 - anticipating final results to BOS in August 2019

Staff envisions the 2019 survey being developed by a survey team comprised of staff, Weldon Cooper, and the BOS survey liaison.

The Board will have opportunity for input during the initial development phase and prior to the release of the final survey.

There is no budget impact related to this executive summary. Funding for the 2019 Citizen Survey was included in the FY 19 budget.

Staff recommends that the Board receive the information provided in the presentation and supply feedback to staff on:

- Comfort level with return to use of Weldon Cooper CSR
- Topics/information they would like to learn from the survey

Ms. Siri Russell, Director of Equity and Inclusion, stated that the resident survey has been conducted every other year for more than a decade, with the information gained used to inform priorities and the Board's strategic plan. She noted that staff intends to contract with the University of Virginia Weldon Cooper Center for Survey Research in this year's survey, and several of its staff members are present for today's presentation.

Ms. Russell explained that the contracting with the Weldon Cooper Center was an intent to maintain a County-focused orientation with a highly customized approach of increased specificity by magisterial district to result in a survey that was actionable, resident-focused, and representative. She noted that they would keep previous survey questions as a basis for comparison over time but would no longer use the National Citizens' Survey benchmarks, which they used in the past. She said that one component of the survey would be a random, addressed-based sample of approximately 5,000 households with both postal and online versions, while another component would be available on the website and open to all County residents. She said the survey team would include Board Liaison, Rick Randolph, along with Weldon Cooper, local government staff, and representatives of County schools.

Ms. Russell explained that the tailored design method they would use was focused on minimizing nonresponse and emphasize customization, which would maximize trust and perceived benefits while minimizing the cost. She said they would get word of the survey out through radio advertising, a potential letter from the County Executive to recipients of the survey, postcard follow ups, social media announcements, community engagement, and collaboration with some community partners. She said the survey team of Weldon Cooper would draft a conceptual outline for review and conduct a pre-test

community panel of residents to gauge how they respond to the survey. She said the survey would be out for approximately six weeks and they hope to provide a final report to the Board by late summer. She invited questions.

Ms. Mallek asked for confirmation that the County still maintains records from past surveys. Ms. Russell confirmed this. She said they had an intern, who was a recent graduate of UVA's statistics master's program, perform an analysis of previous surveys; the intern would furnish this information to Weldon Cooper to help in the drafting of the current survey.

Ms. Palmer asked if the County has already reached out to the 5,000 prospective survey respondents and how they were selected. Ms. Kilroy responded that this was what was called an address-based sample, with the benefit being that they know they are reaching County residents. She said these residents were sent a letter that outlined the purpose of the study and its potential benefits 7–10 days prior to the sending of the questionnaire. She noted that studies have shown that the advance letter improves response rates.

Ms. Palmer asked how the lists were purchased and if there was any bias in the list. Ms. Emily Kilroy, Director, Communications and Public Engagement, explained that they purchased the list from a third-party vendor; the list was well-tested, validated, and accepted for academic as well as other types of research.

Ms. Palmer remarked that with past surveys, various County organizations were allowed to insert a few of their own questions in the survey and asked if this practice would continue. Ms. Russell responded that they are seeking Board input as to the content of the survey questions.

Mr. Randolph remarked that he was glad Ms. Palmer raised this question. He noted that the prior NSC survey was standardized and not customized to obtain information designed for County policy makers to use to inform policy decision making. He noted that the last survey generated 383 respondents, which was just one more than the absolute minimum needed to conduct a survey with 95% confidence level. He said the Board felt that the number of recipients was not sufficient to inform policy decisions and decided to contract with Weldon Cooper to improve the accuracy and validity of the information, which would be much more valuable for the County.

Mr. Gallaway asked what the expected response rate was and if it would be demographically representative. Ms. Kilroy responded that they estimate a 20% response rate from the 5,000 surveys. She said they could target certain neighborhoods with lower response rates by sending more invitations and advance letters.

Ms. McKeel said she understand the need and importance of surveying people, though she feels that residents may have been saturated with too many surveys, recalling the recent parks and recreation survey, and she suggested they conduct the survey every three years.

Mr. Gallaway stressed the importance of obtaining valid information from a stratified survey that provides data from various demographics.

Ms. McKeel asked if there have been studies on the effects of surveying people too often. Ms. Kilroy remarked that survey response rates have been declining over the last two decades, which a tailored-design approach seeks to mitigate.

Ms. Mallek recalled that a recent survey conducted by the Crozet CAC, in collaboration with Weldon Cooper Center to obtain feedback as part of the first step of the master plan, received 700 responses out of 3,500 survey letters sent. She noted that they received another 1,200 voluntary responses through the website, and she expects that they would receive a positive response as a result of their planned outreach efforts.

Ms. Russell noted that the U.S. Census would be conducted the following year.

Ms. Palmer speculated that Supervisors received more surveys than the average resident.

Mr. Dill asked if there were any policy implications that resulted from the last survey and wondered if they would really make policy based on the survey results. Mr. Gallaway remarked that survey research was very technical in terms of generating responses and survey design, and a well-designed survey could inform policy making.

Ms. Mallek remarked on the benefits of a recent survey of Supervisors in which they were asked to rank items by priority order, noting that they found out some astonishing things about previously unknown community priorities.

Mr. Randolph remarked that the parks and recreation survey gave Board members a full understanding of the recreation needs of the community.

Ms. Palmer said she was disappointed with prior surveys and was curious to see if this survey would work better than the last, and she hopes the questions would be more targeted than the last round. She acknowledged that the survey conducted for parks and recreation was helpful to the Board in its decision making.

Ms. McKeel reiterated that she would like to know if there was information on the results of over surveying. She also asked that the School Division be given the opportunity to add some questions to the survey.

Mr. Randolph asked Ms. Russell to speak with senior staff and obtain input from County departments as to questions for which they need public input and then present these to the Board.

Ms. Palmer asked that members of the Board who serve on committees have the opportunity to propose questions to be included with the survey.

Mr. Randolph suggested that Supervisors send their proposed questions for the survey to Ms. Russell.

Ms. Mallek suggested that the Board review the survey questions once they have been proposed and then it could determine what needs to be added, rather than starting from scratch.

Ms. Russell said she would proceed as suggested.

Agenda Item No. 13. **Presentation:** GIS Web Presentation.

Ms. Kristy Shifflett, Director of the Office of Project Management, presented. She introduced Ms. Ruth Emerick, GIS Manager, who would co-present. She explained that her office has managed the GIS web project as a result of the technology assessment's look at how projects are launched, in an effort to identify ways to improve cross-departmental collaboration, training, and the use and integration of systems. She said that her office created criteria with which to develop and assist teams to understand the scope of the effort and what it would take to do business process mapping to understand areas they are trying to improve. She noted that Mr. Pete Shipman was assigned as the project manager, with Ms. Emerick assigned as the technical lead and subject matter expert.

Ms. Shifflett recounted that the first GIS web was established by the County in 2007, upgraded in 2010, and a needs assessment contracted in 2013. She explained that the needs assessment identified nine phases as areas to improve, with the first to be an upgrade for a modern and flexible search capability and display of relevant information and reporting functionality. She stated that the project was launched in August 2018 under her office. The team focused on graphic design of the maps, established public engagement, created training guides, and publicly launched in February.

Ms. Emerick reviewed the benefits of the GIS upgrade solution. She said it provides access to information through a modern and flexible search interface that displays relevant information on a single screen. She said that some of the nine phases of recommendations identified by the needs assessment were along the lines of having dedicated GIS web applications for residents to use to apply for and access various County services, as well as to obtain information. She said that they conducted seven hours of staff training with Parks and Recreation, Real Estate, Environmental Services, and a few other groups. She presented a slide with the old GIS web application, which she pointed out has two parts, a search application and a mapping application.

Ms. Emerick stated that the new application was a single interface with both features in one platform. She demonstrated how a person could look up a parcel by owner name and obtain tax data and aerial imagery of the property. She remarked that use of the County's website was substantial, with many who access the GIS web directly or through Google search, including 5,000 users the previous week. She noted that 700 of the previous week's users accessed the GIS web through a mobile device, representing 16% of total users. She said they received some feedback from users, both positive and negative, and plan to create a feedback form to gather information on what users like or dislike. She said they plan to retire the old system by the end of May after some additional enhancements are made to the new one, and then work on the eight additional phases.

Mr. Randolph observed that it was difficult to put in an address to access records because a name was required, which would be a handicap for real estate agents who want to obtain information about a potential listing. He could not access the property without having a name. Ms. Emerick responded that some technical issues and software bugs have been reported to the vendor and need to be worked out. She said the search function expects one to enter an abbreviation for the street or a partial address, which may be what Mr. Randolph was having difficulty with in his search. She acknowledged that this was something that need to be addressed and thanked him for bringing it up.

Ms. Palmer remarked that she tried it over the weekend and used abbreviations, and she did not have a problem. She asked Ms. Emerick if it could be accessed through the Parks and Recreation page. Ms. Emerick responded that this was a potential feature.

Ms. Shifflett added that it would be her role to assist in planning the implementation of different features.

Ms. McKeel said she printed some information from the site, but it printed without an address or identification. Ms. Emerick said this was brought to her attention last week and was on the list of issues to address.

Ms. Shifflett added that their approach was to keep the current system up through May to give staff time to improve upon the new system and fix bugs and problems.

Ms. McKeel and Ms. Palmer said they were not able to access the old site. Ms. Emerick suggested they clear their browser cache to be able to access both the old and new sites.

Mr. Dill asked if they have encountered privacy or security issues. Ms. Emerick responded that they received questions about redacting owner names, for which Mr. Andy Herrick worked with them to formulate an appropriate response.

Mr. Herrick, Deputy County Attorney, stated that he works with the County Assessor and assessments are public records, so even if this were removed from the internet, it was still required to be published in the land book. All information was public information.

Ms. Shifflett recognized the work of the GIS team that was present in the audience.

Agenda Item No. 14. **Presentation:** Board-to-Board, February 2019, A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

Mr. Jonno Alcaro, School Board Chair, stated that he has four items to discuss and would be glad to answer questions on any other subject, with the first item being the status of the bond referendum. He said the School Board heard on June 10 that all of the projects in the four areas (Woodbrook addition and modernization, Western Albemarle science lab addition and renovation, renovations of learning spaces in 25 schools, and security improvements) would be done by July 1, 2019 and would be under budget by about \$1.2 million. He said they are pleased with the project and financial management done by the team and recognized them for their hard work. He recognized the critical role the County team played in the success of the projects.

Mr. Alcaro reviewed the update of the anti-racism policy. He said they received the final version of the policy, which was formulated by a team of nine high school students, at the February 4 Board meeting. He said the policy was approved on February 28 and read the stated purpose of the policy: "Personal and institutional racism have historically existed and continue to exist in the School Division. Combating racism in our schools is a legal and moral imperative." He said the policy calls for the development of a systemic equity needs assessment, which would help identify processes and practices that cause or contribute to inequitable outcomes. He remarked that implementation of the policy would represent the biggest project with the most challenges. He continued that to effectively combat racism in this or any community was not a quick fix and could take decades or generations, though the racism policy was a start with implementation as the next phase.

Mr. Alcaro reviewed the update of the confederate imagery ban. He emphasized that it was not exactly a ban, as they have seen in the media, but a change in the implementation of existing regulations. He noted that on February 28, School Superintendent Matt Haas announced that symbols, lettering, or insignia that promote racial hatred or violence or that supported white supremacy would not be permitted in schools because they cause substantial disruption, interferes with educational responsibilities, and may lead to unrest in the future. He stated that this announcement does not constitute a change to the dress code regulations, which already expressly states that student clothing that interferes with or disrupts the educational environment was unacceptable, but enforcement of the regulation as it already exists. He noted that federal courts have determined that the confederate flag and similar images could excite racial tension and cause or have the potential to cause substantial disruption in the school environment, even if the wearer did not have discriminatory intent.

Mr. Alcaro provided an update on 25 students at Henley Middle School who were crowned as Virginia champions in the "We The People" competition at the University of Virginia and who would go on to the national competition in Washington, DC. He described this as a fantastic learning experience featuring constitutional questions posed to students, and it requires the use of contemporary skills that are important for lifelong success. They used their research and analytical talents to find and present their best constitutionally valid answers, including the use of creativity, communication, collaboration, and civic leadership. He concluded and invited questions.

Ms. Mallek said she had heard from 1950s and 1960s Albemarle High graduates who pointed out that clothing with symbols was not permitted, unless it was an Albemarle High shirt, and she offered this as a solution. She said she thought this was a great equalizer that worked for 30 years, and she does not see a reason why it would not work now. She was concerned that some students would get to wear certain clothing while others would not, and there would be a constant argument about what was acceptable.

Ms. Palmer recalled being sent home from middle school for wearing culottes and remarked that some of the old ways actually work. She expressed agreement with Ms. Mallek's suggestion.

Mr. Dill asked what was being considered with the sport of football. Mr. Alcaro said this was being reviewed, though he was not aware of any decisions that have been made, and he offered to get back to the Board on this.

Agenda Item No. 15. **Presentation:** Shenandoah National Park Update.

Ms. Jennifer Flynn, Superintendent of Shenandoah National Park, presented and stated that the Park was still awaiting its budget from Congress, though they expect it to be flat. She noted that they have been at about \$12 million for 10 years. She said they are fortunate in that they can supplement this with recreational entrance fees, of which 80% remain at the park. They have discretion as to how the funds are spent in direct support of the visitor experience, although a large portion has to be spent on deferred maintenance. She said they receive another \$5 million from a variety of sources, including other Washington-based sources, a philanthropic partner, and a percentage of concession revenue. They generally operate on about \$22 million to \$24 million. She said they have about 250 staff members, of which 160 are permanent, with the remainder being temporary summer employees.

Ms. Flynn listed their four partners as the Shenandoah National Park Trust, Potomac Appalachian Trail Club, Shenandoah National Park Association, and Delaware North Corporation. She explained that the Shenandoah National Park Trust was based in Charlottesville and currently funds approximately \$450,000 of direct grants to park projects allow them to leverage the things they are good at to provide excellent service in those areas. She said the Potomac Appalachian Trail Club helps maintain 300 miles of trails and take care of the six backcountry cabins. She said the Shenandoah National Park Association, their education partner, runs two bookstores in the visitor centers and earned over \$1 million in each of the past two years. She said the Delaware North Corporation was in the seventh year of a 10-year contract to operate lodges, restaurants, stable rides, waysides, and camp stores, and have made very large infrastructure investments yielding a visible difference in the buildings. She noted that this winter they will be putting a new roof on the Big Meadows Lodge and relocating the dining room.

Ms. Flynn stated that the government shutdown, from December 22, 2018 until January 15, 2019, was the longest in U.S. history but the public impact was not great to the park as it came during a period of low visitation, though it did come at a time of planning and hiring. She said it seems like they would open on time, though it has been quite demanding to get everything in place. She said there was some misuse of the park during the time of limited staff on duty, though she was overwhelmed with the love shown to the park and its resources by some members of the community and staff during the shutdown. She expressed gratitude to the Shenandoah National Park Trust for funding maintenance of the Old Rag and White Oak restroom facilities, which allowed them to keep these boundary access points open.

Ms. Flynn reported that 2018 was a record-breaking year in terms of weather, with 99.56 inches of rain measured at Big Meadows, compared to the previous record of 68.34 set in 2003 and the yearly average of 52 inches. She said a severe ice storm at the southern end of the park in November resulted in an extended closure of the south district, additional ice storms followed, and they are trying to get this portion of the park open. She noted that park visitation was weather dependent, and attendance was down by 13% in 2018, compared to 2017, with an estimated 1.27 million visitors in 2018. She noted that the 2017 impact study found that the proximity of the park was a good thing and that visitors spend \$95.8 million in 2017 in the surrounding communities, which supports 1,200 jobs, not counting the 300 jobs with Delaware North and the nearly 300 jobs the National Parks Service brings.

Ms. Flynn mentioned two mechanisms with which to stay connected with the park: through Celebrate Shenandoah, a community-based organization established for the 75th anniversary that has continued in existence, on which Ms. Lee Catlin, formerly of Albemarle County staff, serves. She invited the County to nominate an additional representative. She said the second mechanism was the Blue Ridge Committee for Park Relations, which arose in the 1980s at the suggestion of the County's congressional delegation in response to poor relations between the park and surrounding communities. She said the committee meets twice a year and gives her the opportunity to hear from the counties about community concerns and questions; Mr. James Lee, Ms. Lee Catlin, and Mr. Joe Jones represents Albemarle. She invited additional nominations, for which she would connect the Board with the Chair of the committee.

Ms. Palmer asked if the meetings with communities are publicized. Ms. Flynn responded that they are not considered to be public meetings and are not publicized except to members of the group, though others may attend and may request information about the meeting schedules. She reminded the Board that five fee-free days remain in 2019: April 20 (National Park Week), August 25 (National Park Service birthday), September 28 (National Public Lands Day), and November 11 (Veterans Day) as well as a Shenandoah National Park-only fee-free day, Neighbor Day, held June 15. She said they began the environmental assessment process for liming of a portion of the Meadow Run watershed in Augusta County to address the effects of acid rain in the southern portion of the park due to the geologic composition of the soils, which has high levels of sulfate concentration. She said they are planning to hold one of the public engagement meeting in Charlottesville this June.

Mr. Dill asked how the lime was spread. Ms. Flynn responded that the proposal was to spread it from a helicopter and part of the public conversation would center around whether it should occur in wilderness. She said that if they agree that it should, they would determine what ways could make it the least impactful, with her team believing that this method would be the least impactful to the landscape when compared to bringing in the lime manually.

Ms. Palmer requested that Ms. Flynn email the presentation to the Board. Ms. Flynn agreed to send it to the County Clerk.

Ms. McKeel recalled that at the last presentation on the park, they heard about 900-pound wild pigs. Ms. Flynn responded that they are still worried about this but have not seen any closer evidence to

the park. Last year, they responded to a report in Madison County to a wild animal only to find that it was a pig that had been lost from a farm. She noted that they still have not seen any evidence of feral hogs in the park, though she acknowledged that animals have been seen in portions of Culpeper County.

Ms. McKeel asked how the park was preparing for the effects of climate change. Ms. Flynn responded that they are trying to be proactive and next year plan to conduct a study to look at ways to preserve the endangered Shenandoah Salamander, which was only found on four peaks in the park. She said they are trying to manage the rapidity of invasive species such as Emerald Ash Borer and to get in front of these threats as soon as they can, though she acknowledged they do not have a great response plan.

Ms. Mallek remarked that the work they have done with the Ailanthus would help with the Spotted Lanternfly and asked if they are spilling over into the northern reaches of the park. Ms. Flynn stated that she has not heard of any sightings. Ms. Mallek asked if the injection program with the Emerald Ash Borer was still going on. Ms. Flynn said they were treating targeted Ash and Hemlock trees in developed areas that might fall on buildings or parking lots, though these only make up a small percentage of all the trees and she expects the park to lose thousands of trees.

Agenda Item No. 16. Closed Meeting.

At 4:54 p.m., Mr. Dill **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia,

- Under Subsection (1), to discuss and consider appointments to the public bodies in which there are pending vacancies or requests for reappointments. The public bodies for which appointments are pending are:
 1. The Albemarle Broadband Authority;
 2. The Albemarle County Economic Development Authority; and
 3. The Albemarle County Board of Equalization; and
- Under Subsection (6), to discuss and consider the investment of public funds in 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 the Charlottesville City Council regarding the Ragged Mountain Reservoir where consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County and the Board.

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, Mr. Dill and Mr. Gallaway.
NAYS: None.

Agenda Item No. 17. Certify Closed Meeting.

At 6:05 p.m., Mr. Dill **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act 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: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.
NAYS: None.

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

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

- **appoint** Mr. Waldo Jaquith to the Albemarle Broadband Authority to fill an unexpired term ending June 7, 2021.
- **appoint** Mr. Anthony Arsali, to the Equalization Board as the Rivanna District representative with said term to expire December 31, 2019.
- **appoint** Mr. Landon Birkhead to the Equalization Board as the Scottsville 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: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.
NAYS: None.

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

Ms. Greta Dersheimer, resident of the Jack Jouett District, member of IMPACT and Thomas Jefferson Memorial Church, addressed the Board. She reminded the Board that the previous April, Supervisors Mallek, Dill, and Gallaway told over 1,000 County members that they supported IMPACT's proposals to increase the availability of affordable and accessible housing for County seniors. She recounted that IMPACT asked for three things: 1) to make the housing fund a long-term fund with an annual budget earmark, 2) to appoint a committee of diverse citizens and housing experts to provide advice on policies to guide funding expenditures, and 3) to develop a plan and build 150 affordable and accessible housing units for seniors age 65+ with annual incomes of \$35,000 or less within five years.

Ms. Dersheimer stated that the need for affordable housing for seniors, as each month over 900 seniors must choose between paying for food and medical or housing expenses. She noted that many seniors live on a fixed income and are impacted by rising rents or real estate taxes. Having a stable and secure home environment contributes to good mental and physical health, while anxiety about maintaining a home has negative effects. She said they were pleased to have the support of Supervisors, however, in the last two weeks, they learned that \$700,000 has been included in the proposed budget as a one-time addition to the housing fund, which was a good start but not enough. She said they heard that a proposal to contribute \$1 million to a permanent housing fund was not voted on because the Board wanted to await the needs assessment report to be made public on April 14, which was too late to have any effect on the proposed budget. She stated that a County staff member has not been assigned to develop a plan for construction of 150 new units of housing for low-income seniors and requested that one be assigned now to begin this process.

Mr. Tom Eckman, a resident of the Rivanna District and member of IMPACT, addressed the Board. He said that 2,800 seniors struggle with housing in the County, 933 senior households pay more than one-half of their income on housing, 300 seniors make less than \$35,000 per year, the waitlist for senior housing has 77 people, and the voucher waitlist was up to three years. He stated that he knows some of the residents that pay more than half their incomes for housing, and they worry about having food to eat and paying for medicine. He stressed that they do not need to wait for the needs assessment to know that affordable and accessible housing was necessary in the County.

Ms. Sheila Herlihy, resident of Charlottesville, addressed the Board. She added that she was Coordinator of Justice and Charity at Church of the Incarnation, which was in the Rio District. She said she knew people who pay 90% of their income for housing, as well as those who have been through a medical procedure or who have seasonal work and cannot pay their rent or mortgage this month. She recounted that the previous week, she spoke with a couple in their 80's with a combined social security income of less than \$1,300/month, their rent was \$1,180/month, and the husband had just obtained a job at an auto repair shop, but they were still struggling to make ends meet. She said that earlier in the day, she spoke with a woman in her church who was a victim of domestic violence and received assistance from a nonprofit to pay for her apartment, as her work cleaning hotels was not enough to cover all the expenses for herself and her two small children as well as her teenage children. She said the woman often requests assistance to cover electricity or food. She stated that there are many more stories like these. She noted that it was the season of Lent, a reminder of falling short of what people ought to be and that the Board needs to take steps to be more in line with their calling, which includes caring for the poor. She said she was saddened that the Board has not made affordable housing, particularly for seniors, a priority in this the upcoming budget, and she hopes they would work to rectify this.

Ms. Mary Sherrill, resident of Charlottesville, addressed the Board. She stated that there are those in need of food, housing, and medical bill assistance. She recounted how she heard a story on National Public Radio about those who take partial doses of insulin since it was very expensive.

Agenda Item No. 20. **Presentation:** Recognition of March 3rd Liberation Day.

Ms. Siri Russell, Director of the Office of Equity and Inclusion, presented. She introduced Ms. Niya Bates, Director of African-American History at Thomas Jefferson's Monticello, and noted that her work involves engaging local and national conversations around slavery and its legacies and her research focuses on race, cultural landscapes, poverty, slavery, and freedom. She said Ms. Bates serves on the boards of Preservation Piedmont, the Jefferson School African-American Heritage Center, was a member on the President's Commission on UVA in the Age of Segregation and serves as an advisor for UVA Landscapes. She said Ms. Bates would provide historical context of post-liberation in Albemarle County.

Ms. Niya Bates, resident of Rivanna District and Director of African-American History at Thomas Jefferson's Monticello, addressed the Board. She said she would share a bit about County history and contributions made by descendants enslaved Africans in the years after Liberation Day of March 3, 1865. She shared a personal story, recounting how in the spring of 2011, she boarded a bus from UVA to Albemarle to visit former plantations and to study the buildings, materials, and history for a class called "Art and Culture of the Slave South." She said she would never forget their visit to Cloverfields in Keswick, which was located near where her grandparents lived and where her grandmother worked as a maid from the 1930s–1950s. She recalled riding past Cloverfields on Route 231 as a child on the way to her grandparents' house. She recalled how during the class visit to Cloverfields, she learned how slaves worked the land and raised their families but were not able to leave much of a record of their own story.

She recalled her surprise at seeing a picture of her aunt, Elois Bates, in the kitchen of the plantation house.

Ms. Bates explained how this experience led her to consider the stories she missed about her family, as well as those of other enslaved persons, while attending County schools and UVA, which pushed her to learn more about the County's black history. She stated that in 1860, over 13,900 people, the majority of the County's population, were enslaved. She noted that a search of Ancestry.com revealed that 14,408 individuals were listed on the 1860 census slave registers, with some listed as slave fugitives or as manumitted, while almost 300 free black people were registered with the County courthouse. She said that over 240 men from the County enlisted in the U.S. colored troops to fight for their own liberation, according to research started by Dr. Ervin Jordan, an expert on local Civil War history at the UVA library system and carried out by the Nau Center for Civil War History, and that the colored troops were the subject of the movie "Glory." She quoted Commissary Sergeant James T.S. Taylor: "I left my home in Charlottesville, Albemarle County, VA to avoid the rebel service. My journey was almost in parallel in deluding the rebel pickets and finally reaching the Union lines and safety." Ms. Bates explained that safety was in Union Hill in the Fairfax portion of northern Virginia and reported locations of the Confederate troops that he evaded while fleeing forced labor for the Confederate army. She explained that after the war, freed men and women in Albemarle County set about creating their own spaces and building upon the foundation established by freed blacks before emancipation. She said that congregations met in private homes and underbrush harbors until they could build their own church building. She presented a photograph of the Zion Hill Church in Keswick. She said that black men and women established neighborhoods like Cobham, Cismont, Boydentown, Eastham, Esmont, Canada, and Free State, as well as schools, including seven new elementary schools created with the funding assistance of the Julius Rosenwald Fund: Cismont, Eastham, Greenwood, Rivanna, Scottsville, St. John's, and White Hall. She added that the St. John's and Cismont schools still exist today.

Ms. Bates continued that the County's black population declined to about 9,600 or 30% of the total population by the second decade of the 18th Century, though they owned over 17,000 acres of land in the Scottsville and Rivanna districts valued at over \$1 million, according to the 1910 census. She said that most of the land was held in farms of 30 acres or less, with very few tenant farms, which defied the stereotype perpetuated about sharecroppers in other areas of the south. She noted that African-American men and women served as guides and greeters at Monticello until the 1950s. She remarked that the generation after slavery built a legacy for their descendants, many of whom are now octogenarians and nonagenarians, with descendants who are still working towards justice and equality. She gave the example of Lorenzo Dickerson, who was working on a project to honor the first 25 black students to integrate County classrooms, under the guidance of Rev. R.H. Johnson of Zion Hill Baptist Church. She stated that these stories are still living history and although Liberation Day may seem like distant history, it was much closer than realized.

Ms. Palmer then read and **moved** adoption of the following Resolution of Recognition of March 3rd as Liberation Day.

Resolution of Recognition of March 3rd as Liberation Day

WHEREAS, the County of Albemarle, in keeping with the core principles of our great United States of America, believes that all persons are created equal and possess unalienable rights to life, liberty, and the pursuit of happiness; and

WHEREAS, on the twenty-second day of September, in the year 1862, a proclamation was issued by the President of the United States, containing, among other things, an emancipating declaration that: on the first day of January, in the year 1863, all persons held as slaves shall be then, thenceforward, and forever free; and

WHEREAS, on the third day of March, in the year 1865, the liberation of the estimated 14,000 enslaved persons in the Charlottesville/Albemarle area was enforced; and

WHEREAS, the Board of Supervisors recognizes the enduring cultural and historical significance of emancipation, acknowledges the universally cherished values of liberty and justice, and emphasizes our common humanity.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors do hereby recognize March 3, 2019 as Liberation Day.

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

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

Agenda Item No. 21. **Presentation:** Summary of Enabling Authority to Promote Active and Vibrant Development Areas.

The Executive Summary forwarded to the Board states that at its January 9, 2019 meeting, the Board of Supervisors received the Community Field Survey Phase I Pilot and provided direction to staff to

proceed to Phase II. The Phase I Survey identified and evaluated the existing conditions of public infrastructure, including pedestrian and bicycle facilities, as well as parks and public spaces; housing; and land uses in Neighborhood 7. The next step for staff will be to work with the Thomas District Planning District Commission to develop the scope of work for Phase 2. Staff expects that, when it is completed, the Survey will allow the County to target revitalization efforts, strengthen its applications for Federal Community Development Block Grants, and to support the County's work on addressing the appearance of highly visible urban public spaces and improving the physical conditions in the County's aging urban core.

The purpose of this work session is to provide the Board a preview of the State enabling authority to address the issues identified in the Survey when it is completed.

Attachment A provides an inventory of the State enabling authority that the Board has already implemented (Section 2), and that which it may implement (Section 3), to promote active and vibrant Development Areas in the County. The enabling authority can be classified in various ways. Section 3 classifies the enabling authority into by 11 general subjects (e.g., "infrastructure," "the condition of buildings and other structures," but it could just as easily be classified by the nature of the regulation or program (e.g., "infrastructure," "incentives," and "behavioral").

With one exception regarding incentive zoning, Attachment A focuses on State enabling authority other than that provided for zoning, subdivisions, site plans, and water protection. The reason for this focus is that zoning in the Development Areas may be informed by the new regulations that will soon be developed to implement the Rio/29 Small Area Plan. In contrast, the County's subdivision, site plan, and water protection regulations are, to a large extent, dictated by State law, and work is underway in those areas where the County can exercise local control, such as regulating stream buffers.

Attachment B is an updated summary of the State enabling authority for service districts, a targeted taxing tool to provide qualifying facilities and services. The Board has considered service districts over the years but has never established one.

Some sources of the State enabling authority identified in Attachment A are staples of localities that have mature urban areas; other State enabling authority is either new or not commonly implemented by localities. Before any regulation is implemented or any program is established after the Phase II Survey is completed, its strengths and weaknesses, its advantages and disadvantages, will be analyzed.

There is no budget impact at this time. Future recommendations and decisions regarding the regulations and programs that may be pursued to enhance the Development Areas could have significant budget impacts resulting from capital improvements, economic incentives, and increased staffing.

Staff recommends that the Board discuss the State enabling authority and provide general direction to staff to continue evaluating all potentially applicable State laws that may provide regulations and programs to address the issues that may be identified in the Phase II Survey.

Mr. Kamptner explained that it was time for the Board to look at what they have enacted so far so that they have a path forward. He said that in looking at two of the three key elements of the Board's FY 20–22 Strategic Plan, the Board identified revitalizing of aging urban neighborhoods as a priority, with January stated as the starting time for that initiative. He said they would look to improve the neighborhoods and address multi-modal transportation issues within development areas, as one of the key goals of the Comprehensive Plan was to have vibrant, active places with attractive neighborhoods. He recalled that Ms. Russell presented Phase 1 of the neighborhood study in January, a review of the buildout of infrastructure and an assessment of the housing stock within Neighborhood 7. He said the majority of homes are classified as "sound minor" and "sound moderate." He characterized sound minor dwellings as those with peeling paint and other minor maintenance issues, while sound moderate might have multiple roof shingles missing or other conditions that require immediate repair. He said the study identified no public parks or spaces. He said that Ms. Russell and the TJPDC would return before the Board later this year with Phase 2. He said the study would inform the master planning process.

Ms. McKeel recognized a photo Mr. Kamptner presented as that of a house that has been designated as a spot blight. Mr. Kamptner confirmed this and explained that this was an example of a case for which enabling authority does not solve everything. Ms. McKeel remarked that sometimes what enabling authority provides was even worse for neighbors than doing nothing.

Mr. Kamptner noted that Section 3 of Attachment A (copy on file) contains the enabling authority the County has not implemented. He said he included information on incentive zoning because the County's current incentive zoning in the ordinance has bonus densities for affordable housing, as well as some mundane benefits such as internal subdivision roads. He added that he wanted to plant the seed that the enabling authority for incentive zoning was a quite broad tool provided by the General Assembly. He recognized that they have some incentive zoning but the County has not reached anywhere near its potential. He noted that Section 2 of Attachment A was that the enabling authority the County already enacted was primarily behavioral in nature, and they established a minimum standard. Mr. Kamptner said that they are complaint driven and it was only enforced if it was not solved by the County's zoning regulations. He added that many things are not processed through the complete enforcement process unless they become a zoning violation.

Mr. Kamptner said he would explain where they are with zoning and explain why he has sidestepped it during the presentation. He said that a lot of what would happen with the zoning ordinance was going to be informed by what comes out of the work being done to implement the Rio/29 Small Area Plan. He explained that zoning has limitations, and what precedes zoning were individual nuisance actions brought by one landowner against another to argue that they were impacted by the actions of the other. He said that in the early 1900s, Los Angeles and New York established regulations on the heights of buildings and setbacks. He quoted Roger K. Lewis, a retired professor of architecture and urban planning at the University of Maryland, who was a long time contributor to the *Washington Post*: "Conventional zoning may have succeeded more as a way to protect the public health, safety, and welfare rather than as an effective planning tool for creating balanced growth, good urban design, beautiful cityscapes, or affordable housing." He said they have had neighborhood model regulations for the last 18 years, which made some significant improvements, but they are still reactive in the way they zoned and let the landowner decide on his preferred zoning rather than implementing the vision laid out by the Comprehensive Plan.

Mr. Randolph observed that the February issue of *Governing* magazine had outstanding articles about Springfield, IL and the impact of zoning and its use as a tool for the preservation of racial segregation. He remarked that it was still used as a tool for segregation in the country as well as in Albemarle County.

Mr. Kamptner recognized that there was interesting reading available that touched on the history of this subject. He commented that his analysis did not include subdivision and water protection ordinances and a state subdivision law that primarily deals with subdivisions and was similar to the County's ordinance, though there are some little gaps they could close and clean up with recodification. He reminded the Board that the state also dictates what stormwater regulations, including erosion and sediment control, could be, though it does allow the County to impose enhanced standards based on a study and subject to Virginia Department of Environmental Quality. He said the County was working on nutrient credits and stream buffers.

Mr. Kamptner reminded the Board of the three pieces of enabling authority authorized by the General Assembly that pertain to the development areas: 1) Adoption of an ordinance to require the removal of snow and ice from sidewalks, 2) Establish economic revitalization zones that allow for regulatory flexibility and incentives, and 3) Prohibit parking on secondary highways. He said that staff was working on parking regulations.

Ms. McKeel recounted that in a meeting she recently attended, Police Chief Ron Lantz proposed some improvements that could be made to neighborhood parking regulations.

Mr. Kamptner characterized his presentation as a bridge between Phases 1 and 2 and invited Supervisors to specify statutes for further research, as he has assigned a paralegal to conduct research to assist with understanding of zoning's fiscal and staffing impacts, benefits, and burdens. He noted that the Housing Research section of the Code authorizes localities to engage in research studies on housing and enables them to experiment with housing alternatives, including the rehabilitation of existing housing stock and the construction of additional housing. He concluded the presentation and invited questions.

Ms. McKeel asked Mr. Kamptner what he expects from the Board at this point. Mr. Kamptner responded that he reviewed the Code to find the County's enabling authority and put everything together in one location, though he has not yet researched who was using it. He invited Supervisors to contact him if any of the Section 3 pieces of enabling authority piques their interest so they could start talking about and looking at these.

Mr. Dill asked Mr. Kamptner if there were incentives other than tax rate incentives associated with incentive zoning. Mr. Kamptner read the definition: "Incentive Zoning means the use of bonuses in the form of increased project density or other benefits to a developer in return for the developer providing certain features, design elements, uses, services, amenities desired by the locality"

Mr. Dill remarked that it sounds like another way to get proffers, particularly to incentivize the development of low-income housing. Mr. Kamptner remarked that up until now they offered a density bonus but not identified other benefits. He observed that the density bonus has not been heavily used, though some more recent by-right developments have pursued it.

Ms. Mallek commented that The View and West Glen in Crozet have bonuses.

Mr. Kamptner acknowledged that recent by-right developments have taken advantage of it, though during his years working for the County, he only recalls a few rental projects that have used a density bonus.

Ms. Mallek stated that Mr. Kamptner mentioned three things for which the County received authority last year and suggested he work on getting those three implemented, especially parking.

Ms. McKeel stated that her district has old, aging, affordable housing, and she would like to address the quality-of-life issues and maintain this stock of housing. She said that many units were purchased from 2007–2008 and the out-of-town owners are not maintaining the properties for the residents, which includes the elderly and families. She said that there must be a way to require the cutting of grass.

Ms. Mallek recalled how former County Attorney Larry Davis was able to get banks that foreclosed on empty lots to cut the grass by threatening to have the County cut the grass and charge them.

Mr. Gallaway agreed that Supervisors could send Mr. Kamptner items that they have an interest in. He observed that the County has not been maintaining the aesthetics and appearance of public areas, especially along entrance corridors, and he believes that it was hypocritical to conduct a certain level of scrutiny when the County was not doing the same.

Ms. Palmer remarked that the Board has had periodic discussions over time about this and chose to not have a public works department. She wondered whether they should research the costs of having a public works department.

Ms. McKeel observed that there are “no-mans” areas where the responsibility for maintenance was unclear, and she suggested that they work with and pay Charlottesville to maintain areas that go a block or two into the County instead of purchasing all the equipment. She added that Mr. Trevor Henry has been working with the City to address specific areas.

Ms. Palmer noted that this issue arose at the previous Friday’s greenways meeting, attended by herself, representatives from the City, Mr. Dan Mahon, and Mr. Chris Gensic. She remarked that VDOT was not able to keep up with litter and proposed that they advocate for a statewide beautification campaign like the “Don’t Mess with Texas.”

Mr. Gallaway added that if the County was having high standards then it should be living up to its own standards.

Agenda Item No. 22. **PUBLIC HEARING: SP201800014 – Cash's Corner Transmission Line (Sign #'s 71,72, &73).**

PROJECT: SP201800014 Cash's Corner Transmission Line.

MAGISTERIAL DISTRICT: Rivanna TAX MAP/PARCEL(S): 05000000004100; 050000000041A0; 050000000041B0; 050000000041B1; 050000000041C0; 050000000041D0; 05000000004500; 050000000045B0; 051000000014A0; 051000000014D0; 051000000016A0; 05100000001700; 051000000028A0; 06600000004300; 06600000004500; 06600000004800; 06700000000100; 06700000000200.

LOCATION: From the Albemarle County – Louisa County boundary at a point 0.34 miles north of the intersection of Virginia Route 22 and Whitlock Road (Route 616) to an existing substation located 0.5 miles north of the intersection of Virginia Route 231 and Lindsay Road (Route 615), along an existing utility easement.

PROPOSAL: Replace existing 46kV electrical transmission line with pole heights of 55 to 70 feet with new 115kV electrical transmission line with pole heights of 65 to 90 feet along an existing utility easement approximately 2.7 miles long.

PETITION: Energy and communications transmission facilities under Section 10.2.2(6) of the zoning ordinance on 18 parcels totaling 897.35 acres. No dwelling units proposed.

ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

(Advertised in the Daily Progress on February 4 and February 11, 2019.)

The Executive Summary forwarded to the Board states that at its meeting on January 15, 2019, the Planning Commission unanimously voted to recommend approval of SP201800014, with conditions. Attachments A, B and C are the Commission’s staff report, action letter, and minutes, respectively.

The Planning Commission’s recommendation included the addition of condition 4, which would limit the pole heights for the upgraded power line to 90 feet above ground level, as described in the application

The County Attorney has prepared the attached Resolution to approve the special use permit.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP201800014 subject to the conditions contained therein.

Mr. Scott Clark, Rural Area Planner, presented. He explained that the request was a special use permit for an electricity transmission line in the northeastern part of the County. He presented a map with the parcels under the existing right-of-way. He noted that there was an existing 46kV, 2.7-mile-long transmission line in place since the 1960s, which he traced on a map. He said the current line consists of mostly wooden monopoles with heights measuring 55–70 feet. He explained that this line would be the last in a multi-county CVEC loop, to upgrade a circuit from 46kV to 115kV, which would provide better and more reliable service, with the installment of 65–90 ft. steel monopoles with a brown weathering steel finish. He presented several photos of the existing right-of-way and line, noting that there was no point at which it encounters a public road. He presented an example of the proposed design supplied by the applicant, noting that it would be brown weathered steel, comparable to the existing brown, wooden poles. He said that higher voltage requires taller poles for ground clearance and wire separation. The poles would be replaced in the existing right-of-way rather than creating a new right-of-way, most poles

would be monopoles except for four H poles, which would consist of two monopoles braced together, no other structures or facilities was proposed, impacts to adjacent properties were expected to be minimal, and there would be some increase in visibility. He presented photos of the Southwest Mountains Historic District and a 4,000-foot green buffer area, with dots representing the existing poles in the middle of the buffer.

Mr. Clark reviewed the four conditions of approval recommended by the Planning Commission at its January meeting: the supporting structures for the transmission line would need to remain within the existing right-of-way; supporting structures within 2,000 feet of Route 231 must be monopoles in order to minimize visibility impacts to the scenic highway and the historic district; all existing structures consist of weathering steel to minimize visibility; and maximum pole height of 90 feet above the ground surface. He concluded and invited questions, noting that the applicant was present to provide technical information.

Ms. Mallek asked if the County gave an ACE easement to allow the applicants to cross over air rights in one of the corners. Mr. Clark confirmed that by the substation, there was a 0.1-acre area where there was a change in the angles of the wires going into the substation. He said that although it does not touch the ground, it passes over the property. He added that the County and the Virginia Outdoors Foundation hold an ACE easement, which had to be cleared to allow for this.

Mr. Gallaway opened the public hearing and invited the applicant to make comments.

Mr. Bruce Maurhoff, Chief Operating Officer, Central Virginia Electric Cooperative, addressed the Board. He explained that this piece of the project was part of a 32-mile transmission line that serves about 20% of CVEC's customers, located primarily in Albemarle, Goochland, Louisa, and Fluvanna Counties. He stated that the line was not part of the bulk electric transmission system, which would transmit power across or between states, but was owned by CVEC for the purpose of serving its customers. He said that this project would complete a 20-year plan to replace the line and enable customers to be served with connections from both Columbia and Cash's Corner, VA, so that if either location suffered an outage, customers could receive service from the other station. He said the entire project consists of 60 structures, of which 38 are located in Albemarle, and crosses about 17 parcels in the County. He continued that the line has sufficient capacity for additional growth, and the self-weathering steel pole was less visible than galvanized steel. He invited questions.

Ms. Mallek asked for clarification that he was describing the last mile to the house, as opposed to the transmission where it went over the hill and down to Norfolk. Mr. Maurhoff responded that the line was 2.7 miles long and was at a higher voltage, and it connects one substation to another.

Ms. Mallek remarked that substation has to do the step down and then go to the house. Mr. Maurhoff confirmed this.

Mr. Peter Taylor, a 35-year resident of Keswick, addressed the Board. He said that he and his wife live on Gordonsville Road, not far from the substation at the edge of the County line. He noted that he serves on the Public Recreation Facilities Authority Board, which has a new name. He complimented the review work conducted by Mr. Clark, though he disagrees with him on specific aspects of the plan. He stated that it was important for the Board to get this right and there are many stakeholders besides CVEC. He noted that the location lay at the edge of the historic district within an entrance corridor, and it was the second most densely eased area of land in Virginia. He stated that while electricity was a necessity, he does not believe the current plan was sufficiently clear as to how it affects other stakeholders. He recounted that he formerly owned Elden Farm in Cobham, a property that was at easement where the transmission line would traverse, the line was up on a hill while the Cobham area lay within a valley, and 90-foot poles would be visible from St. John's Road and the school. He asked the Board to study the visual impacts so that all stakeholders are represented. He asked that the Board postpone its decision.

Mr. Sean Tubbs stated that representatives of his organization have worked with the Planning Commission to make sure some conditions are codified in the resolution. He asked if there was a plan that depicts the height of each pole at each location, as this would be useful in consideration of visual impacts.

Mr. Randolph asked the applicant where the H structures would be located. Mr. Maurhoff stated that they have a plan that shows the specific location and height of each pole. He explained that two of the H structures are on either side of a railroad crossing, as the Code requires a stronger structure for reasons of safety and two other H structures cross a ravine.

Mr. Clark pointed out the locations of the H structures on a map.

Ms. Mallek asked if the H-poles were below the height of land, downslope to hold wires. Mr. Clark explained that it was low to fairly rolling land well east of the southwest mountains, with the H-poles to be located above small ravines that would not protrude above the landscape.

Ms. Palmer asked Mr. Clark to address Mr. Taylor's concerns about visibility from the school in Cismont. Mr. Clark responded that they looked for specific properties that were within proximity during the review and did not find any that were right by the corridor. He pointed out the locations of St. John's School and the existing H-line on a map, estimating that the school lay over one mile away from the line. He also presented an aerial photo of the area.

Mr. Dill remarked that he had asked if there was any cushion in the distance of the wire from the ground so that the line could be lower in one place, but he learned that this was not an option. He agrees with the comments made by Mr. Taylor but recognizes that there may be no other way to do this.

Ms. Mallek pointed out that if they chose to have the line in another location, the destruction would be many times worse, and she understands why the H-poles were required for safety.

Mr. Randolph recognized that for safety reasons, a more than doubling of the voltage would require higher poles. He recognized that ever since electricity was introduced to rural areas, there has been visual impacts. He noted that the Board has approved much larger brown, Dominion transmission towers, and he praised CVEC for proposing to build brown towers within the existing right-of-way and recognized that there was no other realistic option here. He noted the prohibitive cost to bury a 150kV line and commented that this was a reality of modern life.

Mr. Dill commented on the one-sided nature of the discussion and invited Mr. Taylor to speak again.

Mr. Taylor remarked that if the PRFA board were discussing this, it would look for ways to minimize the visual impact. He said he suspects the plan was developed in the most cost-effective manner and that Dominion had expressed a desire to bury lines. He said the adverse effects to the community has to be weighed with the costs of burying the lines, and he does not know if this plan has been considered from the perspective of minimizing visual impact. He reiterated that he believes it should be studied further to determine if there was a way to minimize the visual impact. He noted that the special use permit includes communications lines, the easements does not contemplate them, and a class-action lawsuit was successful against power companies that installed communications lines on old electric easements.

Mr. Randolph reminded the Board that HB 26-91 that was passed and signed by the Governor would encourage utilities to spring broadband on them, and anyone litigating against the power company would potentially also be suing the Commonwealth of Virginia.

Mr. Clark clarified that the use category the permit applied for includes other uses, including communications, though this particular application did not request communication facilities.

Ms. Palmer asked Mr. Clark how an impact on visibility for an historic structure like a school would come into play when evaluating the plan. Mr. Clark responded that they did not have a hardline distance consideration, and it was up to the Board to make a judgement call. He explained that after obtaining feedback from the community, conditions were added by the Planning Commission with the intention of limiting the visual impacts of the facility.

Mr. Dill recommended that they postpone a decision for 30 days to provide an opportunity to look into some of these issues.

Mr. Gallaway recognized that there could be visual impacts but there are other things he prioritizes over the visual impacts.

Ms. Palmer said that it seems from the materials that they did try to minimize visual impacts, though perhaps not to the extent that some may have liked them to.

Mr. Gallaway then closed the public hearing.

Mr. Randolph **moved** that the Board adopt the proposed Resolution to approve SP201800014 – Cash's Corner Transmission Line, subject to the four conditions recommended by the Planning Commission. The motion was **seconded** by Ms. McKeel.

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

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

RESOLUTION TO APPROVE SP 2018-14 CASH'S CORNER TRANSMISSION LINE

WHEREAS, Central Virginia Electric Cooperative submitted an application for a special use permit to allow it to upgrade from 46kV to 115kV its existing electrical transmission lines located on the rights-of-way it holds over Tax Map Parcels 05000-00-00-04100; 05000-00-00-041A0; 05000-00-00-041B0; 05000-00-00-041B1; 05000-00-00-041C0; 05000-00-00-041D0; 05000-00-00-04500; 05000-00-00-045B0; 05100-00-00-014A0; 05100-00-00-014D0; 05100-00-00-016A0; 05100-00-00-01700; 05100-00-00-028A0; 06600-00-00-04300; 06600-00-00-04500; 06600-00-00-04800; 06700-00-00-00100; and 06700-00-00-00200, property zoned Rural Areas (RA), and the application is identified as SP201800014 Cash's Corner Transmission Line ("SP 2018-14"); and

WHEREAS, on January 15, 2019, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2018-14 with conditions as recommended by staff, as well as one additional condition to limit the pole heights for the upgraded power line to 90 feet above ground level as set forth in the application; and

WHEREAS, on February 20, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2018-14.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2018-14 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2(6) and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2018-14, subject to the conditions attached hereto.

* * *

**SP-2018-14 Cash's Corner Transmission Line
Special Use Permit Conditions**

1. Supporting structures for the electrical transmission lines must remain within the existing right-of-way easement.
2. Supporting structures within two thousand (2,000) feet of Route 231 must be monopoles. All supporting structures elsewhere within the existing right-of-way easement must either be monopoles or H-poles.
3. All supporting structures must consist of weathering steel.
4. Monopoles and H-poles must not exceed a maximum height of ninety (90) feet above the ground surface at the base of the poles.

Agenda Item No. 23. **PUBLIC HEARING: Ordinance to Amend County Code Chapter 8, Licenses.** To receive public comment on its intent to adopt an ordinance to amend Chapter 8, Licenses, of the Albemarle County Code by reorganizing and rewriting the chapter, repealing obsolete and unnecessary provisions, and adding new provisions. The ordinance also would incorporate the uniform ordinance provisions of Virginia Code § 58.1-3703.1 (Sec. 8-200 *et seq.*), replace the existing \$50 County license tax on “building or savings and loan associations” with a \$50 license tax on savings institutions and state-chartered credit unions (Sec. 8-701), replace the existing County license tax on vending machine and coin-operated device operators with a license tax on amusement machines only (Sec. 8-705), clarify that businesses serving alcoholic beverages are subject to both County business license(s) and separate alcohol license(s), and permit going-out-of-business sales as provided by Virginia Code §§ 18.2-223 and 18.2-224 (Sec. 8-890). The subject matter of Chapter 8 is composed of: Article 1, Business Licenses (Div. 1, Administration, Div. 2, License Requirement, Situs of Gross Receipts, and Appeals, Div. 3, License Application, Issuance, and Revocation, Div. 4, Determining Gross Receipts, Div. 5, License Tax and License Fee, Div. 6, Correcting Tax Assessments, and Div. 7, Schedule of Taxes); and Article 2, Other Licenses.

(Advertised in the Daily Progress on February 4 and February 11, 2019.)

The Executive Summary forwarded to the Board states that the Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 8 of the County Code governs the County business license requirement, tax and fees. It outlines who is required to obtain a business license, what license tax or fee applies to various businesses, and how the Finance Director is to administer and enforce business license requirements.

The process of recodifying the County Code includes making formatting, style, organizational, and substantive changes. These changes are being addressed at the chapter level before the Board considers adopting a complete, recodified County Code.

State law controls the specific provisions that are allowed in local business license ordinances. Chapter 37 of Title 58.1 of the *Virginia Code* outlines specific provisions that local ordinances must or must not contain. Specifically, *Virginia Code* § 58.1-3703.1 contains a lengthy uniform ordinance, and requires that every local ordinance “include provisions substantially similar” to it. Because the County's business license ordinance (originally adopted in 1973) pre-dates the state's uniform ordinance (enacted in 1996), the County's existing ordinance is substantially similar, but not identical, to the state's uniform ordinance.

Therefore, two overriding goals of the Chapter 8 recodification are:

1. To more closely conform the County's business license ordinance with controlling State law, especially the State's uniform ordinance, which is now the centerpiece of the proposed recodification.
2. To replace local provisions that duplicated controlling State law, with cross-references.

Noteworthy proposed revisions include:

1. The clarification and consolidation in *County Code* § 8-102 of the Finance Director's powers and duties under State law.
2. The adoption of the State's uniform ordinance (*Virginia Code* § 58.1-3703.1) in its entirety as new *County Code* §§ 8-200 to 8-208, replacing corresponding provisions throughout current Chapter 8.
3. The replacement of the existing \$50 County license tax on “building or savings and loan associations” with a \$50 license tax on savings institutions and State-chartered credit unions (in new *County Code* § 8-701), to better track *Virginia Code* § 58.1-3730.

4. The replacement of the existing County license tax on vending machine and coin-operated device operators with a license tax on amusement machines only (in new *County Code* § 8-705), to better track *Virginia Code* § 58.1-3720 and § 58.1-3721.
5. The replacement of numerous definitions and lengthy lists of specific types of businesses with simple cross -references to controlling State law.
6. The reorganization of Chapter 8 into separate articles for business licenses and other licenses, to clarify that businesses serving alcoholic beverages are subject to both County business license(s) and separate alcohol license(s).
7. The addition of a local going-out-of-business sale permit (in new *County Code* § 8-801), as required by *Virginia Code* § 18.2-223 and § 18.2-224

Where possible, without changing the underlying substance, staff has suggested primarily stylistic revisions, eliminating archaic or redundant language, to make the chapter easier to read.

No significant budget impact is expected.

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A) after the public hearing.

Mr. Kamptner stated that staff met with the Department of Finance on Monday and some minor, process-oriented changes would be made to make for a better ordinance. He recommended that the public hearing proceed with the measure to come back on April 17 when the Board would also consider Chapter 15, the other tax-related chapter of the County Code.

Mr. Andy Herrick, Deputy County Attorney, said the Board asked the County Attorney's office to spearhead recodification of the County Code, so they have been systematically reviewing, revising, and updating the Code to make it more readable, compliant, and tracked more closely with state law. Mr. Herrick said they were primarily doing this as an exercise in formatting, style, and organizational changes and to limit substantive changes and save those for later. Mr. Herrick noted that Virginia was a Dillon's Rule state in which the state dictates what localities could and could not do, which was especially the case with respect to license taxes localities could implement. He said that state law controls the specific provisions of license tax ordinances for localities, and Chapter 37 of Title 58.1 of the Virginia Code outlines the specific provisions that must and must not be in local license ordinances.

Mr. Herrick explained that 58.1-3703.1 of the Code of Virginia requires that a locality's ordinance governing a license tax must be substantially similar to the state ordinance. He noted that Albemarle's license tax ordinance dates to 1973 and predates the uniform ordinance in the Virginia Code established in 1996. Staff would like to make the County's ordinance more conforming to that of the Virginia Code. Mr. Herrick said that they have replaced the provisions that duplicate the controlling state law with simpler cross-references. He noted that highlights of the changes are outlined in both the executive summary and presentation. Mr. Herrick said they tried to clarify and consolidate the Director of Finance's authority right at the beginning of the chapter, reminding the Board that under the County Executive form of government, the Director of Finance replaces and has the same power as a commissioner of revenue or treasurer in other localities.

Mr. Herrick said that in the sections of 8-200s of the ordinance, they have taken the uniform ordinance out of the Virginia Code and made that the centerpiece of the new County ordinance and replaced or deleted all the other sections it duplicates from the existing ordinance. Mr. Herrick said they had replaced the County's \$50 license tax on buildings and savings and loans associations with a \$50 tax on savings institutions and state-chartered credit unions, with the intent to conform more closely to the language of the Virginia Code and not with the intent to raise money. He said they have replaced the County license tax on vending machines and coin-operated device operators with a license tax on amusement machines only in order to conform to the State Code. Mr. Herrick said they have reorganized Chapter 8 into separate articles for business licenses and other licenses, with the other licenses to include alcohol-based licenses and a local going out of business permit, which was required by the State Code and was not in the County Code. He stated that some businesses may be required to obtain multiple types of licenses.

Mr. Herrick said the plan was to bring a final ordinance before the Board on April 17 after some minor revisions are made. He said that Section 8-206 of the County Code allows somebody to transfer a business license from one entity to another, and Finance has said that this was an unused section of the Code that should be deleted. He said they have wanted to consolidate thresholds to make them more user-friendly to determine whether a license fee or license tax was required based on the amount of gross receipts. Mr. Herrick said that the current County Code calls for businesses to submit reports to the Director of Finance, while the County just wants to know the amount of the gross receipts, so they would simplify this language. He said they would clarify the basis for a statutory assessment, which he explained gives the Director of Finance the authority to impose a tax on the best estimate of gross receipts when a taxpayer provides inadequate records or information. Mr. Herrick recommended that the public hearing be held, as advertised, with final action on the proposed ordinance deferred to April 17.

Mr. Dill asked for confirmation that though the state granted it authority to impose a tax or fee, the County could choose not to have a tax or fee for an item, such as a going out of business sale. Mr. Herrick responded that state law requires a fee for a going out of business sale, though there are others for which the County was not required to impose a license requirement, such as the business license.

Mr. Dill suggested that they eliminate the license fee for arcades.

Mr. Randolph explained that the rationale for the requirement of a license for operators of arcades was to pay for inspections of the machines to make sure they are not set up in a way so that no one ever won, similar to how the state inspected gas station pumps to verify that the amount that came out of the pump equaled a gallon.

Mr. Herrick commented that the business license requirement imposed by the County was not a seal of approval but a tax or fee for the privilege of doing business.

Ms. Mallek remarked that she was grateful that this assessment was going on. Finance matters are even more complicated than engineering and needs very skilled interpreters every step of the way.

Mr. Randolph complimented the hard work of the County Attorney's Office in putting together a more effective and clear code.

Mr. Gallaway opened the public hearing.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board and applauded legal staff for making their way through the Code revisions. He expressed his opposition to the BPOL tax, stating that it reduces the net profit of businesses.

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

Ms. McKeel asked if the item could come back on the consent agenda. Mr. Kamptner responded that it could be placed on the consent agenda and they would highlight the changes made. He offered to pull it from the consent agenda if certain questions raised cannot be answered.

Ms. Mallek requested that the revisions be presented to the Board before the meeting.

Mr. Kamptner agreed to do so.

Agenda Item No. 24. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No. 24a. Clerk's Office Assistant to the Clerk Position

Ms. Palmer stated the Clerk's office assistant had left and Ms. Borgersen has requested that the Board increase this three-fourths position to full-time and have the position reclassified. She would recommend that they eliminate the office assistant position and create a new Assistant to the Clerk position, as the responsibilities require more skill and they should try to hire the best person. She said that she prefers this option to the hiring and reclassifying of an office assistant. Ms. Palmer said that Ms. Borgersen estimates that the additional cost to moving the position to full-time was \$11,000 and to reclassify the position would be another \$10,000. She said she would like the Clerk and County Executive to figure out where this money would come from and bring this before the Board for consideration at the next meeting.

Mr. Gallaway noted that time has been set aside for the next meeting to consider some budget items and suggested that the information for consideration be furnished to the Board prior to the meeting.

Mr. Randolph asked Mr. Richardson to find out the size of the Clerk's staff in comparable counties and the number of full-time employees.

Mr. Gallaway suggested that the Clerk research this information rather than the County Executive.

Ms. Palmer noted that the number of meetings and responsibilities of the Clerk's office are relevant. She noted that some Clerks do not take minutes or transcribe near-verbatim minutes.

Ms. McKeel asked for confirmation that the County contracts out for its minutes. Ms. Palmer responded that she thought they were trying to get them back in house.

Ms. McKeel reminded the Board that upgrades to positions normally go through Human Resources, which conducts a study and comes before the Board with recommendations based on the job description. She said she would be supportive of this if it were to go through the normal process.

Ms. Palmer clarified that what she was talking about was dropping the old position because it does not really fit what they need, and she was not referring to the reclassification of the position.

Ms. McKeel said that since the job description would change, she would like it to go through Human Resources.

Ms. Mallek pointed out the length of the Human Resources process and asked Mr. Borgersen to think about how she would survive until then.

Mr. Gallaway remarked that once they have comprehensive information, they could discuss this thoroughly. He surveyed the Board to determine if anyone was opposed.

There were no objections.

Item No. 24b. Enlarging of the Solid Waste Alternatives Advisory Committee

Ms. Palmer stated that there are seven people on the SWAAC Committee and she does not know the methodology by which to expand it, but she proposes that the committee be expanded to eight members. She said the Chair works full time at University of Virginia, serves on a climate change committee, and was spread very thin. She said that two long-serving committee members have been dealing with serious family health problems. She said they could also use a member who brings a different skillset.

Mr. Gallaway asked Mr. Kamptner what the process would be. Mr. Kamptner responded that it would be an action of the Board.

Mr. Gallaway asked Supervisors if there was any objection to the drafting of a new charge. Ms. Palmer suggested that they put it on a future consent agenda.

There were no objections.

Ms. McKeel asked Supervisors to be conscious that they are approving the minutes from June, 2018, and when they get this far behind in reviewing the minutes, it was a problem.

Ms. Mallek remarked that this supports the idea to have an in-house person in the Clerk's office who was routinely familiar with the terminology. She said that the two times in the last 12 years when they hired it out, they had to redo the minutes, as the terminology was foreign to the person who was trying to do it.

Ms. McKeel agreed with Ms. Mallek but emphasized that Supervisors often put off the review of the minutes and need to be part of the solution.

Ms. Mallek said she has information on various topics discussed at the VACo meeting, which she would leave in the office. She said that one report deals with the growth of algae across the country, another deals with solar energy, and another deals with changes in federal law regarding flood insurance that leaves underprivileged communities, agricultural land, and historic resources completely unvalued.

Ms. Mallek encouraged Supervisors to serve on a VACo committee, as a lot of good work was being done.

Ms. Mallek asked Supervisors to consider ways to communicate with the University of Virginia about the importance of having their contractors follow County regulations when dealing with materials.

Ms. McKeel remarked that Ms. Mallek made a good point.

Ms. Mallek provided the recent example of an out-of-state contractor that renovated an athletic field and brought debris consisting of green piles of AstroTurf to the White Hall District.

Ms. Palmer recalled a building demolition on UVA grounds from which debris was buried on a property in Greene County, noting that UVA works with subcontractors.

Ms. Mallek characterized this as passing the buck and would prefer that UVA take responsibility.

Ms. Palmer noted that speakers at today's meeting brought up the issue of people in crisis and encouraged the County to establish an emergency fund. She recounted a conversation she had with a woman who had a low-income housing voucher and was to move into an apartment at Timberland Park, which did not open on time, and so she and her son did not have a place to live as she had already gotten out of her other place. She said the woman told her that the County provided aid to put her up in a hotel. She said she asked Mr. Doug Walker to investigate and he learned that the family crisis department of the schools used a HUD grant to pay the hotel bill.

Mr. Gallaway noted that he was appointed to the Regional Housing Partnership and serves as a member of its executive committee. As they prepare to discuss their bylaws, it may make sense to appoint an alternate, both for the larger partnership as well as for the executive committee. He explained that the benefit would be that should he not be able to attend a meeting, the Board would be represented by the alternate member. He suggested that this be considered at a future meeting. He noted that Ms. McKeel sits on the bigger partnership because she was Chair of transit, and though she was not a member of the executive committee, she attends its meetings.

Ms. McKeel said she would be happy to serve as the alternate since she has been going to the meetings anyway.

Mr. Dill recounted his experience at a recent meeting on transit, which was attended by most Supervisors. He commented that the selection of bus routes under a hypothetical scenario was surprisingly complicated, with considerations of distance and time.

Agenda Item No. 25. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson reminded the Board that he sits on the Regional Airport Authority Board and had sent the Board detailed monthly reports on reliability for August through January. He said the reports track data such as the number of flights, cancellations, and on-time performance, and Supervisors might find this to be interesting. He noted that the Airport Authority was working with airlines to increase flight frequency and seat capacity in order to broaden service.

Mr. Richardson informed the Board that Ms. Emily Kilroy has finished the County’s annual report, copies have been placed in Supervisors’ mailboxes, and she has additional hard copies available in case Supervisors wishes to bring them to community meetings.

Ms. Mallek asked if the report was sent to newspapers. Mr. Richardson invited Emily Kilroy to address Ms. Mallek’s question.

Ms. Emily Kilroy, Director of Communications and Public Engagement, said the annual report would be released by email next week and a four-page mini version would appear in the *Daily Progress* with a link to the full report online. She said a month-long top header ad would appear on the *Daily Progress* online beginning on March 17, and they would place targeted ads on the internet to get additional new clicks to it. She said they would also place copies at County offices and libraries and would use social media.

Agenda Item No. 26. Adjourn to March 20, 2019, 1:00 p.m., Lane Auditorium.

At 8:29 p.m., with no further business, Mr. Gallaway adjourned the meeting to March 20, 2019 1:00 p.m. Lane Auditorium.

Chairman

Approved by Board
Date 09/02/2019
Initials CKB