

A regular day meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 15, 2019, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The night meeting was held at 6:00 p.m.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, Deputy County Executive, Doug Walker, Assistant County Executive, Trevor Henry, 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. McKeel **moved** that the Board adopt the final agenda. The motion was **seconded** by Ms. Mallek.

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

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

Introductions. Mr. Gallaway recognized the presence of the presiding security officers, Officer Kevin Deane and Officer Brian Miller, and County staff at the dais.

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

Mr. Randolph announced that he toured Biscuit Run the previous day for three hours, as arranged by Bob Crickenberger, and he was accompanied by Dan Mahon, Tucker Rollins, and Trevor Henry, as well as two individuals from the landscape consultant firm. He noted the raw majesty and topographical variety of the property and urged others to visit and walk the grounds to gain an understanding of the environmental complexity and richness. He thanked staff for arranging the tour.

Ms. Palmer announced that the previous day, the Solid Waste Advisory Committee visited an American Disposal facility in Manassas to see a 400 ton/day single-stream recycling operation. She said she would report on the tour at the end of today's meeting.

Ms. Mallek announced upcoming events: *Roll Call*, a collection of local service providing agencies that provide services to soldiers and veterans, organized by a group of veterans and active duty soldiers at Rivanna Station, to be held May 30 from 7:00– 9:00 p.m. at the Earlysville Volunteer Fire Company; and the *4 Our Freedom 5K* fundraising race on June 1 at the North Fork Research Park, with proceeds to be divided among local nonprofits that provide services to service members.

Ms. Mallek announced the Growing Forests for Clean Water program, a partnership between the James River Association and the Virginia Department of Forestry, which supports the restoration or creation of forest buffers for urban and rural landowners of any income level, in order to improve the quality of local waterways. She said that information would be placed on the County's website and people may reach out to Department of Forestry or to her for information.

Ms. Mallek announced the passing of David King of King Family Vineyards, a very dear friend she has known since 1997 when he and his family bought a farm in Crozet and set up a vineyard. She characterized Mr. King as being ferocious in what he believed yet gentle in the way he described it, and said he helped change her mind about many things. She said he was a community builder who respected the concerns of neighbors by bringing music at the winery indoors, and he was very invested in the success of his business. She recalled how about 100 residents attended a Board meeting to demonstrate their support for the granting of a special permit for a Sunday afternoon polo event. She recalled Mr. King's assistance in working with County staff on legislative matters that affected wineries and said there would be a gathering for him on June 14, 2019.

Agenda Item No. 6a. Proclamations and Recognitions: Proclamation Recognizing May 12 – 18, 2019 as Police Week, and May 15, 2019, as Peace Officers Memorial Day.

Ms. McKeel read and **moved** that the Board adopt the following Proclamation Recognizing May 12 – 18, 2019 as Police Week, and May 15, 2019, as Peace Officers Memorial Day:

**POLICE WEEK
May 12 – 18, 2019**

WHEREAS, in 1962, President John F. Kennedy signed the first proclamation recognizing May 15th as Peace Officers Memorial Day and the week in which it falls as National Police Week, “to pay tribute to the law enforcement officers who have made the ultimate sacrifice for our country and to voice our appreciation for all those who currently serve on the front lines of the battle against crime;” and

WHEREAS, the safety and well-being of Albemarle County citizens being of the utmost importance to the prosperity and livelihood of Virginia’s families and communities; and police officers throughout Albemarle County are dedicated to protecting and serving Albemarle County communities – our neighborhoods, schools, and families; and

WHEREAS, police officers risk their lives each and every day in order to ensure public safety and enforce the laws of the land; and

WHEREAS, Albemarle County values the courage and devotion of our police officer, as our collective prosperity depends on the integrity with which our law enforcement officers maintain peace and security; and

WHEREAS, Police Week and Peace Officers Memorial Day are opportunities to honor the officers who have fallen in the line of duty, and recognize the sacrifices made by the families of those officers and the families of those who continue to protect and serve our communities.

NOW, THEREFORE BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors, do hereby recognize

**May 12 – 18, 2019
as**

POLICE WEEK

and

**May 15, 2019
as**

PEACE OFFICERS MEMORIAL DAY

in Albemarle County, and call these observances to the attention of all our citizens.

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

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

NAYS: None.

Police Chief Ron Lantz accepted the recognition and said this was a solemn week in law enforcement when they stop and reflect on those who gave the ultimate sacrifice, as did 144 officers in 2018 and 41 thus far in 2019. He recognized the families of deceased officers, acknowledged the tough job officers do, and asked law enforcement officers in the audience to stand up and be recognized. He introduced Det. Jim Hope, Vice-President of Fraternal Order of Police, and invited him to comment.

Det. Jim Hope addressed the Board and expressed appreciation on behalf of the Fraternal Order of Police and local law enforcement personnel for the Board taking the time every year to recognize them. He noted that the law enforcement memorial in Washington, D.C. has a list of 22,910 officers, and each family of an officer who has taken his own life takes a black rose and puts it in a star that is the emblem of the Fraternal Order of Police. He stated that nearly three times as many officers take their own lives as are killed in the line of duty. He thanked the Board for recognizing the stress and inherent dangers of law enforcement officers.

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

Ms. Lisetta Brock, resident of White Hall District and Manager of Engineering and Power Supply at Rappahannock Electric Cooperative (REC), addressed the Board. She said they are a member-owned utility that traces its roots back to 1935 and was Virginia’s first nonprofit utility cooperative. She said their service area serves 2,000 residential, commercial, and industrial County members across the White Hall, Rivanna, and Rio Magisterial Districts. She explained that they are charged by the state with the obligation to provide safe and reliable electric service within the franchise territory, while maintaining voltage within industry standards.

Ms. Brock stated that increasing demand has led them to address infrastructure to ensure adequate capacity and avoid outages, for which they propose an upgrade to the primary distribution line that runs along Route 29 North, from Dickerson Road to the Green County line, a span of 1.7 miles, which would significantly reduce the associated risk for the County's current power supply. She noted that the existing distribution line includes two circuits, one of 12 KV and the other of 35 KV, mounted on the same poles, and they propose to add a 115 KV circuit above the existing circuits to allow for an increase in the reliability and resiliency of the system. She said the new line would require a 35-foot increase to the height of the existing 50-foot poles, to be added to the top of these poles, as well as an additional 17.5 feet of easement on either side of the pole for safety reasons. She said this project would provide an alternate or backup power supply. She introduced Ms. Valerie Long, who was representing them in the process.

Ms. Valerie Long, of the Williams Mullen law firm, addressed the Board. She noted that the 115 KV transmission line requires a special use permit under the County's Zoning Ordinance as well as written consent from the landowner. She stated that REC's transmission line crosses 19 parcels within the White Hall District, only one of which the cooperative owns, and though they have easements from these landowners, they are not as wide as required for the line. She said they need 17.5 feet on either side of the line. She said REC has sent authorization forms to each landowner, have received most of them back, and are still waiting on five of them. She said a community meeting was held, with landowners invited and multiple follow up letters have been sent.

Ms. Long stated that she has been working with Ms. Mallek on the possibility of a narrowly tailored zoning text amendment to provide a bit of extra flexibility and to allow REC to submit a special use permit application. She said she has researched other jurisdictions in the state and learned that there are a variety of authorities, some that authorize a County board or agency to submit an application and some that reference an entity with the power of eminent domain, which REC has. She explained that they would still work through the standard requirements of any special use permit application, including a community meeting, public hearing, and staff review with the applicant requesting the County's support.

Mr. Rodney Rich, resident of White Hall District and President of Crozet Fire Department, addressed the Board and commented on the recent dissolution of the Scottsville Volunteer Fire Department due to issues of volunteer retention. He said he has researched and conferred with successful volunteer departments and learned that a main factor was a retirement or pension plan, which he brought to the attention of the FEMS Board three years ago. He said the accident insurance policy that covers volunteers is inadequate, as it only pays \$600/week for injury for one year, regardless of one's salary. He said he suffered a back injury three years ago during a mountain rescue, has been through physical therapy and surgery, and this has significantly impacted his ability to work. He said that it is getting harder to recruit people and things could get worse unless the County does something.

Agenda Item No. 8. Consent Agenda.

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

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

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

Item No. 8.1. Approval of Minutes: August 1, 2018.

Ms. Palmer had read the minutes of August 1, 2018, and found them to be in order.

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

Item No. 8.2. ZMA200400007 Belvedere Special Exception to Code of Development (Variation #59 Block 10).

The Executive Summary forwarded to the Board states that the applicant is requesting one special exception to the Belvedere Code of Development and Application Plan approved with ZMA200400007. The applicant's proposal is provided as Attachment A.

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.

59) Variation to reduce the maximum number of single-family detached units from 50 to 48 units and increase the number of single family attached/townhouse units permitted from 0 to 2 units in Block 10

Staff analysis of the request is provided as Attachment B.

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

By the above-recorded vote, the Board adopted the following Resolution to approve the special exceptions, subject to the condition attached thereto:

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

WHEREAS, the Owner of Tax Map Parcels 06100-00-00-16000, 06200-00-00-002B0, 062A3-00-00-00100, and 062G0-00-09-000A0 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 to reduce the maximum number of single family detached units from fifty (50) to forty-eight (48) units and to increase the number of single family attached/townhouse units permitted from zero (0) to two (2) units shall be limited to Block 10.

Item No. 8.3 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 the applications made during this time period.

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

GRANT REPORT ACTIVITY – February 15, 2019 through April 15, 2019

Applications made during this time.

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
U.S. Dept. of Transportation Grant for Automated Driving Systems Demonstration	"Demonstrating Safe Autonomous Vehicles for Everyday Commute"	Federal	\$ 290,604	Not Required	Offered \$ 213,870 (in kind –staff time)	Fire Rescue	This grant will expand the partnership between the County, Perrone Robotics, and JAUNT to include the University of Virginia to expand the current pilot program testing of autonomous neighborhood electric vehicles (AV) in the Crozet area by providing additional resources to perform public safety testing of autonomous vehicles (AV), develop and publish emergency response guidelines as well as train County public safety personnel on AV. The University of Virginia is the principal applicant for this grant application, which requests a total of \$10,000,000. JAUNT and Perrone Robotics are also co-applicants.
Virginia Department of Criminal Justice Services	Community Corrections and Pretrial Services	Federal	\$975,427	\$75,000	Central Virginia Regional Jail	Offender Aid and Restoration (OAR)	This annual grant provides funds to OAR to support pretrial services and community corrections including community-based supervision to reduce the number of non-violent offenders in jail.

No awards were received during this time.

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. 8.4. Albemarle Broadband Authority Quarterly Report, ***was received for information.***

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

ABBA held eleven public meetings in 2018 and three public meetings in 2019. The agendas and meeting minutes are posted for public review on the County’s website. ABBA also updated the Broadband Initiative website to provide citizen tools.

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

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

On March 29, 2019 ABBA was informed that one of the three VATI Grants is intended for award. The application is in ABBA partnership with the Central Virginia Electric Co-operative. ABBA contributing \$71,500 to the \$1,430,000 project.

In addition to the VATI grant processes the Board of Supervisors appointed Waldo Jaquith as a Citizen Representative on the ABBA Board of Directors. Details of additional project work both completed and planned are included in Attach A. - ABBA Broadband Status Report 1st Qtr CY2019.

In 2019 ABBA will continue its work partnering with the County, Internet Service Providers and others to add broadband service in the County rural areas. As of this writing, the County FY 20 budget will include \$800,000 in ABBA funds for the purpose of matching grants and other cost sharing opportunities for broadband.

There is no other further budget impact.

Staff recommends that the Board receive this report for information.

NonAgenda. Mr. Gallaway acknowledged and welcomed the presence of students from Monticello High School who were present to observe Board proceedings.

Agenda Item No. 9. FY20 Resolution of Appropriations.

The Executive Summary forwarded to the Board states that The Board of Supervisors adopted the County’s FY 20 Operating and Capital Budgets totaling \$456,895,261 during the April 16, 2019 Board meeting. At the Board’s May 1, 2019 meeting, staff will ask the Board to consider two items:

- 1) **Adoption of Annual Resolution of Appropriations:** To provide the authority from the Board to spend these funds, the Board’s adoption of an Annual Resolution of Appropriations for the fiscal year ending on June 30, 2020 is required. The attached FY 20 Annual Resolution of Appropriations includes amendments to reflect the School Board’s April 25 adoption of its budget for the School Fund.
- 2) **Adoption of Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing:** In addition, the Board’s adoption of a Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing is required to provide the County with the authority to use bond proceeds to reimburse capital program expenditures for the specified projects.
- 1) **Adoption of Annual Resolution of Appropriations**
Attachment A: The Resolution of Appropriations appropriates the total County budget, including both general government and school operating and capital funds, School Self-Sustaining Funds, and Other General Government Fund appropriations in a single resolution. The Annual Resolution also includes the following:

Budget Amendment

The School Operating Fund and Special Revenue Fund budgets adopted by the School Board on April 25, 2019 are \$127,360 more than the budgets approved by the Board of Supervisors. This net change is due to adjustments in local and state revenues, transfers, and use of fund balance.

This adjustment results in a total increase to the FY 20 Adopted Budget of \$127,360. This amendment does not exceed one percent of the FY 20 total budgeted expenditures and therefore does not require a public hearing.

This Annual Resolution of Appropriations for FY 20 allocates a total of \$457,022,621 to General Government and School Division operating, capital improvement, and debt service accounts for expenditure in FY 20 and provides administrative authority to the County Executive to make budget adjustments and transfers as outlined in Attachment A.

County Executive Authority

The appropriation resolution continues to authorize the County Executive to do the following things:

A) Transfer funding from specific Board approved FY 20 non-departmental reserve accounts to the appropriate department accounts for expenditure. For FY 20, these specific reserve accounts are: 1) the General Government's Training Pool, 2) the Innovation Fund, 3) the Salary and Benefits Reserve, 4) the Pay for Performance Reserve, 5) the Board of Supervisors Strategic Priority Support Reserve, and 6) the Transformational Initiatives/Business Process Optimization Reserve.

B) Administratively approve budget transfers of unencumbered funds for up to \$50,000.00 per fund in the fiscal year from one classification or project to another within the same general government fund and to allocate the County-wide salary lapse budget between department budgets to appropriately reflect where salary lapse actually occurs.

In accordance with current practice, all of these transfers or distributions will be reported to the Board of Supervisors as part of the County's quarterly financial reports.

2) Official Intent to Reimburse Expenditures with Proceeds of a Borrowing

Attachment B: The Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing allows the County to use up to \$91,842,856 in bond proceeds to reimburse capital program expenditures in the FY 20 Capital Budget.

- 1) Staff recommends the adoption of the Resolution of Appropriations including the budget amendments described above (Attachment A).
- 2) Staff recommends adoption of the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment B).

Mr. Andy Bowman, Budget Manager, explained that the Board was requested to approve two resolutions to appropriate the FY20 budget. He said the first proposed resolution consists of three components, and provides legal authority to spend funding. He said the first component was the budget adopted by the Board of Supervisors on April 16, the second was the School Board's budget adopted on April 25, and the third was to continue the County Executive's authority to transfer funding between categories in the budget as spelled out in the resolution. He noted that the Board's quarterly financial reports provide information on how the authority was being used. He said the second resolution allows for the use of bond proceeds to reimburse capital project expenses as planned in the FY20 budget. He said that staff recommends the adoption of both resolutions and invited questions.

Ms. McKeel **moved** that the Board adopt the Resolution of Appropriations including the budget amendments as described in the staff report. The motion was **seconded** by Ms. Mallek.

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

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

**ANNUAL RESOLUTION OF APPROPRIATIONS
OF THE COUNTY OF ALBEMARLE
FOR THE FISCAL YEAR ENDING June 30, 2020**

A RESOLUTION making appropriations of sums of money for all necessary expenditures of the COUNTY OF ALBEMARLE, VIRGINIA, for the fiscal year ending June 30, 2020; to prescribe the provisions with respect to the items of appropriation and their payment; and to repeal all previous appropriation ordinances or resolutions that are inconsistent with this resolution to the extent of such inconsistency.

BE IT RESOLVED by the Albemarle County Board of Supervisors:

SECTION I - GENERAL GOVERNMENT

That the following sums of money be and the same hereby are appropriated from the GENERAL FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2020:

Paragraph One: ADMINISTRATION

Board of Supervisors	\$756,446
Executive Leadership	\$2,935,663
Human Resources	\$935,698
County Attorney	\$1,131,087
Finance Department	\$6,356,666
Information Technology	\$3,863,315
Voter Registration and Elections	<u>\$808,913</u>
	\$16,787,788

Paragraph Two: JUDICIAL

Clerk of the Circuit Court	\$1,005,028
Commonwealth's Attorney	\$1,443,293
Sheriff	\$3,096,381

Circuit Court	\$107,958
General District Court	\$40,800
Magistrate	\$4,250
Juvenile Court	\$124,305
Public Defender's Office	<u>\$82,717</u>
	\$5,904,732
Paragraph Three: PUBLIC SAFETY	
Police Department	\$20,387,366
System-Wide Fire Rescue Services	\$17,587,590
Inspections	\$1,496,964
Emergency Communications Center	\$2,955,983
Albemarle Charlottesville Regional Jail	\$4,198,490
Blue Ridge Juvenile Detention Center	\$489,484
Foothills Child Advocacy Center	\$44,791
Offender Aid and Restoration (OAR)	\$163,805
OAR Therapeutic Docket Program	\$55,000
Charlottesville Albemarle SPCA Shelter Contribution	\$623,789
Virginia Juvenile Community Crime Control Act (VJCCCA)	<u>\$52,231</u>
	\$48,055,493
Paragraph Four: PUBLIC WORKS	
Facilities and Environmental Services	\$5,244,202
Rivanna Solid Waste Authority (RSWA)	<u>\$1,200,739</u>
	\$6,444,941
Paragraph Five: HEALTH AND WELFARE	
Social Services	\$15,078,750
Transfer to Bright Stars Fund	\$992,711
Transfer to Children Services Act (CSA) Fund	\$1,846,529
Boys & Girls Club	\$56,650
The Bridge Line	\$15,914
Charlottesville/Albemarle Health Department	\$753,338
Charlottesville Free Clinic	\$116,699
Computers4Kids	\$14,193
Georgia's Healing House	\$24,560
Jefferson Area Board for Aging (JABA)	\$377,985
Jefferson Area Children's Health Improvement Program (CHIP)	\$319,861
Legal Aid Justice Center	\$39,435
Light House Studio	\$16,642
Literacy Volunteers	\$26,827
Monticello Area Community Action Agency (MACAA)	\$44,500
On Our Own	\$13,179
Piedmont CASA	\$9,500
ReadyKids	\$72,450
Region Ten	\$738,260
Region Ten Treatment Center	\$75,000
Sexual Assault Resource Agency (SARA)	\$21,855
Shelter for Help in Emergency (SHE)	\$93,443
Tax Relief for Elderly/Disabled	\$1,020,000
Thomas Jefferson Area Coalition for the Homeless (TJACH)	\$22,259
United Way	\$173,978
Women's Initiative	<u>\$14,853</u>
	\$21,979,371
Paragraph Six: EDUCATION	
Piedmont Virginia Community College	\$24,008
Paragraph Seven: PARKS, RECREATION AND CULTURE	
Parks & Recreation	\$3,536,717
African American Cultural Arts Festival / Chihamba	\$3,000
Charlottesville/Albemarle Convention and Visitor's Bureau	\$853,213
Jefferson-Madison Regional Library	\$4,705,746
Jefferson School African American Heritage Center	\$10,000
Municipal Band	\$8,000
Paramount Theater	\$2,500
Rivanna Conservation Alliance - FLOW Festival	\$4,700
Virginia Discovery Museum	\$2,500
Virginia Festival of the Book	\$10,000
Virginia Film Festival	<u>\$10,000</u>
	\$9,146,376
Paragraph Eight: COMMUNITY DEVELOPMENT	
Department of Community Development	\$5,772,668
Office of Economic Development	\$570,328
Central Virginia Partnership for Economic Development	\$53,848
Central Virginia Small Business Development Center (CVSBDC)	\$24,000
Piedmont Workforce Network	\$16,155
Charlottesville Area Transit	\$1,043,199

JAUNT	\$2,232,115
Regional Transit Partnership	\$25,000
Albemarle Housing Improvement Program (AHIP)	\$412,000
Piedmont Housing Alliance (PHA)	\$60,757
Rivanna Conservation Alliance - Streamwatch	\$15,000
Thomas Jefferson Planning District Commission	\$131,262
Thomas Jefferson Soil and Water Conservation	\$117,409
VPI Extension Service	<u>\$223,724</u>
	\$10,697,465
Paragraph Nine: REVENUE SHARING AGREEMENT	
Revenue Sharing Agreement	<u>\$14,199,607</u>
	\$14,199,607
Paragraph Ten: TAX REFUNDS, ABATEMENTS, & OTHER REFUNDS:	
Refunds and Abatements	<u>\$120,000</u>
	\$120,000
Paragraph Eleven: OTHER USES OF FUNDS	
Transfer to School Operations	\$138,200,512
Transfer to Debt Service Funds	\$25,966,175
Transfer to Capital Projects Funds	\$5,066,310
Transfer to Water Resources Fund	\$1,377,205
Transfer to Economic Development Authority Fund	\$280,000
Transfer to Storm Water Capital Fund	\$186,575
Board's Strategic Priorities Support	\$145,000
Grants Matching Fund	\$60,000
Innovation Fund	\$100,000
Training Pool	\$65,000
Reserve for Contingencies	\$292,707
Salary and Benefits Reserve	\$300,000
Pay-for-Performance Reserve	\$370,000
Business Process Optimization (BPO) and Transformational Initiatives Reserve	\$457,922
Early Retirement	<u>\$559,500</u>
	\$173,426,906
Total GENERAL FUND appropriations for the fiscal year ending June 30, 2020:	\$306,786,687
To be provided as follows:	
Revenue from Local Sources	\$270,138,737
Revenue from the Commonwealth	\$25,092,472
Revenue from the Federal Government	\$6,505,383
Transfers In from Other Funds	\$3,429,062
Use of Fund Balance	\$1,621,033

Total GENERAL FUND resources available for fiscal year ending June 30, 2020: \$306,786,687

SECTION II: GENERAL FUND SCHOOL RESERVE FUND

That the following sums of money be and the same hereby are appropriated for GENERAL FUND SCHOOL RESERVE FUND purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: GENERAL FUND SCHOOL RESERVE FUND	
Transfer to the School Fund	\$1,184,123
Total GENERAL FUND SCHOOL RESERVE FUND appropriations for fiscal year ending June 30, 2020:	\$1,184,123
To be provided as follows:	
Use of Fund Balance	\$1,184,123
Total GENERAL FUND SCHOOL RESERVE FUND resources available for fiscal year ending June 30, 2020:	\$1,184,123

SECTION III: REGULAR SCHOOL FUND

That the following sums of money be and the same hereby are appropriated for SCHOOL purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: REGULAR SCHOOL FUND	
School Fund Expenditures	\$195,478,605

Total REGULAR SCHOOL FUND appropriations for fiscal year ending June 30, 2020: \$195,478,605

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$138,200,512
Revenue from Other Local Sources	\$1,563,186
Revenue from the Commonwealth	\$50,528,580
Revenue from the Federal Government	\$2,999,523
Transfers	\$1,002,681
Transfer from General Fund School Reserve Fund	\$1,184,123

Total REGULAR SCHOOL FUND resources available for fiscal year ending June 30, 2020: \$195,478,605

SECTION IV: OTHER SCHOOL FUNDS

That the following sums of money be and the same hereby are appropriated for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: OTHER SCHOOL FUNDS

Other School Funds	\$20,377,935
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Total OTHER SCHOOL FUND appropriations for fiscal year ending June 30, 2020: \$20,377,935

To be provided as follows:

Revenue from Local Sources	\$10,782,458
Revenue from the Commonwealth	\$1,619,731
Revenue from the Federal Government	\$6,173,625
Transfers	\$1,652,121
Use of Fund Balance	\$150,000

Total OTHER SCHOOL FUND resources available for fiscal year ending June 30, 2020: \$20,377,935

SECTION V: OTHER GENERAL GOVERNMENT FUNDS

That the following sums of money be and the same hereby are appropriated for OTHER PROGRAM purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: OTHER GENERAL GOVERNMENT FUNDS

Computer Maintenance and Replacement	\$502,759
Commonwealth's Attorney Delinquent Fines and Fees	\$60,000
Victim-Witness Grant	\$172,901
Regional Firearms Training Center - Operations	\$217,562
Regional Firearms Training Center - Capital	\$90,000
Criminal Justice Grant	\$731,081
Water Resources	\$1,377,205
Courthouse Maintenance	\$30,173
Old Crozet School Operations	\$88,225
Vehicle Replacement	\$1,305,182
Bright Stars Program	\$1,603,170
Children's Services Act	\$9,570,204
Martha Jefferson Health Grant	\$4,000
Housing Assistance Fund	\$3,448,866
CACVB Fund	\$1,959,134
Darden Towe Memorial Park	\$318,288
Tourism	\$1,798,830
Proffers	\$180,757
Economic Development Authority	\$911,972
Economic Development Fund	\$500,000

Total OTHER GENERAL GOVERNMENT FUNDS appropriations for fiscal year ending June 30, 2020: \$24,870,309

To be provided as follows:

Revenue from Local Sources	\$4,344,149
Revenue from the Commonwealth	\$6,713,796
Revenue from the Federal Government	\$3,547,545
Transfers In from Other Funds	\$9,492,062
Use of Fund Balance	\$772,757

Total OTHER GENERAL GOVERNMENT FUNDS resources available for fiscal year ending June 30, 2020: \$24,870,309

SECTION VI - GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the **GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND** to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2020:

Paragraph One: COURTS

Court Facilities Addition/Renovation	<u>\$831,300</u>
	\$831,300

Paragraph Two: PUBLIC SAFETY

Fire Rescue Apparatus Replacement Program	\$3,745,030
Fire Rescue Mobile Data Computers Replacement	\$104,000
Fire Rescue Station Alerting System Replacement	\$653,000
Police County 800Mhz Radio Replacements	\$121,801
Police Mobile Data Computers Replacement	\$79,766
Police Patrol Video Cameras Replacement	<u>\$212,800</u>
	\$4,916,397

Paragraph Three: PUBLIC WORKS

City/County Co-Owned Facilities Maintenance/Replacement	\$238,575
COB McIntire Windows Replacement	\$1,972,172
County Owned Facilities Maintenance/Replacement	\$1,221,098
Ivy Fire Station 15 Maintenance Obligation	\$50,000
Ivy Landfill Remediation	\$322,233
Moore's Creek Septage Receiving Station	\$109,441
Regional Firearms Training Center Capital Reserve - County Share	<u>\$39,600</u>
	\$3,953,119

Paragraph Four: COMMUNITY/NEIGHBORHOOD DEVELOPMENT

Transportation Leveraging Program	<u>\$2,000,000</u>
	\$2,000,000

Paragraph Five: HEALTH AND WELFARE

PVCC Advanced Technology Center Sitework	\$140,000
Senior Center at Belvedere	<u>\$500,000</u>
	\$640,000

Paragraph Six: PARKS, RECREATION & CULTURE

Biscuit Run Park	\$2,171,702
Buck Island Park	\$706,710
City/County Owned Parks Maintenance/Replacement	\$51,500
County Owned Parks Maintenance/Replacement	\$959,402
Crozet Park Maintenance/Replacement and Improvements	\$16,841
Darden Towe Park Athletic Field Improvements	\$2,907,000
Moore's Creek Trail and Trailhead Park Project	\$86,108
Rivanna Reservoir Boat Launch	<u>\$1,154,948</u>
	\$8,054,211

Paragraph Seven: TECHNOLOGY AND GEOGRAPHIC INFORMATION SYSTEMS (GIS)

County Server/Infrastructure Upgrade	<u>\$453,937</u>
	\$453,937

Paragraph Eight: ACQUISITION OF CONSERVATION EASEMENTS (ACE)

ACE Program	<u>\$500,000</u>
	\$500,000

Paragraph Nine: OTHER USES OF FUNDS

Advancing Strategic Priorities Reserve	\$2,000,000
Cost of Issuance	\$1,063,501
Project Management Services	\$1,350,204
Borrowed Proceeds Transfer	<u>\$37,341,360</u>
	\$41,755,065

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2020: \$63,104,029

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$5,066,311
Revenue from Local Sources (Other Transfers)	\$107,462
Revenue from Other Local Sources	\$963,750
Borrowed Funds	\$54,241,733
Use of Fund Balance	<u>\$2,724,773</u>

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2020: \$63,104,029

SECTION VII: SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: EDUCATION (SCHOOL DIVISION)

Administrative Technology	\$263,000
High School Capacity and Improvements - Center 2	\$30,200,000
Instructional Technology	\$575,000
School Bus Replacement	\$1,200,000
School Maintenance/Replacement	\$8,112,000
State Technology Grant	\$700,000
Telecommunications Network Upgrade	\$900,000
Western Albemarle High School ADA Improvements and Softball Field Restroom Facility	\$529,000

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2020: \$42,479,000

To be provided as follows:

Revenue from the Commonwealth	\$960,000
Revenue from Local Sources (General Govt Capital Programs Transfer)	\$37,341,360
Revenue from Local Sources (Other Transfers)	\$103,468
Use of Fund Balance	\$4,074,172

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2020: \$42,479,000

SECTION VIII: WATER RESOURCES CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the WATER RESOURCES CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: WATER RESOURCES PROJECTS

Water Quality Mandated Total Maximum Daily Load (TMDL) Projects	\$186,575
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Total WATER RESOURCES CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2020: \$186,575

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$186,575
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Total WATER RESOURCES CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2020: \$186,575

SECTION IX: DEBT SERVICE

That the following sums of money be and the same hereby are appropriated for the function of DEBT SERVICE to be apportioned as follows from the GENERAL GOVERNMENT DEBT SERVICE FUND and the SCHOOL DIVISION DEBT SERVICE FUND for the fiscal year ending June 30, 2020:

Paragraph One: SCHOOL DIVISION DEBT SERVICE FUND

Debt Service - School Division	<u>\$16,482,124</u>
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Total SCHOOL DIVISION DEBT SERVICE appropriations for fiscal year ending June 30, 2020: \$16,482,124

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$16,136,030
Revenue from the Commonwealth	\$267,214
Revenue from the Federal Government	<u>\$78,880</u>

Total SCHOOL DIVISION DEBT SERVICE resources available for fiscal year ending June 30, 2020: \$16,482,124

Paragraph Two: GENERAL GOVERNMENT DEBT SERVICE FUND

Debt Service - General Government	<u>\$10,060,730</u>
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Total GENERAL GOVERNMENT DEBT SERVICE appropriations for fiscal year ending June 30, 2020: \$10,060,730

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$9,830,145
Revenue from Local Sources (Transfer from Stormwater Fund)	<u>\$230,585</u>

Total GENERAL GOVERNMENT DEBT SERVICE resources available for fiscal year ending June 30, 2020: \$10,060,730

GRAND TOTAL - DEBT SERVICE FUNDS \$26,542,854

**TOTAL APPROPRIATIONS INCLUDED IN
SECTIONS I - IX OF THIS RESOLUTION
FOR THE FISCAL YEAR ENDING June 30, 2020**

RECAPITULATION:

Appropriations:

Section I	General Fund	\$306,786,687
Section II	General Fund School Reserve Fund	\$1,184,123
Section III	School Fund	\$195,478,605
Section IV	Other School Funds	\$20,377,935
Section V	Other General Government Funds	\$24,870,309
Section VI	General Government Capital Improvements Fund	\$63,104,029
Section VII	School Division Capital Improvements Fund	\$42,479,000
Section VIII	Water Resources Capital Improvements Fund	\$186,575
Section IX	Debt Service	<u>\$26,542,854</u>
		\$681,010,117

Less Inter-Fund Transfers (\$223,987,496)

GRAND TOTAL - ALBEMARLE COUNTY APPROPRIATIONS \$457,022,621

SECTION X: EMERGENCY COMMUNICATIONS CENTER

That the following sums of money be and the same hereby are appropriated from the EMERGENCY COMMUNICATIONS CENTER FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2020:

Paragraph One: EMERGENCY COMMUNICATIONS CENTER FUND

Emergency Communications Center	<u>\$6,345,499</u>
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Total EMERGENCY COMMUNICATIONS CENTER FUND appropriations for fiscal year ending June 30, 2020: \$6,345,499

To be provided as follows:

Albemarle County	\$2,861,215
City of Charlottesville	\$1,503,429
University of Virginia	\$1,040,248
Revenue from Other Local Sources	\$322,214
Revenue from the Commonwealth	\$546,000
Revenue from the Federal Government	\$3,993
Use of Fund Balance	\$68,400

Total EMERGENCY COMMUNICATIONS CENTER FUND resources available for fiscal year ending June 30, 2020: \$6,345,499

SECTION XI

All of the monies appropriated as shown by the contained items in Sections I through X are appropriated upon the provisos, terms, conditions, and provisions herein before set forth in connection with said terms and those set forth in this section. The Director of Finance and Clerk to the Board of Supervisors are hereby designated as authorized signatories for all bank accounts.

Paragraph One

Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional, and proportionate appropriations - the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all of the appropriations in full.

Otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.

Paragraph Two

All revenue received by any agency under the control of the Board of Supervisors included or not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by the said agency under the control of the Board of Supervisors without the consent of the Board of Supervisors being first obtained, nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.

Paragraph Three

No obligations for goods, materials, supplies, equipment, or contractual services for any purpose may be incurred by any department, bureau, agency, or individual under the direct control of the Board of Supervisors except by requisition to the purchasing agent; provided, however, no requisition for items exempted by the Albemarle County Purchasing Manual shall be required; and provided further that no requisition for contractual services involving the issuance of a contract on a competitive bid basis shall be required, but such contract shall be approved by the head of the contracting department, bureau, agency, or individual, the County Attorney, and the Purchasing Agent or Director of Finance. The Purchasing Agent shall be responsible for securing such competitive bids on the basis of specifications furnished by the contracting department, bureau, agency, or individual.

In the event of the failure for any reason of approval herein required for such contracts, said contract shall be awarded through appropriate action of the Board of Supervisors.

Any obligations incurred contrary to the purchasing procedures prescribed in the Albemarle County Purchasing Manual shall not be considered obligations of the County, and the Director of Finance shall not issue any warrants in payment of such obligations.

Paragraph Four

Allowances out of any of the appropriations made in this resolution by any or all County departments, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the rate established by the County Executive for its employees and shall be subject to change from time to time.

Paragraph Five

All travel expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Director of Finance.

Paragraph Six

The County Executive is authorized to:

- 1) administratively approve budget transfers of unencumbered funds of up to \$50,000.00 per fund in the fiscal year from one classification, department, or project to another within the same general governmental fund;
- 2) allocate funding from the below identified classifications to appropriate budget line-items for expenditure:
Expenditure Classifications Eligible for Transfer Under this Resolution:
 - Training Pool
 - Innovation Fund
 - Salary and Benefits Reserve
 - Pay for Performance Reserve
 - Board of Supervisors Strategic Priority Support Reserve
 - Transformational Initiatives/Business Process Optimization Reserve
- 3) allocate salary lapse between department budgets; and
- 4) administratively approve the carry forward of outstanding grants received and appropriated in FY 19 into FY 20.

Paragraph Seven

The Director of Finance is hereby authorized to transfer monies from one fund to another, from time to time as monies become available, sums equal to, but not in excess of, for the appropriations made to these funds for the period covered by this resolution of appropriations.

Paragraph Eight

All resolutions and parts of resolutions inconsistent with the provisions of this resolution shall be and the same are hereby repealed.

Paragraph Nine

This resolution shall become effective on July 1, 2019.

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

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

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

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

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

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

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

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$91,842,856.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure), and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this Resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This Resolution shall take effect immediately upon its passage.

**CAPITAL IMPROVEMENT PROGRAM
BOND FUNDED PROJECTS
FY 2019/20**

School Division	Amount (\$)
High School Capacity and Improvements	\$30,200,000
School Bus Replacement Program	\$1,200,000
School Maintenance/Replacement Program	\$8,112,000
Telecommunications Network Upgrade	\$900,000
School Subtotal	\$40,412,000
General Government	Amount (\$)
Cost of Issuance	\$1,063,501
Court Facilities Addition/Renovation	\$831,000
County-Owned Facilities Maintenance/Replacement	\$1,221,098
City-County Owned Facilities Maintenance/Replacement	\$238,575
COB McIntire Windows Replacement	\$1,972,172
County Owned Parks Maintenance/Replacement	\$959,402
City-County Owned Parks Maintenance/Replacement	\$25,750
County Server Infrastructure Upgrade	\$453,937
Crozet Park Maintenance/Replacement and Improvements	\$16,841

Fire Rescue Apparatus Replacement Program	\$3,745,030
Fire Rescue Station Alerting System Replacement	\$653,000
Police County 800Mhz Radio Replacements	\$121,801
Biscuit Run, Phase 1A	\$2,171,702
Darden Towe Athletic Field Improvements	\$2,907,000
Buck Island Park	\$706,710
Rivanna Reservoir Boat Launch	\$1,154,948
General Government Subtotal	\$18,242,467
Total Debt Issue Not to Exceed - FY 19/20 Projects	\$58,654,467

Exhibit A

PREVIOUSLY APPROPRIATED PROJECTS TO BE BOND FUNDED

School Division	Amount (\$)
Learning Space Modernization Referendum Project	\$1,827,683
School Bus Replacement Program	\$1,774,200
School Maintenance/Replacement Program	\$18,918,918
School Security Improvements Program – 2016 Referendum Project	\$205,125
Scottsville Elementary School Sitework Improvements	\$195,440
Western Albemarle High School Environmental Studies Academy Phase 2 – 2016 Referendum Project	\$440,820
School Subtotal	\$23,362,186
General Government	Amount (\$)
COB McIntire Windows Replacement	\$153,925
Cost of Issuance	\$716,400
County Owned Parks Maintenance/Replacement	\$1,204,072
County Server Infrastructure Upgrade	\$380,192
County-Owned Facilities Maintenance/Replacement	\$965,111
Court Facilities Addition/Renovation	\$26,091
Crozet Park Maintenance/Replacement and Improvements	\$438,653
Police County 800Mhz Radio Replacements	\$363,905
Police Mobile Command Center Replacement	\$291,408
Transportation Leveraging Program	\$2,940,000
Ivy Recycling Convenience Center	\$262,500
Fire Rescue Apparatus Replacement Program	\$933,250
Fire Rescue Station Alerting System Replacement	\$651,000
Police Community Response Truck Replacement	\$74,400
General Government Subtotal	\$9,400,907
Water Resources	Amount (\$)
Hollymead Dam Spillway Improvement	\$425,296
Water Resources Subtotal	\$425,296
Total Debt Issue Not to Exceed - FY 18/19 Projects	\$33,188,389
TOTAL DEBT ISSUE NOT TO EXCEED – ALL PROJECTS	\$91,842,856

Agenda Item No. 10. Review Draft Policies for Economic Development Tools and Prepare for Joint Board/EDA Meeting.

The Executive Summary forwarded to the Board states that the last joint meetings between the Board of Supervisors and the Economic Development Authority (EDA) took place in 2017 and focused on the completion of the County’s first-ever Economic Development Strategic Plan. In May of 2017, the Board and EDA reviewed a draft strategic plan developed by staff and consultants from DecideSmart, LLC. Then, in October of 2017, the Board, Planning Commission, and EDA jointly endorsed the Mission and Guiding Principles. The plan was strategically left incomplete until a new Director of Economic Development was hired, which occurred in April 2018. The Economic Development Strategic Plan (now called “Project ENABLE”) was approved by the Board of Supervisors on December 5, 2018, following a public engagement process.

Project ENABLE <<http://www.albemarle.org/navpages.asp?info=business>> identified several short-term goals, including the creation of County policies for three economic development tools by the

middle of the 2019 (Goal 3 - Lead the County's Readiness to Accommodate Business). Staff has now received feedback from the EDA on policies for three new tools; a local capital investment grant, as well as two state grants, the Virginia Jobs Investment Program (VJIP) and the Commonwealth Development Opportunity Fund (COF) (see Attachments A - C). Staff will next receive feedback from the EDA on the draft policy of another state grant, the Agriculture Forestry Industries Development Fund (AFID), at its meeting on May 21st (Attachment D).

Staff prioritized policy development for these state grants because they are already being utilized by the County and additional County businesses could soon become eligible to apply for one (or more) of these grants.

Staff is seeking feedback from the Board on the four draft economic development tools to facilitate an efficient and effective discussion with the EDA in June. At the upcoming joint meeting on June 18th, staff will seek approval of each of the grant policies and the draft capital investment grant. The tentative agenda for the joint meeting is found in Attachment E.

Staff is also seeking input from the Board about priorities for economic development tools and policy development for the second half of 2019. Staff is expecting to advance the County's prior work on tourism zones, continue promoting federally-designated Opportunity Zones, and consider the adoption of technology zones.

Finally, in conjunction with updating the EDA's Bylaws and Rules of Procedure, staff envisions rewriting the existing memorandum of understanding between the Board and the Economic Development Authority in the second half of 2019 (see Attachment F).

No budget impact is anticipated.

Staff recommends that the Board provide feedback on each of the drafted economic development tools and the agenda for its upcoming joint meeting with the Economic Development Authority. Staff is also seeking input on the prioritization of additional economic development policies.

Mr. Roger Johnson, Director of Economic Development, said today's presentation was in preparation for the June 18, 2019 joint work session with the Economic Development Authority. He explained that it was important to make the public aware of the activities involving economic development and to have transparency. He said while all our economic development projects can't be done in the face of the public the policies themselves and the creation of those policies can so that the community is keenly aware of what types of activities this board is going to be doing in the future. He noted that the agenda packet includes four proposed economic development tools that include policies for a capital investment grant (CIG), Virginia Jobs Investment Matching Grant, a Commonwealth Development Opportunity Fund matching grant, and an Agricultural and Forestry Development matching grant.

Mr. Johnson reminded the Board that when it had approved Project ENABLE in December 2018, staff agreed to bring back three economic development tools for the Board's consideration by the end of the fiscal year, and he has brought back four tools. He said they would like this to be transparent and provide the opportunity for the public to weigh in, edify the Board on the economic development tools, solicit Board feedback, and use comments received to edit or modify the policies in preparation for the June 18 meeting, at which they hope the Board would adopt the tools and we can begin using them to do the work for Project ENABLE. He said the tools are specific enough to establish clear boundaries to determine if a project is eligible, while allowing enough flexibility for the Board and community to act in the best interests of Albemarle County. He noted that some economic development policies have prescriptive ways of measuring things or a formula to come to an outcome, but his office wanted to give the Board as much flexibility as possible to do what it thinks was in the best interest of the community.

Mr. Johnson stated that it focuses on broad decision-making criteria, such as the Comprehensive Plan and Project ENABLE, and promotes performance-based incentives, subject to clawbacks. He explained for the public that a performance-based incentive is an economic development incentive that requires the actual grantee to meet some milestone before receiving that grant whether it is to create 100 jobs or have a 10-million-dollar capital investment; they don't get the grant until they meet those criteria. He noted that these incentives in some cases are not acceptable to large, nationally based companies, and so they put in clawback provisions so that if a firm fails to meet certain milestones, the County can seek reimbursement of those funds. He noted that these grant programs have those provisions in those. He said they would like to provide policies for all the state matching programs currently used by the County so they can act more expeditiously. He said the toolbox tools or policies are intended to help achieve the goals of Project ENABLE, including expansion of the tax base, creation of primary or career-ladder jobs, improve targeted industry sectors for business retention or expansion, and to improve the overall built environment.

Mr. Johnson said these programs can also help make the small area plans come to fruition, help achieve some of the goals of the Comprehensive Plan and some of the Board's strategic priorities. He said while these are economic development tools there are ancillary and auxiliary things that will help the community. He said lastly that some state and federal grants would provide access to the grantee so they may procure these grants when they might not otherwise be able to do so without these policies. He stated that these policies would provide greater certainty for businesses to know what they can expect when they do business with Albemarle County, offer consistency of decision making, enable the County to be transparent to the extent that they could be, offer efficiency of administration, improve business

processes, and further the County's and community's goals and desires. He invited questions before going into the first program.

Mr. Randolph observed that some may confuse Capital Investment Grant (CIG) with Capital Improvement Program (CIP) and suggested they consider changing the title to "Opportunity Growth Grant Program." Mr. Johnson agreed to consider making this change.

Mr. Johnson explained that a Capital Investment Grant (CIG) is a financial award given by the local government in exchange for a beneficial project, with the grantee paying taxes and having a portion of the taxes refunded. He said the grantee is not expected to repay the money. He explained the term "but for," which means that a project requires a public contribution in order to change the elements of the project in size, scale or scope, or to make it happen, and it refers to how the CIG works.

Mr. Dill remarked that he sees this as a huge negative to the process, as it is basically saying to people that they would be given money if they cannot make it on their own, which is not free market economics, and he does not believe it is good government policy to support a business or individual that cannot get up and running, expand, or hire new employees without government money.

Mr. Johnson responded that the "but for" provision is intended to fill a financial gap, and he has some examples of how it might apply that he can provide during the presentation. He explained that the CIG would be bifurcated into two groups; with one for job creation, known as a Classic project, and the second for transformative projects such as place making or the provision of a public good, known as Pinnacle projects. Mr. Johnson replied to Commissioner Dill's question that when they go through those examples that he will address how that "but for" provision would apply. He said so what is a capital investment grant; they are proposing two types; there is a Classic which involves job creation and a second is a Pinnacle, which would result in transformative place making or do a public good.

Mr. Johnson said to the point of what a "but for" provision may look like he has given a theoretical example that would apply to Albemarle County. He pointed out on the right side of the screen is an excerpt from the Rio Small Area Plan on Rio/29. He said the Rio Small Area Plan calls for a \$4.5 million library plaza, \$5.9 million for a realignment of Berkmar Extended, as well as some conservation activities such as daylighting of streams and some other things in that particular area. He said if a master developer came in to build that what would that look like. He said we are asking them as a county to build 11.4 million dollars of public elements for a transformative project, and it would be difficult for a master developer to build these elements of a Pinnacle project and make a profit. He said so in this scenario that project would not move forward the way the community wants it "but for" the County's contribution to help offset the costs of these elements. He noted that is an example of how the "but for" provision works, and it does not mean the project could not happen necessarily, but it does not mean it happens the way our community wants it. He said if was want that to sort of built environment in a Pinnacle project then the "but for" provision is what we are saying would be part of that.

Ms. Palmer asked for a further explanation of what a Classic project was. Mr. Johnson responded that it is coming up in his presentation.

Mr. Johnson then presented a slide with photos of a project he was involved with in Wilmington, North Carolina that involved an aging parking structure that had become an eyesore along the river, and the city had obtained community feedback as to what to do with it. He presented a slide with a diagram of a mixed-use project that includes residential mixed use, retail on the ground floor, and a community gathering space for the river front as well as opening some additional streets in that area. He explained that this project was able to be developed due to the "but for" contribution of public monies, which enabled the creation of a hidden parking structure, community gathering space, included a water feature and connection to a pocket park. He pointed out that is how a Pinnacle award would work.

Ms. Mallek asked if another example would be one with a financing gap because federal incentives change at the last minute and the County chose to use a rebate based on improved tax value in order to make the financial thing happen. Mr. Johnson responded, "yes".

Ms. Palmer asked if Ms. Mallek's example was of a Classic or Pinnacle project. Mr. Johnson responded that it was a real-world Pinnacle project. He said the Woolen Mills project is an example of an economic development project this community had, and it has elements of both types the Pinnacle and the Classic.

Mr. Gallaway pointed out that by offering a grant, the County was able to have a say in how a project is developed and could enable the County to do things from a character standpoint that it might not otherwise be able to because they don't own it or have control over it. He said but if you build into some sort of grant or partnership it lets you enter into the conversation that could be helpful for them from a capital standpoint or a finance standpoint, but for us to have influence over the character of what we would like to see happen so that you don't just have development going up that you wished did not occur.

Mr. Randolph asked Mr. Johnson how many years the parking garage in Wilmington remained empty. Mr. Johnson responded that the parking structure was 25 years old, had reached the end of its useful life as it failed some vibration tests, and was underutilized for a decade. He explained that we invested about a million dollars for a temporary fix while we went ahead and started this program. He added that the public contribution was able to change the character of the riverfront in perpetuity.

Mr. Randolph pointed out that developers with multiple properties across a wide geographic area might not decide to do the kind of innovation and capital expenditure necessary to reap greater value out of a property, which they have seen in Albemarle County. He pointed out that without the government providing a gentle push towards the revitalization of a property, the property can continue to decline.

Mr. Johnson remarked that in the case of Wilmington it was city-owned property that was placed for sale, it received offers from hoteliers to build hotels, and the project would not have happened with all these public elements that you are talking about if it would have happened organically through the process.

Ms. Mallek recalled speaking with bankers a few years ago and being told that they would not lend money for public infrastructure. She said the developer's application for funding is based on their return that they could get from whatever they are building. She said the bankers are not of a mind to be able to throw in an extra 4 million dollars for some plaza or other. She said it had been really great to work ourselves through this learning process and be able to appreciate that there are different places and in that Small Towns Big Ideas book she has mentioned several times every single small community who have had great successes on little or big projects have put a stake in the ground for themselves and said this is our investment; and then others build around it. She stressed the importance of having the community invest to get others to build around this.

Mr. Johnson stated that the grant is discretionary and the County would only want to participate in projects that make the most sense for the community.

Ms. McKeel remarked that this is a flexible toolbox from which items can be used in different ways and that they want to make sure they have a lot of tools.

Addressing Mr. Dill's concern, Ms. Mallek remarked that this funding or money would not be used to bail out a failing business, as the County has return on investment requirements to make sure an investment was good for taxpayers. Mr. Johnson remarked that the County would conduct due diligence on the creditworthiness of business partners.

Mr. Randolph asked if the Southwood project, should it have been proposed the previous day, would be looked at as a potential Pinnacle project. Mr. Johnson confirmed this and said that it would be presented by staff as a potential public-private partnership or a capital investment grant.

Mr. Johnson presented an example of a Classic project, which involved the Live Oak Bank's corporate headquarters relocation in Wilmington. He said the county provided a \$325,000 grant, the city granted \$250,000, and the bank decided to build a structure in the location that the community wanted creating 200 jobs that pay \$80,000 +/year.

Ms. Palmer asked if the project would not have occurred without the grants. Mr. Johnson responded that there was more to the process, including state involvement and the consideration of other locations for the bank building, but the grant helped move the bank to an area that suffered from some disinvestment.

Ms. Palmer asked if the walking trail bridge the County paid for is an example of a Pinnacle project, while the tax rebate part of it would be the Classic part of it. Mr. Johnson responded that they purposely removed Woolen Mills since it had Commonwealth Opportunity Fund, VJIP, Classic, and Pinnacle properties associated with it and staff did not want to confuse the matter. He said the infrastructure part can be used as part of the capital investment grant. He reminded the Board that it was separated into projects Turtle and Daffodil, with Project Turtle being an agreement with developer Brian Roy, of which the Pinnacle part was the investment put into the structure itself by Mr. Roy.

Mr. Randolph asked for confirmation that most projects are a mix of Classic and Pinnacle. Mr. Johnson confirmed this.

Ms. Palmer observed that climate action carbon footprint reduction is listed as a stated goal under Pinnacle projects. She noted that companies that do things to reduce climate impacts would not necessarily be a target industry. Mr. Johnson, used as an example, a business that wanted to put solar panels on its roof thus reducing carbon emissions, would qualify for consideration under both a business, Classic, and Pinnacle, because they would be doing something that creates a public good.

Ms. Palmer used the example of a company that recycles used tires as being one that was not a target industry and wondered if these types of businesses could be put under the Classic project. Mr. Johnson responded that it was not written this way, though should the Board like staff to, they could include this in the future draft for June. He explained that currently it is focused on those targeted industries, but it is not saying that we could not do that.

Ms. Palmer wondered if there was a way to make it a bit broader for cases where a company does not fit neatly into a targeted industry but would benefit the public good that can help us. She said obviously you don't want to list all the different things you can possibly do, but she suggested some wording that would capture some of those broader things.

Mr. Gallaway stated that they have Project ENABLE, the Comprehensive Plan, and the Strategic Plan, and if the County has something for which these tools could help, it would be a strong enough thread. He said that if it happens to interweave through two or three of those items, then it is a no brainer,

but just one is enough of a link. He said to your point our climate action plans are number one strategic plan and if something came forward that links right up to that item then there is the rationale.

Mr. Johnson agreed that they would not be a targeted industry, but a business that wants to put solar panels on its roof, which would reduce carbon emissions, would qualify them for consideration under both a business under Classic as well as a Pinnacle project since it involves the public good.

Ms. Palmer noted that it was not explicit in the Classic projects and that is why she wanted to make sure that we could express that.

Mr. Randolph stated that it does raise a question. He remarked that Classic is premised on substantial positive economic development impact. He said following Ms. Palmer's question, it leads to a question of whether given this Board's prioritization of climate change that they should factor in climate change, even if it is on a small scale, and support organizations that seek to address this, even if they do not have an economic development impact, by having a fifth category of projects that reduce carbon and have a positive impact on the environment. He noted that would be another discussion. He said the logical inference of what is being asked here is maybe there should be a fifth category and then let the Board decide whether they think that is appropriate or not. He said that right now the statement of what applies in a Classic project is appropriate because you say it is a substantial positive economic impact. Following Mr. Dill's point, Mr. Randolph added that they do not want to see the Economic Development Department diluting labor in chasing after a series of small growth projects, which is not the role of the office, but instead those that offer significant return on investment for their staff's time and commitment of resources.

Ms. Palmer remarked that during her visit the previous day to a recycling center, she learned that China increased its purity requirements for paper and was no longer taking it, the facility management expressed that if they can hang on for two years there would be several new paper recycling plants opening on the East Coast. She added that they do not know what is coming up; we have a lot of trash to deal with as a growing community and that is a cost to the community; but, we also do not want to close the doors on things that we don't even know about now or what somebody is going to come up with. She noted that it may have significant cost savings to decrease the money going out.

Ms. Mallek noted that in the past they focused on projects that offer state matching grants, and asked if this was still embedded in the policy. Mr. Johnson responded that this initiative is a County program and does not involve the state.

Ms. Palmer asked which projects they can put a \$15/hour minimum wage requirement on. Ms. Palmer remarked that the unemployment rate is 3.2% but they hear that they need better jobs, and a \$10/hour job would need support like affordable housing and other things, so they want to get wages up. She noted that it was a discussion item.

Mr. Gallaway noted that they would flag it and pick it up as they move through.

Ms. McKeel asked Mr. Johnson to comment on the calculation of the grant formula. She observed that they have set a limit of 75% of the increased property tax revenue to the County for the annual installment and asked if other communities have similar limits. Mr. Johnson responded that some communities refund or rebate an amount up to 100% of the total taxes because of carrying costs associated with the monies, as the sooner they are paid off the less the carrying costs are. He explained that, conversely, sometimes there was limited capital and monies available and they want to minimize the impact that participation in one of these programs has on the overall impact of the County's budget. He said that how fast do you want to pay it off is really the question being asked; and, he thinks it is a very fair question for this Board to provide directions.

Ms. McKeel remarked that she does not think people would think about the 75% in that way and said it would be worthy of thought to consider a larger percentage, i.e., up to 100%.

Ms. Palmer stated that developments have associated costs in addition to bringing in revenues, which they are not considering but have to be recognized. She added that there would be staff costs associated with monitoring the performance agreements, and she would like to learn more about these costs.

Mr. Johnson summarized what he heard from the Board as follows: consider an environmental stewardship component moving forward in June, consider programs that may be eligible for decreases in expenditures or has something of that nature associated with it, estimate costs associated with program administration, and consider up to 100% as a tax rebate maximum.

Mr. Dill stated that part of the goals of the Economic Development Department was to support local businesses. He said the examples shown were all outside projects and he thinks there has been a shift. He said he supports education for new businesses at PVCC, etc. and said it comes down to who initiates the projects and/or the plans. He said there is the possibility of problems when offering incentives to people and companies when they initiated instead of having requests for proposals that we want to do this project and we want to look at different people and companies to compare offers. He said when we are initiating that is a lot more controllable than when people are coming to us and offering big things, but they need to make a lot of money on it. He said that is my darkest concern. He said this just does not sound like Albemarle County supporting local businesses, job expansion, and work with the University process that he thought they were talking about.

Mr. Gallaway said the County has an entire Strategic Plan for economic development in place that this is driving, and he does not want anyone misconstruing examples, for the Board members to understand the concept, as a shift in that Strategic Plan. He pointed out nowhere does it say that the County would seek outside businesses to relocate here. He said you have to trust the document that we just passed, which is driving what these tools will help us do and these policies address that. He reiterated that the Economic Development Strategic Plan is about growing current businesses in the County and expanding out what they have. He noted that has been stated time and time again and we have voted on it.

Ms. Palmer recognized that the Board has talked a lot about form-based code and decreasing barriers to development in the growth area.

Mr. Gallaway said he was thrilled to read through all the policies and regulated-type things because they have been getting hit with this not being transparent. He continued that this program is transparent, as it tells a developer what they should expect in set criteria if they decide to do business or develop in Albemarle County. He said it is important to him not to be misconstrued coming out of a meeting.

Mr. Johnson agreed, saying that although they cannot always conduct business in front of the public, they set the policies by which they would abide, and this is the examples of those policies so there is an opportunity for the public to determine what economic development does on the front end, with the Board applying those policies on the back end.

Mr. Gallaway said to build faith in each individual supervisor it is important for the Rivanna constituents to hear your concerns no different than it is to hear that it is Ms. McKeel saying she would like to move it from 75% to 100%. He said then when you hear folks say well you have to have faith in your supervisor in who you have elected when they go into a closed session and discuss those things, but he was just pointing out these are your indications of what we bring into those conversations. He said that is how you can learn your way or get your ear into the room, that he thought was an important point to state as well. He pointed out the bank scenario was an example to explain the Classic project. He suggested the Board move to item two.

Mr. Johnson pointed out that some of the next economic programs are probably geared more toward what Supervisor Dill was talking about to help our existing businesses grow.

Ms. McKeel reiterated the importance of having multiple tools available and involving the community in the process.

Mr. J.T. Newberry, Economic Development Coordinator, presented and said he would review three additional economic development tools that the County has experience with. He first reviewed the Virginia Jobs Investment Program (VJIP), which he explained was a cash grant the state uses to offset human resources costs affiliated with businesses that are expanding by creating new jobs or retooling and retrofitting as a result of a technology change or otherwise. He explained that the state criteria apply only to primary businesses for the state and companies within qualifying sectors, and it sets milestones for the number of jobs and the amount of required investment in order to receive this grant. He said that expanding companies would require five new full-time equivalents and \$100,000 of capital investment; for a company retraining existing employees, it would be for five employees and a minimum capital investment of \$50,000.

Mr. Newberry said the state sets a wage rate of 1.35 times the federal minimum wage, which calculates to \$9.79/hour. He said they are considering modifying that, but that is what the current guideline is. He said the state takes all the information from a company; they do their analysis and come up with a cash grant to offer the company. He said the County has received 13 awards over the past five year, and the state has awarded from \$710 to \$1,000/job for those companies. He explained that though a local match is not required for VJIP, staff has proposed a \$400/job baseline match with staff to conduct an analysis to determine what amount above this is appropriate, and they would have a cap of \$10,000 per year per company.

Mr. Newberry stated that the criteria to determine if they would go beyond \$400 consists of a two-pronged test, with the first considering whether it is consistent with County policy, consistent with Project ENABLE, consistent with the County's Comprehensive Plan or consistent with the County's Strategic Plan. Second, he explained there are six criteria: staff would consider the extent to which a company's expansion or retraining results in money coming in from outside the area, the extent to which it is a primary business, whether or not they are quality jobs, how much it increases the tax base, if it supports other target industries or emerging clusters in the area, if it contributes to the public good, and if it accomplishes a specific Comprehensive Plan goal. He said to sum that up you can see that the state has their process by which they view these companies that are growing and then staff is proposing as a match so whatever the state would provide a minimum of \$400 and then go through this two-pronged test to determine what amount makes sense for us.

Ms. Palmer commented that she was not in favor of the County giving money unless there was creation of jobs that pay at least \$15/hour.

Mr. Gallaway asked if the County could impose a higher minimum wage requirement for job creation.

Ms. Palmer said that we don't have to even do the \$400/job baseline match at all. Mr. Newberry responded that was correct; we don't have to; and staff is proposing that as a baseline but that is certainly also an option, too.

Ms. McKeel asked how the City of Charlottesville uses this tool.

Mr. Newberry noted that the County reviewed other communities in the region when developing the policy. He said that Charlottesville's EDA matches what the state provides.

Ms. McKeel asked what the Charlottesville dollar match was. Mr. Newberry responded that it depends on the state's analysis; looking over the past five years for Albemarle, the state has ranged from \$700 to \$1,000/job. He noted the City imposes a cap of \$10,000/year, but only provides what the state provides.

Ms. McKeel said the Board may want to think about whether they would like to have a \$400 minimum or some more flexibility.

Mr. Dill asked if Charlottesville has the same policy supporting local businesses and if applicants are usually local businesses looking to expand. Mr. Newberry explained that a local business seeking to expand and add jobs would be connected by their local EDA to the Virginia Economic Development Partnership, which would begin the process of the state analyzing the direct, indirect, and imputed benefits of the expansion. He pointed out that the VEDP website has a thorough policy of all the criteria they consider, but they come up with that per job amount that they think would be appropriate for the expansion.

Ms. McKeel remarked that it appears to her that the community is growing service-level jobs, and they need to figure out how to support businesses that would provide jobs for the people that live in the community. She said that the schools and County government have trouble finding people because their spouses cannot find jobs. She said we need to be growing jobs in this community that are well entry-level job wages.

Ms. Palmer added that by requiring a minimum wage level for projects, the County provides financial support to make it less likely that they would be service jobs.

Mr. Randolph said he would like to hear from the Chamber of Commerce when this is brought back for public discussion, particularly about the implications of requiring \$15/hour as a minimum wage in order to obtain funding vs. the current \$9.79/hour, as they could be cutting off their nose to spite their face by dissuading a new business that may offer entry-level jobs below \$15/hour.

Ms. Mallek stated that having career-ladder jobs that offer the opportunity for training and promotion is more important than the entry-level wage.

Ms. Palmer observed that the policy would allow the County or EDA to match the full amount of a grant and asked if it would be a decision to be made by the Board of Supervisors. Mr. Johnson explained that an existing Memorandum of Understanding makes this a Board decision.

Ms. McKeel noted that the \$400 is locked in and said they may want to think about whether they want to lock this amount in.

Mr. Newberry continued his presentation with a focus on the Commonwealth Development Opportunity Fund (COF) Grant, which he said is similar to the last tool they heard about. He said these grants are meant to be deal-closing grant opportunities for companies that are considering locations outside of the Commonwealth, such as Willow Tree, which is the latest example in the County of a grant recipient. He said the grant was previously called the Governor's Opportunity Fund, and the Governor did whatever it took to prevent a business from leaving the Commonwealth. He explained the criteria are much higher than the VJIP grant, as it requires 50 new jobs and a minimum of \$5 million in capital investment, or 25 new jobs and \$100 million in capital investment, which are required to pay a prevailing wage of \$54,000/year. He said that equates to about \$26 an hour. He said these are primary businesses that obtain over half their revenue from outside Virginia, and the program was extremely flexible in that it offers various types of grants for different types of infrastructure as well as construction and training. He said the new program requires a local match, which could be dollar-for-dollar or in-kind, and staff proposes the same or a similar two-pronged test as is required by VJIP, such as if it is consistent with County policy, Project ENABLE, the Comprehensive Plan, and the Strategic Plan. He said in determining the recommended amount of local match, County staff shall consider the extent to which the Company's location or expansion results in these six factors: additional financial resources from outside the Metropolitan Statistical Area (MSA); quality job creation/career employment opportunities as determined by wages and benefits; increased tax base; support for other target industries under Project ENABLE or emerging business clusters; enhanced contributions to community character and the public good; and achievement of a specific goal outlined under the County's Comprehensive Plan or Strategic Plan.

Ms. Palmer reiterated her suggestion that they put in a minimum wage requirement.

Mr. Newberry clarified that the average job would have to pay the prevailing wage of the locality, which is \$54,183 for Albemarle.

Ms. Palmer asked if this means that everyone who works there would make a minimum of \$54,183 or if it represents an average. Mr. Johnson clarified that represents the average.

Mr. Dill remarked that something like WillowTree would only happen once every 5-10 years and asked how important it was to have a policy. Mr. Newberry responded that this would give the staff some written guidance, a baseline, certainty for a business, and transparency for the public when a situation arises. He stated that it is probably not a tool that would be utilized often, but when it is, it could have significant economic impacts.

Ms. Mallek recalled that the County granted \$150,000 to Microaire in 2011, which almost wiped out the County's matching Governor's Fund for that year, but it represented 120 jobs and moved into the old post office with a \$20 million investment. She pointed out that they have had five businesses in the past three years, and they should be prepared to act quickly when opportunities arise. She said that it is important that we be deliberate and have done all the homework ahead of time so that there is the process and background that is all set that people can take confidence in.

Mr. Dill asked what businesses were grant recipients in the past three years. Ms. Mallek named Perrone, WillowTree, and Co-Construct, correcting herself that it may only have been three, though it is still frequent.

Mr. Newberry noted that Co-Construct and Perrone were VJIP awards, and WillowTree and Microaire received Commonwealth Opportunity Fund grants. He said that the state and local governments often have somewhat competing priorities in terms of what they want from economic development. He said the state may be willing to offer a company more than what it would be worth to the County, and this would provide some basis to calculate a match that is less than what the state is offering, which speaks to its flexibility.

Ms. McKeel stated that she feels uncomfortable talking about the living wage in relationship to these reports, as she believes they should discuss this about the County's own employees and clean up its own house first, which would require a study.

Ms. Palmer agreed with Ms. McKeel, noting that the University of Virginia is in the process of conducting one.

Mr. Newberry next reviewed the Governor's Agriculture and Forestry Industries Development Fund. He said this state grant program offers two options: a planning grant function and facilities grant function, with the County offering a cash grant to a company that makes value-added products from a minimum of 30% Virginia grown products as a facility grant function. He said the state considers the number of jobs created, capital investment, and the overall amount of Virginia-grown products to come up with a cash grant to support expansion. He said the grant is very flexible, as it can be used for a variety of things, is capped at \$500,000, and requires a one-to-one match, and staff proposes the same two-pronged test.

Mr. Dill recalled that at a previous meeting, the Board talked about whether competitors are taken into consideration, and he expressed his view that they should do so.

Mr. Palmer commented that later today, they would talk about Agricultural Events and Operations Phase I and at some point would discuss Phase II. She said her expectation is that by Phase II, they would have a definition of agricultural operations, and they should consider these things as they move forward with AFID grants as they may end up supporting something that might not fit once they determine the definition.

Ms. Mallek named three examples: Kelly's Turkeys, the only place in the United States that raises and sells turkeys locally; Sheep's Cheese at Bel Air Farm; and Potter's Craft Cider, which uses 100% Virginia apples.

Ms. Palmer recalled that an AFID grant was made to a distillery in her district. Ms. Mallek pointed out that the grant was not made since it was not locally grown. Ms. Palmer acknowledged this but used it as an example of something to think about.

Ms. Mallek added that a wood processing plant in Gordonsville that makes paper from local timber received a large grant and does well.

Mr. Newberry summarized the Board's feedback, stating that he has heard that the staff should be tuned into the pending two-phase ZTA on agricultural operations, look at competition when considering AFID grants, consider minimum wages for the VJIP and COF grants, gain a better understanding of the costs associated with administering the projects, and conduct more precise economic analysis to determine the impact of \$15/hour wage jobs. He asked if he has captured everything.

Ms. McKeel added flexibility.

Mr. Gallaway invited other comments.

Ms. Palmer recalled that the Executive Summary posed a question about direction and asked Mr. Newberry if he would like to hear what is most important. Mr. Newberry confirmed that this is included in a

part of the discussion. He said Attachment E, the draft agenda for the joint Board of Supervisors and Economic Development Authority meeting is attached and staff would welcome comments. Mr. Newberry recalled that some Board members have demonstrated interest in different priorities for the next set of tools, which set policies for programs they have been implementing and so where do we go from here.

Ms. Palmer read the following excerpt from the Executive Summary: "Staff is also seeking input from the Board about priorities for economic development tools and policy development for the second half of 2019. Staff is expecting to advance the County's prior work on tourism zones, continue promoting federally designated opportunity zones and consider adoption of technology zones." She said she is curious about how the EDA interfaces with the Board's priority of the more proactive rezoning of some of the development areas.

Mr. Johnson introduced Ms. Jennifer Schmack, a new staff member with 16 years of experience who comes from Suffolk and attended the Oklahoma School of Certified Economic Developers Program, though she has not yet sat for the exam.

Mr. Gallaway followed up on Ms. Palmer's comment about how the EDA interacts. He said they have developments that come through the Planning Commission and then to the Board, while economic development projects come through the EDA. He said he presumes it is the responsibility of the EDA office to help those who want to work within the County to drive them to areas that are already set up and primed for what they would like to accomplish. He said he gets frustrated in the Rio District, where they have gone through all the effort to say what they would like to see happen in the Rio/29 Small Area Plan, though they see things brought forward outside of that. He said that the faster the Rio/29 Small Area Plan vision comes to fruition it starts to help them solve multiple issues beyond and we have tried to get the infrastructure set up to support that versus seeing developments pop out in other places where the infrastructure can't support what they would like to see. He noted that both the Planning Commission and EDA play this role, though the EDA is more public facing or a little more purposeful in saying okay if you are interested in doing something like that in Albemarle you should be educated and informed as to these things that exist around the county involved in the educational aspect of economic development.

Ms. Mallek remarked that this is a wonderful discussion to have, and she would perceive this to be considerable encouragement to the EDA, which is very prescriptive as to what they do under the MOU.

Mr. Dill remarked that the role of the Office of Economic Development is an ongoing discussion, with one aspect being the big headline wins when a major company relocates, while the other involves soft stuff such as zoning, which is probably more important. He said he would rather they have a foundation of healthy economic development than look for individual wins. He said it is a lot easier to answer the phone when somebody is interested in doing a deal than it is to try to make Route 29 and Rio Road a hospitable place for businesses.

Ms. Mallek noted that was a planning question.

Ms. Palmer commented that economic development primarily involves assisting local businesses and asked Mr. Johnson if this was correct. Mr. Johnson responded that they are focused on four primary functions, which are tools that help them accomplish goals. He said that Ms. Schmack was responsible for business retention and expansion; she visits our existing businesses to learn what their problems are and help find solutions, in conjunction with coordinating activities with the Virginia Economic Development Partnership. Mr. Johnson reported that Mr. Newberry is conducting site readiness, which includes some of the things that Supervisor Dill was mentioning in looking at the total amount of property available for industrial and necessary zoning changes to get sites ready including working with landowners associated and moving those sites forward so that when a business wants to expand here it has a place to do so. Mr. Johnson said he focuses on strategic partnerships that involve innovation and entrepreneurship in conjunction with the University of Virginia and the County to create cohesive plans for a business to start, grow, survive, and be successful in the County without ever having to leave from the time it is an idea all the way until it is a brick and mortar place, and then we also support in great detail the tourism efforts.

Mr. Dill thanked Mr. Johnson for the overview and remarked that it sounds like a great approach to a great community.

Ms. Palmer stated the importance of maintaining affordable housing stock when working with opportunity zones as we do some of this redevelopment.

Mr. Gallaway stated that he attended a community association meeting in his district and was asked to talk about economic development, which gave him the opportunity to learn how residents and business owners feel about economic development and the County's approach. He said some of the comments and emails we have received around transparency that it gave him a chance to really talk to his direct constituents about how they feel, and he explained why we go into closed session, the types of things we discuss, and what the business is being discussed regarding what they were concerned about, which is why it is in closed session. Mr. Gallaway commented that he said very point blank that how he talks about this is your judgement on how those conversations go, and there was a great conversation around that. He continued that they wanted to know how it impacts roads and other areas just like any other development. He said it was a nice opportunity to discuss this economic development plan and the rationale behind it as well as a chance for him to hear direct feedback about how we are doing it, which was positive. He said that when the County Executive talks about lateral relationships among

departments, such as how the EDA interfaces with the Board and County departments in a silo approach, he believes this process would be a solution to some of the concerns brought up by Supervisors.

Mr. Richardson said he was impressed in October of 2017 when a joint meeting was held among the Board of Supervisors, EDA, and the Planning Commission to discuss the economic development strategic plan. He recalled discussing the need to have a collaborative strategy with Supervisors on what economic development success looks like in this community, which is very different from what it looks like in other communities due to its unique character. Mr. Richardson said he thinks that set the stage for an appropriate tone for this organization moving forward.

Ms. McKeel added that it is important for the three boards to be on the same page and for the community to see them working together.

Ms. Mallek commented that it is up to the local business people to come to the office and ask for information or learn what they need to know, noting that the Small Business Development Group is very strong and has received accolades from those starting new businesses. She said she was glad to hear Ms. Schmak was working on Business First.

Ms. McKeel said she is looking forward to her CAC meeting as there would be a presentation on economic development.

Mr. Newberry said he echoes Ms. Mallek's statement about the EDA, as they do an incredible amount of work for his department and have so much energy and enthusiasm, and they would welcome a conversation on focusing direction and how they can best support the Board.

Agenda Item No. 11. Solid Waste Alternatives Advisory Committee (SWAAC) Semi-Annual Report.

Mr. Andy Lowe, Facilities and Environmental Services and Staff Liaison to SWAAC, introduced Mr. Jesse Warren.

Mr. Jesse Warren, Chair of SWAAC, presented. He said he has been involved since they were the Solid Waste Solutions Alternatives Advisory Committee about three years earlier and has served for three years on SWAAC. He said the committee consists of community members, interested professionals, and liaisons. He explained that when he assumed the role of Chair, he changed the style of the meetings to consist of less working and more updates and report-outs and has divided the committee into three subcommittees: Planning and Vision; RSWA and County Operations; and Education, Communication, and Engagement. He said the change has been a mixed bag with a positive of getting the work out of the committee meetings, though they have not been the best at holding regular sub-committee meetings; more happens when they have topics that are relevant to their group, as they put together a subcommittee or ad-hoc group to work on them. He explained that the Chair, Vice-Chair, and the Secretary each chair a subcommittee, and he chairs Outreach, Education and Engagement, which he feels could help strengthen solid waste efforts.

Mr. Warren noted that they are also involved with the climate action planning process and he serves on the coordinating committee, for which he has taken on the responsibility for the Sustainable Materials Management Energy Sector Work Team and would be joined by Secretary, Terry Hamilton, Andy Lowe, Phil McKalips, and Ed Strickler of the Scottsville District. He said they have a small group meeting approximately every other week followed by a large group meeting, with small group meetings focusing on the topics at hand, as well as goals and strategies to affect the climate, and for the large group meetings, they bring in stakeholders and businesses like our local composters or waste haulers to see how they would interact with those kinds of strategies.

Mr. Warren said that Mr. Gallaway attended a meeting to discuss initiatives that the Board was involved in and Mr. Kamptner attended several meetings to discuss the permitting process for solid waste haulers. He said they are also interested in becoming involved with the TJPDC Solid Waste Addendum; they would like to see some text that speaks to what Albemarle County desires for the community with respect to solid waste. He said they have convened a work group on litter and identified areas of illegal littering, such as dumping and uncovered trucks, as well as bad behavior that consists of throwing items from windows and burning trash, for which he believes a public education campaign could address, so people can understand how littering impacts streams, waterways, and the natural community. He recognized the good work done with litter cleanups and VDOT programs.

Ms. Mallek commented that there is a general frustration from those who clean their street and then find that a few hours later it is as if they have not done so, and it would be wonderful if he has success with the education program.

Ms. Palmer remarked that they have several wonderful people on the committee, including Ann Johnson, who was recently appointed by the Board. She said Ms. Johnson informed her that there are several existing programs, such as Keep America Beautiful, which the County can become involved with. She asked Mr. Lowe how they could become involved with such a program.

Mr. Lowe responded that Keep Virginia Beautiful, part of Keep America Beautiful, partners with VDOT to implement adopt-a-road programs. He said there is a lot more emphasis on this because it is becoming such a problem in the water resources as Mr. Warner said, and so there are a few resources

through Longwood University and other entities like DEQ to try to educate people as well. He said it would be a collaboration of trying to get existing entities implemented versus trying to recreate the wheel.

Ms. Palmer invited Mr. Warren to share a funny story about an adopt-a-highway sign they saw while driving to Manassas. Mr. Warren recounted that the sign was entitled "Angry Rednecks Against Litter." He added that there is a community interest in keeping communities and waterways clean.

Mr. Randolph urged Mr. Warren to have his committee come up with three program options to present to the Board for consideration in next year's budget, for which they could potentially have a public hearing to allow the public to weigh in. He said that they are already spending money indirectly by using jail inmates and VDOT crews for litter pickup. He posed the idea to have a cell phone application for residents to report litter, which could help inform work orders for litter pickup. He commented on the importance of public education, and reiterated his suggestion that they include litter education with the semi-annual property tax bills, and suggested they come up with a catchy slogan, which the media can pick up and support.

Ms. McKeel encouraged Mr. Warren to reach out to the school administration to educate children about litter so they can then educate their parents; she recalled learning about litter when she was in school.

Ms. Palmer recalled that the wildlife center used to visit the schools to educate kids on how raptors and owls are hit by cars while eating trash thrown from them and while chasing after rodents along the roads. Addressing the issue of illegal dumping, she suggested they offer convenient places to drop off trash for those who cannot or who do not want to pay for haulers, in addition to the Ivy Center. Mr. Warren responded that some recommendations like that would appear as they are talking about climate action, as they have been asked to identify not just goals and strategies but easily implemented actions they can move on.

Ms. Mallek asked about changes in packaging and wondered if state action could require producers or retailers to bear some of the costs as right now all the costs fall on the local taxpayer. Mr. Warren remarked that it is forward thinking to consider what users can do as they make production and purchasing choices.

Ms. Palmer noted that the state requires large businesses to take back their e-waste and said it would be interesting to see action on the state level to require businesses to pay for some of the cost of the recycling of their materials. Mr. Warren offered to research policies in other states that could be replicated.

Mr. Gallaway recalled that at the last meeting, the Board approved an item on the Consent Agenda that led him to request a zoning text amendment (ZTA) on ordinances where the whole project was trying to process concrete and the ordinance required this to be done indoors. He said that hopefully this would come back and they would look at this, as it seems that the ordinance lacked the vision to perceive the processing of this type of material. He added that it seems to him that Mr. Warren's committee is well-positioned to inform and have input on a ZTA that addresses something like that, so they do not put something else in place that lacks the vision.

Ms. Palmer suggested they invite Amelia McCulley to the solid waste meeting. Mr. Warren responded that this is a new topic for him, though he is looking forward to getting involved and learning more.

Ms. Palmer remarked that the previous day, she and other County officials visited an American Disposal 400/ton per day single stream recycling facility in Manassas, as this was recommended as a clean and safe operation. She invited Mr. Warren to summarize their visit.

Mr. Warren said they walked the facility, which has five times the capacity of the Ivy facility and takes materials from surrounding counties. He said there is also a large Republic Services facility nearby that also processes. He said they said the facility takes in 400 tons a day of material and they send out 150 tons a day of that as trash. He said he learned that about 30% of the material is contaminated and must be sent out as trash, which has reinforced his commitment to single source-separated materials as the best possible thing they can do for recycling.

Ms. Palmer said she learned that it does not work when glass is mixed in with recyclables and localities continue to recycle glass to demonstrate that they are recycling a certain percentage of waste, since the glass is heavy and makes their numbers look better.

Mr. Warren explained how the recycling machine spits out materials in different locations by means of mechanical, optical, and human sorting, and that glass contaminates the other materials. He said he plans to pull glass from his own recycling and bring it to McIntire along with plastic.

Ms. McKeel said that it should not be difficult to educate the community about not including glass in recyclables.

Ms. Mallek asked if the committee could reach out to the Planning District regarding the statewide solid waste plan regarding what seems to be a flawed plan to recycle 25% of materials and if it includes glass. Ms. Palmer said this would be part of their legislative priorities, reminded the Board that a few of

the haulers have said they would not report any more, and she said that Mr. Kamptner would address this later in the meeting.

Ms. Mallek said it may be time to get back to licensing their contractors.

Ms. Palmer said the committee has discussed this.

Recess. The Board recessed at 3:28 p.m., and reconvened at 3:44 p.m.

Agenda Item No. 12. Proposed 2020 Legislative Priorities.

The Executive Summary forwarded to the Board states that each year the Board considers and approves its legislative priorities. The Board then meets with the County's local delegation from the General Assembly to discuss these priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). Other initiatives are sometimes added prior to the General Assembly session. This is the second of at least three anticipated Board discussions to develop its priorities for the 2020 General Assembly session.

At the first Board discussion on April 17, several new legislative initiatives were presented for discussion: (1) impact fees to address the impacts on capital facilities resulting from development; (2) equal taxing authority for counties; (3) providing in-kind resources to volunteer firefighting and emergency service providers; (4) civil penalties for open burning violations; (5) expanding the powers of land bank entities; (6) tree canopy preservation; and (7) recycling reporting.

In addition, two Board priorities that failed in the 2019 General Assembly session were presented for discussion: (1) regulating carrying specified loaded weapons in public areas; and (2) local control over war memorials and monuments.

Lastly, an initiative that was ultimately tabled by the Board last year was presented. The initiative sought enabling authority to require homestay platforms to annually report to localities the homeowners using their services.

These initiatives are explained in Attachment A.

Since the April 17 Board discussion, staff has performed additional research and met with David Blount, the County's legislative liaison. Following is the status of staff's work to date on the initiatives identified above:

Impact fees: Staff recommends that this legislation be pursued only in conjunction with other localities.

Equal taxing authority for counties: Rather than seek equal taxing authority across all forms of taxes, seek specific authority for an identified purpose. For example, seek authority to raise the ceiling on the transient occupancy tax for Albemarle County. Targeting the additional revenue for a specific purpose, such as to support a conference center, may make the proposal more attractive to the General Assembly. Several other counties have been successful taking this approach.

In-kind services to volunteer firefighting and emergency service providers: Staff will continue to refine the list of the proposed in-kind services a locality may provide. Thus far, staff has identified the following as possible in-kind services: contract management services for capital projects, assisting in preparing proposals, budgeting services, and providing insurance.

Civil penalties for open burning violations: Staff is contacting the Virginia Department of Environmental Quality to learn whether it would support such legislation.

Expanding the powers of land bank entities to acquire land for affordable housing: Staff recommends that this initiative not be pursued at this time. Further research suggests that the County already has enabling authority to achieve this purpose.

Regulating carrying specified loaded weapons in public areas: This initiative has failed the past two years in the General Assembly. Staff recommends that the Board pursue this initiative a third year if there is a material change in the membership of the General Assembly in 2020.

Local control over war memorials and monuments: This initiative has failed the past two years in the General Assembly (the County joined the City in the proposed legislation in 2019). Like the loaded weapons initiative, staff recommends that the Board pursue this initiative a third year if there is a material change in the membership of the General Assembly in 2020.

Reporting by homestay platforms: The Board deferred pursuing this initiative for the 2019 General Assembly session because it had not yet acted on a homestay zoning text amendment and because of the availability of software that may accomplish the same purpose. Staff will check on the practicality of the software. Staff recommends that this legislation be pursued only in

conjunction with other localities.

Staff is still in the early stages of gathering information for other initiatives discussed by the Board on April 17 and will update the Board on May 15.

There are no specific, identifiable budget impacts.

Staff seeks direction from the Board on its legislative priorities and other initiatives.

Mr. Kamptner reported that he is following up on the previous month's review. He presented the following list of 12 initiatives he would review and update, plus one that was brought forward recently after the last review:

1. Impact fees
2. Local control over monuments and memorials for war veterans
3. Prohibition on carrying specified loaded weapons in public places
4. Equal taxing authority with cities
5. Providing in-kind resources to volunteer firefighting and emergency service providers
6. Civil penalties for open burning violations
7. Expanding the powers of land bank entities
8. Homestay platform reporting
9. Extending eligibility of antique motor vehicle status to 30 years
10. Providing tax relief to public safety volunteers
11. Increasing the minimum tree canopy preserved during development
12. Recycling reporting

Mr. Kamptner said he met with David Blount and James Douglas the previous week to work through the presentation and executive summary, and he asked Mr. Blount to provide a list of insights as to how a governing body would establish priorities. He said Mr. Blount listed the following three questions: 1) Is the proposed initiative an emergency; 2) Does the proposed initiative align with the Board's Strategic Priorities or Comprehensive Plan; and 3) Is the proposed initiative something that another locality or group may pursue, which the Board can support.

Mr. Kamptner presented a slide with a list of the Board's nine Strategic Priorities for FY20–22. He reminded the Board of his March 20 presentation on available enabling authority the County has for revitalization of the County's urban ring and said his research found that there are 64 statutes the County has not taken advantage of to deal with this, ranging from infrastructure to transportation to affordable housing to dilapidated structures. He said that included in the 64 statutes are the recently enacted legislation items the Board requested that the County has not yet implemented.

Ms. McKeel stated that this is very frustrating for her and her inclination is to not support any new initiative until they deal with the ones for which they have received permission from the General Assembly, such as parking on secondary roads.

Ms. Mallek remarked that they have a tendency to make things complicated and need to deal with the small fix and get it over with. Ms. McKeel agreed.

Mr. Kamptner stated that the Board should feel that it can do nothing, very little, or just address the initiatives that the Board wants to support that are going to have statewide impact where we would be joining with other localities anyway.

Ms. Palmer asked Ms. McKeel to clarify her position. Ms. McKeel explained that she is looking at this as a time issue for staff. She pointed out that they asked the General Assembly for permission to establish a technology zone yet they still have not established it.

Ms. Mallek pointed out that some of these are site-specific and require an applicant.

Ms. McKeel then brought up issues of sidewalk snow removal and secondary roads that have not been addressed and suggested they pause for a year, though she is not saying they should take a complete hiatus from the legislative packet. Ms. McKeel said she did not think the Board should develop a new list of requests and initiatives until it deals with the ones that have already been approved.

Mr. Kamptner acknowledged that putting together these presentations takes time, as much as 15-20 hours of research, review, and analysis, while lobbying at the General Assembly takes up two full days.

Mr. Dill suggested they keep the legislative priorities to a minimum and address the obvious ones they want to do.

Mr. Randolph stated that they have identified some initiatives, such as impact fees and reporting by homestay platforms, which should only be pursued in conjunction with other localities, and they can remove these things. He said the regulation of the carrying of a specified loaded weapon in public areas and local control over war memorials and monuments are worth pursuing in 2020 if there is a material change in the makeup of the General Assembly but are not achievable this year. He said they could also remove expanding the powers of land banks since they already have this enabling authority and they would reduce the list down to where they would be looking at expanding the powers of land bank entities to acquire land for affordable housing, civil penalties for open burning violation, and equal taxing authority.

Ms. Palmer remarked that she is not ready to give up everything.

Mr. Dill remarked that it would be good to have the TJPDC system and just push a button rather than go through and discuss every item.

Mr. Gallaway pointed out that they have been discussing their legislative priorities earlier in the year than in the past, which allows the Board time to discuss strategy beyond just setting up a priorities list.

Mr. Randolph noted that as of January 1, 2020 they would have two new legislators and would no longer have the minority leader of the House of Delegates close by or Delegate Landes, who has always been responsive to the interests of the County. He said this would have a significant impact on their effectiveness, for which they need to be mindful, more pragmatic, and not overextend themselves with ambition.

Mr. Gallaway said the Board should move through the list and see what should be on it.

Mr. Kamptner noted that the last couple of slides will focus on decision points for the Board. He stated that he was contacted by the Virginia Department of Housing staff regarding a roundtable they would hold on June 10, to which they have invited the High Growth Coalition and representatives from Hanover, Goochland, and Albemarle counties to give a 20-minute presentation on the administering of impact fees, as well as their hopes and dreams. He reminded the Board of his April presentation when he demonstrated why impact fees are preferable over cash proffers. He said the per-unit cost of cash proffers is distributed over all residential development and not just the residential units created as a result of rezonings. He noted that it provides an incentive for landowners with older zoning designations to rezone and eliminates the disincentive for the locality to not proactively rezone property to match the vision in the Comprehensive Plan, Master Plan, or the Small Area Plan so they start getting zoning that matches.

Mr. Kamptner said this tie back to their earlier discussion on economic development whereby up until now, things have been reactive. He said there may be a great small area plan, but if none of those landowners were to choose a particular zoning designation envisioned in the Master Plan, the Board would either not get what it wants or that particular application would not be approved. He said this is the heart of what he would like to present to the Housing Commission, and he would meet with the County's planners to make sure that what he speaks about is consistent with their views. He said that is where we are with impact fees right now and we will revisit impact fees at the end of this discussion.

Mr. Kamptner next addressed the minimum tree canopy and said he has shared the enabling authority of the County and the enabling authority for Planning District 8, which allows them to go 10% higher. He said he has asked David Hannah to look at alternatives, which they would present on June 19. He said that although it may be attractive to seek to join the enabling authority that Planning District 8 has, the state micromanages how the County exercises the enabling authority in a way similar to affordable housing and clustered developments, which makes it a cumbersome process.

Ms. Mallek asked if the County has enabling authority to prevent giant trees from being cut down wholesale the way everybody does nowadays. She added that developers bulldoze trees and then plant very small replacement trees. Mr. Kamptner stated that they could have a zoning text amendment, as the master grant of enabling authority allows the County to identify the areas that are to be kept as open space and is the same authority that allows the County to establish setbacks. He noted that the Chesapeake Bay Preservation Act grants authority under the criteria to require that developers disturb only the minimal amount of land necessary for the development.

Ms. Mallek asked if they have to separately adopt that chapter or if they have already adopted but not implemented it. Mr. Kamptner responded that they have not adopted this particular provision; the existing stream buffer regulations are built upon a piece of enabling authority that allows non-Chesapeake Bay Act area localities to adopt certain measures and we have not gone as far as what he just described.

Ms. Mallek remarked that this would have prevented the 85 acres at Hollymead Town Center from being bulldozed at once and then working on 5 acres for the next 5 years.

Mr. Kamptner provided an update on recycling reporting and said the statute he referenced, Virginia Code §15.2-939, may not be the one that needs to be changed because it enables localities to adopt an ordinance that requires waste generators and other companies to report. He said when he looked at the County's solid waste chapter, he learned that they do not have a reporting requirement. He said that in speaking with David Blount and Andy Lowe, they concluded there must be a state-level statute that requires reporting. He presented a slide with a list of reasons given by waste haulers as to why they would not share information and said he would come before the Board on June 19 and hopefully have some answers. With respect to whether proprietary or non-proprietary information would allow a solid waste generator or recycler to withhold information, he said that one way around this would be to carve out an exception to making that a public record keeping it confidential so that those who need to have the information could obtain it, but it would not be shared with the competition.

Ms. Mallek asked if any of these changes would require legislative changes. Mr. Kamptner responded that they might.

Ms. McKeel expressed her support for this initiative but asked where it would be prioritized in relation to items for which they have already been granted enabling authority, particularly with respect to older neighborhoods.

Ms. Palmer remarked that she is not sure that if they do this that it would prevent them from addressing the older neighborhoods. Ms. McKeel said it should not, but for her it is about staff time.

Mr. Kamptner next addressed the proposed amendment to state law to increase the age of antique motor vehicle licensure from 25 to 30 years. He remarked that a federal report says that older vehicles involved in a crash are more likely to have a fatality. He noted that under the definition of an antique vehicle, 46.2-100, and amongst all the other elements of the definition it must be owned solely as a collector's item, and the law, 46.2-730 goes on to specify how such an antique vehicle must be used on the road. He said he concluded that there are a number of standards that are unenforceable, which is the heart of the issue. He said they need people with expertise to be involved and he inquired with the Police Department and learned they do not have any data on antique vehicles.

Ms. McKeel said she has two close friends that own antique motor vehicles who have expressed to her that they would support this as there are many people abusing it. She added that there are local organizations that they need to receive buy-in from before undertaking this.

Mr. Kamptner remarked that this would have to be dealt with at the state or national level.

Mr. Randolph added that changing the age of the vehicle from 25 to 30 years is not going to make much of a difference. Ms. McKeel recounted how in a meeting she attended with the Department of Motor Vehicles and the police a year ago, they said that five years would make a huge difference.

Mr. Randolph pointed out that there are portions of the country where most people drive cars that are 25 years old or more because they cannot afford to trade them in, and these cars may not be repaired as well or may not have as stringent a set of safety and inspection standards as in Virginia. He said that the change from 25 to 30 years may have some impact on the club market.

Ms. McKeel pointed out that Virginia offers the antique license for any vehicle age 25 or older, which is ridiculous because many are junk cars that could have a regular license tag and then would have to be inspected. Mr. Randolph agreed with Ms. McKeel but said they do not want to make it difficult for car clubs.

Ms. Mallek recalled that several years ago, Betty Burrell, former Director of Finance, was looking at this as a finance issue in terms of the personal property tax. She noted that this has been on the Board's priority list for several years.

Mr. Kamptner reviewed tax relief for public safety volunteers, which Ms. Mallek raised as an issue last year. He presented a list of some Mid-Atlantic and Northeast states that offer tax credits or deductions, including Maryland, New York, and Pennsylvania. He noted that Pennsylvania adopted this locality by locality, and it is one that staff recommends be pursued in conjunction with other localities in the state, for which he would return on June 19 with additional information.

Mr. Gallaway proposed that they start with neighboring counties.

Mr. Dill wondered if tax relief for volunteers could be considered as a form of paying them. Mr. Kamptner responded that his review of IRS guidelines indicates that a state-level tax credit would probably be considered as wages.

Mr. Kamptner reviewed the updating of the documentation of historic structures prior to demolition. He said that requiring landowners to open their structures would likely hit some resistance in the General Assembly, particularly a statute to allow the government access without probable cause.

Mr. Dill asked if there was a working definition of a historic structure. Mr. Kamptner responded that it varies depending on the program, with some tax credit programs defining it as 15 or 20 years, though they would be thinking 50 years. He remarked that Virginia's overall statutory scheme is relatively loose.

Mr. Dill pointed out that some places want to preserve 1950's drive-ins.

Ms. Mallek remarked that these are local decisions that localities have every right to make, but the County is forbidden from even taking photographs that could be used. She observed that dozens of buildings have been demolished in just the two years she has served on the Committee on Historic Preservation, including a spectacular one last week for which the owners refused to let anyone in to document it. She said that other communities in Virginia are finding a way to do this, so Albemarle would have to keep trying to find a way.

Mr. Kamptner invited Ms. Mallek to send him an email with information she has about other localities that are doing this. Ms. Mallek responded that she would task the committee to dig away at this.

Mr. Kamptner said there are two other matters staff would return with on June 19. He said Mr. Blount volunteered to check Department of Environmental Quality's position on civil penalties for open burning violations, and he would share a link that Mr. Blount sent to Finance and Community

Development to look at commercial sites, which may provide a solution regarding homestays. He presented a slide that listed the following initiatives for which they are seeking the Board's direction: Impact Fees with a recommendation to pursue this with other localities; Local Control Over Monuments with a suggestion to wait to see if there is a material change in the makeup of the General Assembly in 2020; and Weapons in Public Spaces with a suggestion to wait to see if there is a material change in the makeup of the General Assembly.

Ms. Mallek said she does not think the monuments and weapons items are going anywhere and does not want to ask Mr. Kamptner to do any more work on them. Mr. Kamptner responded that the work has been done, and he would assume it would be the same bill as before.

Mr. Dill said it might be a good idea to pursue the gun legislation to force people to take a stand.

Mr. Gallaway pointed out that legislation in the General Assembly is voted on by committees, and though the overall makeup of the legislature may change, it is at the committee level that they would need to see change.

Ms. Palmer remarked that she sees value in putting legislation through year after year because at some point they are going to pass.

Mr. Kamptner reviewed equal taxing authority with cities. He said that based on his research and looking at how VACO has failed in seeking to be on par with city taxing authority across the board, he would look to be a little more selective. He noted that the transient occupancy tax is one that has been amended repeatedly where a number of localities have gotten additional taxing authority to serve a particular purpose. He noted that the transient occupancy tax (TOT) represents about 2% of revenue for localities across the state and helps to slightly reduce the property tax burden.

Mr. Randolph asked if it would be politically adept to state that their purpose for the tax is to support a conference center in order to be competitive with other Virginia localities that have convention centers, as some legislators from other localities might not want competition from Charlottesville and Albemarle. Mr. Kamptner noted that Chesterfield, Hanover, and Henrico counties have the authority to tax up to 9% and currently have the rate set at 8%, of which 2% must be dedicated to expanding the Richmond Center, a convention facility in Richmond.

Ms. Mallek remarked that the Richmond Convention Center is totally paid for by the TOT.

Ms. McKeel remarked that much of this has to do with how much legislators would fight for the bills on the list.

Mr. Kamptner asked for direction on pursuit of a transient occupancy tax (TOT). Ms. Mallek proposed they observe what state organizations do this year and get more organized locally to have more ammunition to go with next year should they decide they are ready.

Ms. McKeel wondered if waiting another year would allow the County to obtain more data in order to make a stronger case.

Mr. Randolph observed that as long as he has been on the Board and prior to coming on the Board, there was a request, pursuant to Dennis Rooker's study, to try to allow the County to have additional tools in terms of taxing capacity. He said it is important to push this every year to remind the legislature that they are looking for that. He said he was not asking earlier to take the TOT off the table but to be careful about what they ask publicly. He noted that there would be new legislators that know nothing about this, the legislation would help to educate them, and by having a placeholder they could be consistent.

Ms. Mallek remarked that the County should maintain its support and VACO do the work.

Mr. Kamptner asked if there was Board consensus for staff to continue working on in-kind resources. Ms. Mallek remarked that they cannot carry out what they have been trying to accomplish for the last couple of years budget wise unless they do the second item.

Mr. Kamptner said it gives the County a lot more flexibility and is economically more efficient. He said the last one was their suggestion to not pursue the land bank communities. Board members agreed.

Referring to Mr. Kamptner's presentation to the Housing Commission, Mr. Gallaway suggested that he provide responses to the first four or five questions through an Executive Summary or other material, and spend time responding to the last question. He suggested Mr. Kamptner be very purposeful in how he uses his time, provide the back story and make the Commission do its homework if it wants to ask questions on how things are done in Albemarle.

Mr. Kamptner offered to resend the memorandum to the Board with the 64 legislative initiatives that have already been approved.

At 4:38 p.m., Mr. Dill **moved** that the Board go into a closed meeting pursuant to Section 2.23711(A) of the Code of Virginia:

- 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 litigation between the Board and Global Signal Acquisitions, and between the Board and the City Council of the City of Charlottesville regarding the Ragged Mountain Natural Area, 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. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 14. Certify Closed Meeting.

At 6:05 p.m., Mr. Dill **moved** that the Board of Supervisors certify by recorded vote that, to the best of each Supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

Agenda Item No. 15. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Gallaway welcomed students from Monticello High School.

Mr. Eli Keith, resident of Rivanna Magisterial District and student at Monticello High School, said he was present with two other students. Mr. Keith said their CAP project was based on the issue of the potential need for increased access to the City of Charlottesville and surrounding County from 5th Street Extended, from Southwood to the County Office Building, which also houses the police station. He said they learned from Mr. Randolph that a sidewalk was not very feasible, mostly because it would cost over \$1 million and the CIP was underfunded, and this would not necessarily be a reasonable request given the other things that have to be done in the County. He said their research indicates that Southwood residents need additional transportation options and they recommend the filling of potholes inside the neighborhood as these can damage bicycles and cars, the widening of the shoulders of 5th Street Extended, and to create a bike lane on the road.

Ms. Ellie Quick, resident of Scottsville Magisterial District and student at Monticello High School, addressed the Board. She thanked the Board for the opportunity to speak and noted that she is accompanied by several other students. She explained that, as part of their AP Government project, they researched the question of if they could effectively phase out fossil fuels in favor of renewable energy in an economically friendly way. She said they conducted a series of interviews with a power plant engineer, a representative from Sun Tribe Solar, Tim Hickey, and Rob Bell, and have come to the conclusion that they must start the transition to alternative energy on a local level.

Ms. Quick said that due to associated costs and reliable energy sources already in place, starting the push for alternative energy on a local level is the only way to make this issue manageable. She cited the 2018 Yale Climate Opinion map as indicating the majority of area residents feel that more should be done to address climate change impacts, and therefore her group believes the County government should push an agenda that encourages an increase in the use of alternative energy. She listed the following actions they recommend: 1) establish a goal to reduce the 2010 baseline greenhouse gas emissions by 45% by 2030, 2) conduct a greenhouse inventory every two years to help them stay on track, and 3) contribute to research funding and incentives to achieve these goals. She said that by creating community goals that support a more sustainable way of living they can look forward to a brighter future.

Dr. Clara Belle Wheeler, resident of Rivanna District, addressed the Board. She said she is a charter member of Virginia Household Water Quality Program. She said that every year the Albemarle Extension Office, in conjunction with Virginia Tech Quality Water Reduction, offers \$60 for a total evaluation of home water, including well water cistern or spring. She said kits are still available, invited people to call the Extension Office, asked the Board to present information on the County website, and suggested the students present encourage their parents to have their well water tested. She noted that they are pushing the program more this year due to the unusual amount of rain, which can affect spring

and well water quality, and water should be checked on a regular basis because what you do not know can make you sick. She pointed out that one cannot taste copper or lead and left some kits for the Board.

Ms. Palmer said she was happy to hear Dr. Wheeler mention contamination of the well as she had a property on which the well became contaminated with e-coli from a rainstorm that had to be treated.

Agenda Item No. 16. **Public Hearing: Approval of The Peabody School/Louisa County IDA Bond Proposal.** The Peabody School, a nonstock not-for-profit Virginia corporation (the "School") has asked the Authority to issue tax-exempt educational facilities bonds in an amount not to exceed \$3,500,000 on its behalf, to finance or refinance the acquisition, construction and equipping of various improvements to the School's educational facilities, including an approximately 7,456 square foot new academic building, and the payment of costs of issuance (collectively, the "Project"). The Project is located in the County at 1232 Stoney Ridge Road, Charlottesville, Virginia 22902, on the School's education campus. The educational facilities at this site are owned and operated by the School, whose principal place of business is at such location. The bonds described herein, if issued, will not create a debt or pledge of the credit of the Commonwealth of Virginia, the County or the Authority, and will be limited obligations of the Authority, payable solely from funds provided by the School for payment on the bonds. *(Advertised in the Daily Progress on April 29 and May 6, 2019.)*

The Executive Summary forwarded to the Board states that the Peabody School, located at 1232 Stoney Ridge Road, was founded in 1994 as a one- room, nonprofit elementary school. It has grown from teaching 13 students to serving more than 200 from all over Central Virginia. This Board unanimously approved the school's application for a special use permit to expand enrollment and construct additions to its facilities on November 14, 2018 (Resolution to Approve SP 2018-04). To finance construction, the Louisa County Industrial Development Authority (IDA) agreed to issue private activity bonds, which the Louisa County IDA and the Louisa County Board of Supervisors have approved. Such governing body approval allows the Louisa County IDA to issue bank qualified tax-exempt bonds for not-for-profit organization such that the school will obtain more favorable and affordable financing terms.

This Board approved the Peabody School's expansion plans in November 2018. In order to obtain financing to allow the project to proceed, the school obtained the Louisa IDA's agreement to finance up to \$3,500,000 in private activity bonds. The Louisa IDA may only issue such bonds for facilities in Albemarle County if "the governing body of [Albemarle County] . . . concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution." Virginia Code § 15.2-4905(13). Additionally, for private activity bonds to become qualified bonds under IRS regulations, the locality in which the facility is or will be located must approve the bond issue "after a public hearing following reasonable public notice." 26 U.S. Code § 147(f). By approving the Louisa County IDA's bond issue, the private activity bonds will qualify for tax-exempt status and allow the Peabody School to secure sufficient financing on favorable terms to complete its expansion.

Approval of the Louisa IDA Resolution imposes no financial obligation to or pledge of credit from Albemarle County.

There will be no budgetary impact by adopting the resolution.

Staff recommends the Board adopt the attached Resolution (Attachment F) approving the Louisa IDA Inducement Resolution.

Mr. Richard DeLoria, Senior Assistant County Attorney, presented. He explained that the Board would consider the Peabody School and Louisa Industrial Development Authority's request for a plan for the IDA to issue up to \$3.5 million in private activity bonds to finance the school's expansion. He said the school is a nonprofit elementary school of 200 students that has been in the County since the mid-1990s. He said in November 2018, the Planning Commission and Board granted a special use permit for school expansion. He explained that this is their effort to obtain financing to complete the project and Board approval is necessary for the bonds to be tax exempt for which the County would not incur any costs, liabilities, or debt. He said this is simply an administrative act to facilitate the financing.

Mr. DeLoria introduced bond counsel Douglas Sbertoli, Greg Frank with the Board of Trustees, and Rob Orlando, Principal of Peabody School, who are present to answer questions. To the question of why Albemarle was not issuing the bonds, Mr. DeLoria explained that Mr. Sbertoli approached the County's financial advisor and was advised that Albemarle County would not be eligible to issue the bonds because it had exceeded its \$10 million tax exempt bond limit. He explained that Mr. Sbertoli also reached out to the Albemarle County Economic Development Office to consult with them and keep them up to date on the process. He noted that the school has some students from Louisa County so it does have an interest in the project and its IDA agreed to issue up to \$3.5 million in bonds, which has been approved by the Louisa County Board of Supervisors, though the host jurisdiction must also grant approval. He said the public hearing was taking place because it is an IRS requirement. He continued that the school would like to close the deal as soon as possible and begin construction during the summer break. Mr. DeLoria added that at the end of the public hearing, the request is for the Board to adopt the resolution to authorize the issuance of the bonds by the Louisa IDA as described in the information provided in Attachment F.

Ms. Palmer asked why the Peabody School did not come to the Albemarle County Economic Development Authority. Mr. DeLoria explained that the IRS looks at the County and its EDA together when considering the \$10 million tax exempt bond debt limit. He explained that neither the EDA nor Albemarle County were eligible.

Mr. Doug Sbertoli, Chairman of Williams Mullens Public Finance Department, Richmond office, addressed the Board. In response to Ms. Palmer, he explained that local governments that issue more than \$10 million in bonds during any calendar year cannot issue bank-qualified obligations. He said this designation falls under Section 265 of the Internal Revenue Code and allows a financial institution that provides a loan to purchase the bonds with a benefit that allows them to continue to deduct the interest on the money borrowed from the federal reserve system to finance the loans, which provides a significant benefit to the cost of the financing over and above the tax exempt status. He said the terms requested by United Bank, based in Charlottesville, were that these be bank-qualified tax-exempt bonds, and the only way to accomplish this was to bring in an issuer from a smaller jurisdiction. He said this results in a considerable savings for the school over the duration of the loan. He thanked the Board for its consideration on behalf of the school.

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

Ms. McKeel asked Mr. DeLoria if the County's EDA has any problem with this. Mr. DeLoria said the EDA had the same concerns as Ms. Palmer, which was addressed. He said they want to see if there was something they can do to get into a position where they could do something like this and would explore this with Mr. Jim Boling, their bond counsel. He said it has been suggested that the financial advisor attend one of their meetings.

Mr. Dill said he could not remember approving \$10 million in bonds and asked for a summary of their obligations. Mr. DeLoria explained that the \$10 million ceiling encompasses bonds issued for nonprofit organizations and for governmental purposes, and it is difficult for an entity the size of Albemarle to fall under this limit, and so other localities can assist and allow their EDAs to issue bonds for nonprofits in other localities.

Mr. Randolph **moved** that the Board adopt the proposed Resolution approving the Louisa IDA Inducement Resolution in Attachment F. The motion was **seconded** by Ms. Mallek.

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

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

**GENERAL CERTIFICATE OF
ALBEMARLE COUNTY, VIRGINIA
Dated as of May 15, 2019**

In connection with the issuance by the Louisa County Industrial Development Authority (the "Authority") of its educational facilities revenue bonds in an amount not to exceed \$3,500,000 (the "Bonds") for a facility located in Albemarle County, Virginia (the "Host County") for the benefit of The Peabody School, a Virginia nonstock, not-for-profit corporation (the "Borrower") to finance and refinance certain improvements to its existing academic campus, including the acquisition, construction and equipping of a new approximately 7,456 square foot building (the "Project"), the undersigned Clerk of the Board of Supervisors of the Host County, acting in accordance with the Bond Issuance Resolution (as hereafter defined), hereby makes the following representations:

1. The duly elected and qualified members of the Board of Supervisors of the Host County (the "Board") on May 15, 2019 through the date hereof are identified, together with the expiration date of their current terms of office, as set forth below:

<u>Name</u>	<u>Term Expires</u>
Ned L. Gallaway, Chair	December 31, 2021
Rick Randolph, Vice-Chair	December 31, 2019
Diantha H. McKeel	December 31, 2021
Liz A. Palmer	December 31, 2021
Ann H. Mallek	December 31, 2019
Norman G. Dill	December 31, 2019

Each such member qualified by taking the oath of office prescribed by the Code of Virginia of 1950, as amended (the "Code"), on or before the day on which his or her term began.

2. Claudette K. Borgersen, who serves at the pleasure of the Board, is the duly appointed Clerk of the Board.

3. The Board has been provided with a copy of an Inducement Resolution adopted by the Authority on April 25, 2019 requesting the authorization of the Host County to allow the issuance of the

Bonds in its jurisdiction and recommending the receipt of governing body approval with regard to the proposed financing of the Project from the Board.

4. The resolution attached hereto as Exhibit B (the "Bond Issuance Resolution") was duly adopted by the Board at a meeting duly held by the Host County on May 15, 2019. The Bond Issuance Resolution approved the issuance of the Bonds by the Authority for the benefit of the Borrower since the Project is located in the Host County.

5. The Bond Issuance Resolution was duly adopted by the Board following the due publication of notice on April 29, 2019 and May 6, 2019, respectively, of a public hearing regarding the authorization of the Authority by the Host County to issue Bonds for a Project located in this jurisdiction. Among other things, the Bond Issuance Resolution concurs with the recommendation of the Authority that the Host County permit the issuance of the Bonds and with the governing body approval provided by Louisa County on May 6, 2019, whereby the Bonds were designated as "bank qualified" obligations in accordance with Section 265 of the Internal Revenue Code.

6. The Host County is a political subdivision of the Commonwealth of Virginia vested with the rights and powers conferred upon it by Virginia law and has full right, power and authority to (i) adopt the Bond Issuance Resolution providing "governing body approval" of the actions of the Authority and to execute and deliver all other documents to which it is a party that are necessary in connection with the financing of the Project for the benefit of the Borrower by the Authority.

7. Notice of the public hearing of the Host County on May 15, 2019 to consider the approval by the Host County of the issuance of educational facility revenue bonds by the Authority to finance the Project on behalf of the School was duly published as required by law.

8. The Host County has obtained all consents, governmental permits, licenses, registrations, certificates, authorizations, orders and approvals required to have been obtained as of the date hereof for the adoption of the Bond Issuance Resolution.

9. There are no pending nor, to the best of the Host County's knowledge, threatened claims against the Host County, any litigation or administrative actions, suits, proceedings or investigations of a legal, equitable, regulatory, administrative or legislative nature to restrain, enjoin or to contest, challenge or in any manner question the due adoption of the Bond Issuance Resolution by the Board or to contest or challenge the power and authority of the Board of Supervisors to so act.

RESOLUTION OF THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA, AUTHORIZING THE ISSUANCE OF BONDS BY THE LOUISA COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY (THE "AUTHORITY") TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO THE PEABODY SCHOOL CAMPUS IN ALBEMARLE COUNTY, VIRGINIA (THE "COUNTY")

WHEREAS, The Peabody School, a Virginia nonstock, not-for-profit corporation (the "School"), has requested that the Authority issue its Educational Facilities Revenue Bonds (Peabody School Project), Series 2019 in an amount not to exceed \$3,500,000 (the "Bonds"), to provide financing and refinancing for the acquisition, construction, and equipping of various improvements to the School's campus and associated educational facilities, including but not limited to an approximately 7,456 square foot new academic building located in Albemarle County, Virginia (the "Host County") and the payment of issuance and other transaction costs (collectively, the "Project"); and

WHEREAS, the Authority has adopted an inducement resolution (the "Inducement Resolution") after a duly noticed public hearing on April 25, 2019 expressing its intent to finance the Project, subject to the approval of the Board of Supervisors of the Host County (the "Albemarle Board") and the Board of Supervisors of Louisa County, Virginia (the "Louisa Board"); and

WHEREAS, the Louisa Board adopted a resolution on May 6, 2019 providing governing body approval of the issuance of the Bonds by the Authority and designating the Bonds, along with the Authority, as "bank qualified" obligations (the "Louisa Board Resolution"); and

WHEREAS, the School has its principal place of business at 1232 Stoney Ridge Road, Charlottesville, Virginia 22902 in the Host County; and

WHEREAS, pursuant to Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Albemarle Board may authorize the Authority to exercise its powers within the territorial boundaries of the Host County by issuing the Bonds for the Project, provided that prior to the issuance of the Bonds, the Albemarle Board adopts a resolution, following a duly noticed public hearing held in the Host County, which concurs with the Inducement Resolution and Louisa Board Resolution and authorizes the Authority to exercise its powers within the Host County in accordance with the Authority's recommendation; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires, among other things, the governing body approval by the Albemarle Board and the Louisa Board of the issuance of the Bonds by the Authority after public hearings have been held in each jurisdiction to consider the issuance of the Bonds; and

WHEREAS, pursuant to due notice and in compliance with the requirements of Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia as amended, the Authority, on April 25, 2019, conducted a public hearing on the request of the School for the issuance of the Bonds to finance the Project, and after such public hearing adopted the Inducement Resolution expressing its intent to issue the Bonds, subject to the adoption of this resolution by the Albemarle Board, and the Louisa Board Resolution authorizing the issuance of the Bonds; and

WHEREAS, on May 6, 2019, the Louisa Board, as the highest elected governing body of Louisa County, Virginia (“Louisa County”) adopted a resolution authorizing the issuance of the Bonds by the Authority for the benefit of the School in accordance with the Authority’s recommendation; and

WHEREAS, Section 15.2-4906 of the Virginia Code requires that within sixty (60) calendar days after a public hearing regarding the financing of the Project by the Authority in each jurisdiction, the Albemarle Board and the Louisa Board shall approve or disapprove the financing of the Project by the Authority; and

WHEREAS, pursuant to due notice, the Host County, on the date hereof, has conducted a subsequent public hearing at the request of the School with the participation of the Authority regarding the issuance of the Bonds by the Authority in compliance with the requirements of Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code; and

WHEREAS, a fiscal impact statement complying with the requirements of Section 15.2-4907 of the Virginia Code, a record of the previous public hearing held by the Authority in Louisa County, and copies of the Authority’s Inducement Resolution and the Louisa Board Resolution authorizing the issuance of the Bonds, subject to the consent of the Host County, has been presented to the Host County; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA:

1. The Albemarle Board approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.
2. The Albemarle Board approves the issuance of the Bonds by the Authority in its jurisdiction for the benefit of the School, as required by Section 147(f) of the Code and Sections 15.2-4905(13) and 15.2-4906 of the Code of Virginia, and permits the Authority to assist in the financing of the Project, which is within the territorial boundary of the Host County, and concurs with the Inducement Resolution and the Louisa Board Resolution.
3. The Bonds shall provide that neither the Host County, Louisa County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto and that neither the faith and credit nor the taxing power of the Host County, Louisa County or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.
4. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the School or the merits of the Project.
5. In adopting this resolution, neither the Host County, Louisa County nor the Authority, including their respective elected representatives, officers, employees and agents, shall be liable for, and hereby disclaim all liability for, any damages to any person, direct or consequential, resulting from the Authority’s failure to issue the Bonds for any reason.
6. This resolution shall take effect immediately upon its adoption.

CERTIFICATE

The undersigned Clerk of the Board of Supervisors (the “Board”) of Albemarle County, Virginia, hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by a majority of the Board members present and voting at a meeting duly called and held on May 15, 2019, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

The foregoing Resolution was adopted by a majority of the quorum of the Board present by a roll call vote, and ayes and nays being recorded in the minutes as shown below:

MEMBER	PRESENT/ABSENT	VOTE AYES/NAYS
Ned L. Gallaway, Chair (Rio District)	Present	AYE
Rick Randolph, Vice-Chair (Scottsville District)	Present	AYE
Diantha H. McKeel (Jack Jouett District)	Present	AYE
Liz A. Palmer (Samuel Miller District)	Present	AYE
Ann H. Mallek (White Hall District)	Present	AYE

Norman G. Dill (Rivanna District)	Present	AYE
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Agenda Item No. 17. **Public Hearing: SP201800021 Charlottesville Waldorf School.**

PROJECT: SP201800021 Waldorf School SP Extension.

MAGISTERIAL DISTRICT: Rio.

TAX MAP/PARCELS: 06100000017000; 061000000172A0; 06100000017200; 06100000017400.

LOCATION: The existing Waldorf School (TMP 61-170 and TMP 61-174) is located at 120 Waldorf School Road, Charlottesville, VA 22901. The two parcels proposed for school programming expansion are located at 738 Rio Road E, Charlottesville, VA 22901 (TMP 61-172A) and 746 Rio Road E, Charlottesville, VA 22901 (TMP 61-172).

PROPOSAL: Amend Special Use Permit SP200600010 to include Tax Map/Parcels 061000000172A0 and 06100000017200 to provide additional education programming space for the Waldorf School. The school plans to use the existing residential buildings and convert them into additional classrooms and programming spaces. Any increase in students will remain within the SP limits of 350 students. No residential units are proposed.

PETITION: Section 15.2.2(5) Private Schools.

ZONING: R-4 Residential (4 units/acre) which allows residential uses; private schools by special use permit.

OVERLAY DISTRICTS: Airport Impact Area; Steep Slopes- Managed; Steep Slopes- Preserved.

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 2 of the Development Area of the Places29 Master Plan.

(Advertised in the Daily Progress on April 29 and May 6, 2019.)

The Executive Summary forwarded to the Board states that at its meeting on March 19, 2019, the Planning Commission voted to recommend approval of SP201800021 with conditions. The Planning Commission’s staff report, action letter, and minutes are attached (Attachments A, B, and C).

The Planning Commission voted 6-0 to recommend approval of SP201800021 with the conditions set forth in the staff report. The Planning Commission did not request any changes. There have been no revisions to the application or the conditions.

Staff recommends that the Board adopt the attached Resolution to approve SP201800021 (Attachment D).

Ms. Tori Kanellopoulos, Planner, presented. Ms. Kanellopoulos explained that the public hearing is for a special use permit to expand an existing private school on the two adjacent parcels to provide additional educational programming space. She said the Waldorf School is comprised of four parcels totaling approximately 15 acres on Rio Road East at the intersection of Waldorf School and Pen Park Roads, adjacent to the Village Square development and across the street from River Run. The school includes a grade school, early childhood school, pavilion, sports court, library, outdoor play areas, and two parking lots with 47 total spaces. She pointed to the two existing parcels outlined in red and newly acquired tax map parcels 06100000017200 and 061000000172A0, outlined in blue.

Ms. Kanellopoulos said that an adjacent owner to the north whose property was already partially adjacent to the school is now fully adjacent. She said the property is zoned R4, Residential, which allows private schools by special use permit, noting that nearby Charlottesville Catholic School and CATEC are also zoned R4, the properties are designated Urban Density Residential in the Places 29 Master Plan and the Comprehensive Plan. She said that parcels with this designation may include residential, schools, commercial, office, and service uses, therefore, the proposal is consistent with the Comprehensive Plan designation. She explained that if structurally possible, the school would use the two existing residential units and storage structures on tax map parcels 06100000017200 and 061000000172A0 for additional programming, administrative, and storage space.

Ms. Kanellopoulos said a new tot lot is proposed to be located more internally and away from the adjacent property owner, the school would continue to use pedestrian paths and sidewalks to provide connectivity throughout the site, the hours would remain the same (8:00 a.m.–6:00 p.m.), and the maximum number of students would remain at 350, however the school is still well below that figure. She said the school is continuing the existing safety fence along Rio Road and would continue the existing fence along the property line with the adjacent property owner and would need to provide landscape screening if the use of the building closest to the property line (Building A) changes from anything other than incidental storage.

Ms. Kanellopoulos said that any new structures on tax map parcels 06100000017200 and 061000000172A0 must be within the building envelope shown on the concept plan, shown as the black dotted box, thus allowing for a similar building footprint area with the same uses. She said there is no new parking required or proposed nor new access or entrances. She said the school coordinated with fire/rescue and VDOT and determined a gate with an emergency access box would be the best option for the existing driveway, which accesses the two newly acquired parcels.

Ms. Kanellopoulos said that staff recommends approval with conditions outlined in the staff report.

Mr. Gallaway invited a representative of the applicant to address the Board.

Mr. Daniel Hyer, Civil Engineer, addressed the Board. He said they propose to extend the current special use permit to the two adjacent parcels owned by the school, which contain houses that would be turned into buildings for the early childhood program. He said the tot lot would remain in the interior of the parcel to avoid impacts to adjacent residential properties. He said there are no other major changes to report.

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

Mr. Gallaway **moved** that the Board adopt the proposed Resolution to approve SP201800021 Charlottesville Waldorf School, with conditions. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

RESOLUTION TO APPROVE SP 2018-21 WALDORF SCHOOL

WHEREAS, the Charlottesville Waldorf School submitted an application for a special use permit to amend a previously approved special use permit (SP 2006-10), which included the approval of a concept plan to operate the School on Tax Map Parcels 06100-00-00-17000 and 06100-00-00-17400, to expand its program to Tax Map Parcels 06100-00-00-172A0 and 06100-00-00-17200, and the application is identified as SP201800021 Waldorf School ("SP 2018-21"); and

WHEREAS, on March 19, 2019, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2018-21 with staff-recommended conditions; and

WHEREAS, on May 15, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2018-21.

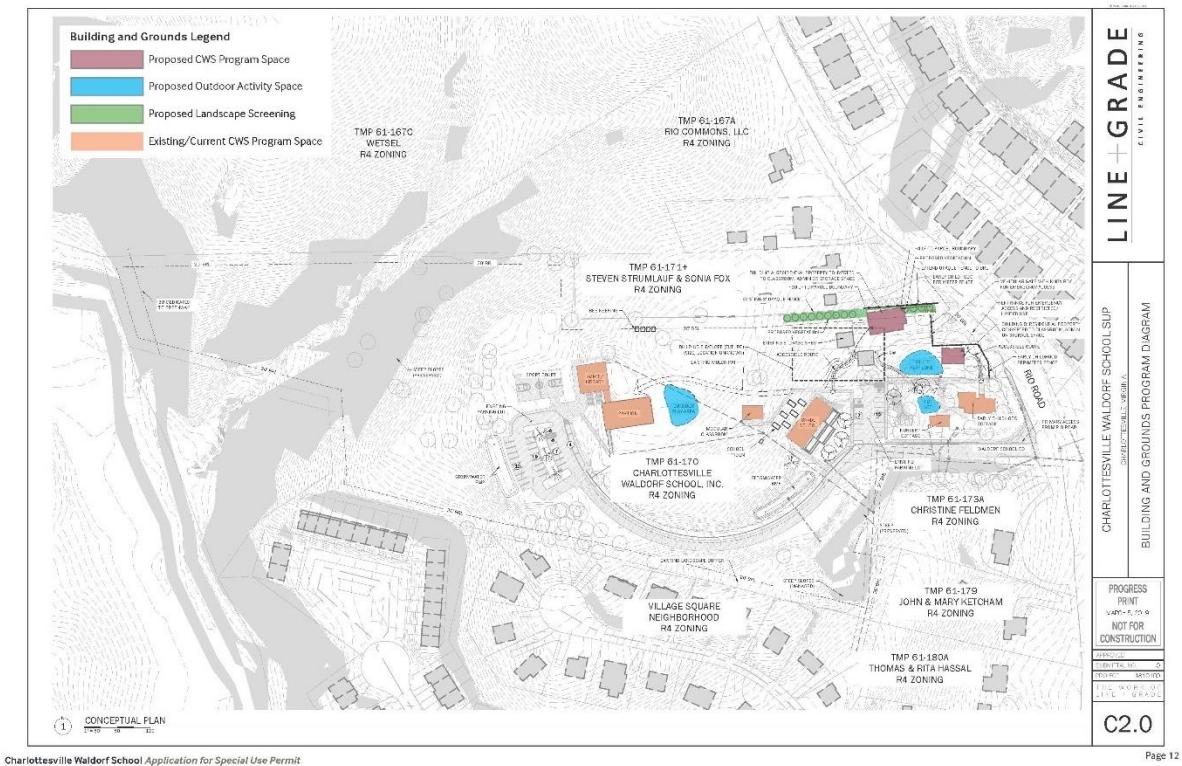
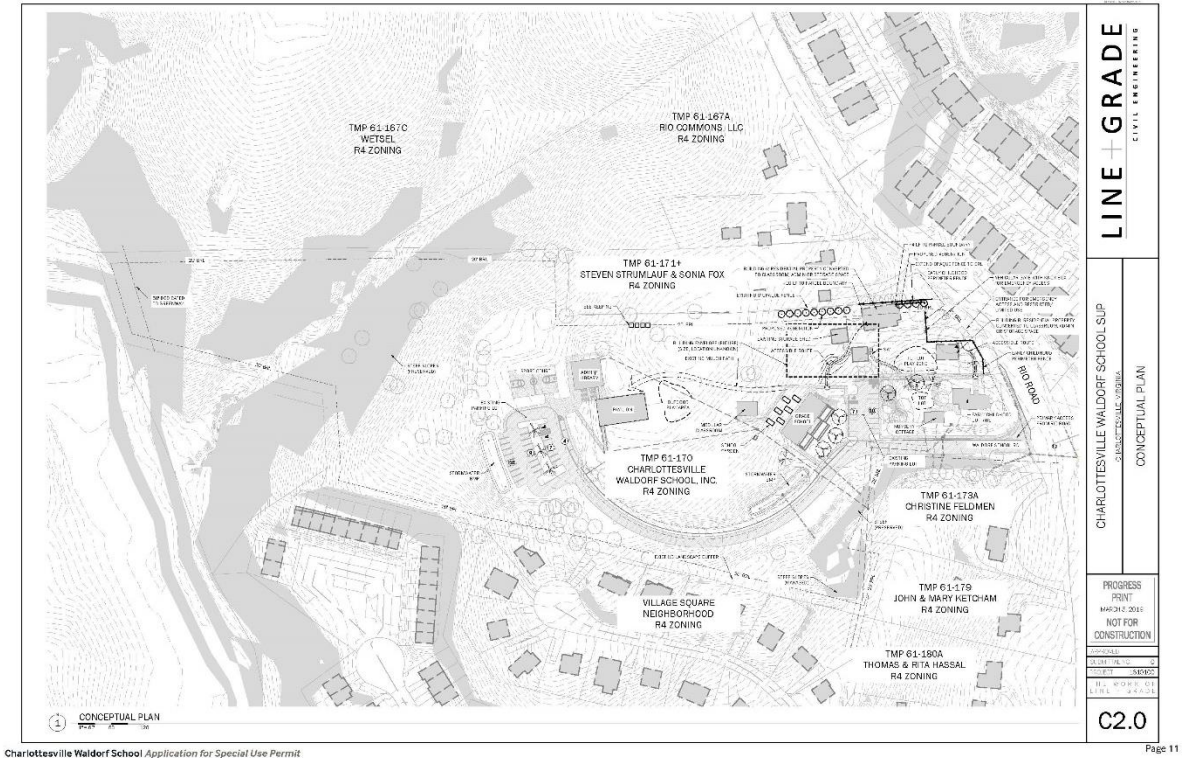
NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2018-21 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code §§ 18-15.2.2(5) and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2018-21, subject to the conditions attached hereto.

SP-2018-21 Waldorf School Special Use Permit Conditions

1. Development of the use shall be in general accord with the Conceptual Plan titled "Conceptual Plans: Charlottesville Waldorf School, Application for Special Use Permit," prepared by Line+Grade, with the latest revision date of March 5, 2019, and narrative title "Charlottesville Waldorf School: Application for Special Use Permit" (hereafter "Narrative"), dated March 5, 2019, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development shall reflect the following major elements as shown on the plan and described in the Narrative:
 - a. General location of tot lots.
 - b. Landscaping and fence between Tax Map 61 Parcel 171 and Tax Map 61 Parcel 172.
 - c. The early child perimeter fence along the front of Tax Map 61 Parcels 172A and 172.
 - d. General locations of the buildings and parking within the existing boundaries of TMP 61-170 and TMP 61-174.
 - e. Any new structures, parking and tot lots not shown on this concept plan and within the existing boundaries of TMP's 61-172 and 172A must be located within the building envelope ("Building Envelope (Future)") as shown on the Conceptual Plan.

Minor modifications to the plan which do not conflict with the above elements may be made to ensure compliance with the Zoning Ordinance.
2. Normal hours of operation for the school shall be from 8:00 am to 6:00 pm weekdays, with occasional uses in the evenings and weekend.
3. Maximum enrollment of the Charlottesville Waldorf School shall be three hundred fifty (350) students.
4. The existing landscape buffer adjacent to the Village Square residential development shall be undisturbed.
5. A sidewalk or equivalent pathway built to County or VDOT specifications, as determined by the Director of Community Development, shall be constructed along Rio Road within one year of the completion of sidewalk(s) on adjacent parcel(s).

6.
- No structure, parking or loading area used for the school shall be located closer than 20 feet to any adjacent residential district, with the exception of the existing structure labeled "Building A: Residential Property Converted to Classroom, Admin or Storage Space" on the Conceptual Plan.
7.
- A special exception for setbacks will be required if the use of Building A changes from single family residential to any use other than incidental storage.





Agenda Item No. 18. **Public Hearing: SP201600022 Moss (2511 Avinity Drive).**

PROJECT: ZMA201600022 Moss (2511 Avinity Drive).

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL: 090000000035L0.

LOCATION: 2511 Avinity Dr., approx. 70 feet south of the intersection with Avon St. Ext.

PROPOSAL: Rezone property to allow for apartments.

PETITION: Request for 0.9 acres to be rezoned from R1 Residential zoning district, which allows residential uses at a density of 1 unit per acre to PRD Planned Residential District (PRD) which allows residential use (3 – 34 units/acre) with limited commercial uses. A maximum of 24 multifamily units is proposed for a density of 26 units/acre. Associated with this request, is a request for a special exception to allow an exception to the minimum acreage requirement of 3 acres for a PRD.

OVERLAY DISTRICT(S): None.

PROFFERS: No.

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses in Neighborhood 4 of the Southern and Western Urban Neighborhoods.

POTENTIALLY IN MONTICELLO VIEWSHED: Yes.

(Advertised in the Daily Progress on April 29 and May 6, 2019.)

The Executive Summary forwarded to the Board states that at its meeting on March 19, 2019, the Planning Commission voted to recommend approval of ZMA201600022 with a recommendation that a revision be made for the fence height and material. The Commission also recommended approval of the Special Exception request to allow the minimum area required for a Planned Residential Development to be modified with a condition. The Commission's staff report, action letter, and minutes are attached (Attachments A, B, and C).

At the Planning Commission meeting there were a few residents of the adjacent Avinity subdivision that spoke. One of the residents expressed concerns about the existing fence on Avinity property and the proposed fence being in close proximity to one another, and not the same height. The Planning Commission discussed the need for two fences within the same area, and while not included in their motion, expressed a desire if the adjacent owners were amenable, to have flexibility for the applicant to provide landscaping in lieu of the proposed fence so as not to create a double fence that would be difficult to maintain (See Attachment C for minutes). Ultimately, the Planning Commission recommended approval of the rezoning with a recommendation that the fence be increased in height from six feet to eight feet on the eastern side of the parking lot and make the most southern portion of the fence a solid material.

Since the Planning Commission meeting, the applicant worked with Staff to develop a note to address the Commission's recommendation, and also their expressed concerns with allowing flexibility, but still providing the screening necessary. The application plan has been revised to include the following note (#9 on Application Plan Sheet 4 in Attachment D):

“The proposed fence on the eastern side of the parking lot shall be 8 feet in height, and the most southern 80 feet shall be a solid material. If the owners of tax map parcels 91A-57 and 91A-A would prefer landscape screening in lieu of the eight foot proposed fence, then TMP 90-35L shall provide landscape screening in accordance with 32.7.9 of the Zoning Ordinance. If only landscaping is provided,

and the existing fence on tax map parcel 91A-A is removed, the owner or ownership entity (the "owner") of TMP90-35L shall construct a fence on TMP 90-35L to provide screening in addition to the landscaping. The owner shall construct the new fence within 90 days of removal of the fence on 91A-A."

Staff believes this note satisfies the Planning Commissions desire for flexibility while also assuring that privacy and required screening along the property line is maintained for the residents of Avinity.

The Commission also recommended approval of the request for a Special Exception to allow the minimum area required for the establishment of a Planned Residential Development from three (3) acres to 0.9 acres with a condition.

Staff recommends that the Board adopt the attached Ordinance to approve ZMA201600022 (Attachment E), and the Resolution to approve the Special Exception (Attachment F).

Ms. Megan Nedostup, Principal Planner, presented. She said the proposal is to rezone .9 acres from R1, Residential, to PRD, Planned Residential Development, located to the south of Avinity Drive along Avon Street across from Mill Creek and somewhat adjacent to Cale Elementary School, for a maximum of 24 multi-family units at a density of 26 units/acre, in keeping with the recommended density in the Comprehensive Plan for Urban Density Residential. She said the plan consists of two, three-story buildings, parking, and a courtyard, which she pointed out on a slide with a diagram of the property.

Ms. Nedostup said the applicant has also requested a special exception to modify the minimum acreage of three acres for a PRD, for which the Planning Commission has recommended approval. She said the Planning Commission recommended approval of the ZMA provided that the proposed fence be revised to increase the height from 6 feet to 8 feet with the southern portion to be of a solid material. She said the Planning Commission also discussed whether there was a need for two fences within the same area as it was realized that the Avinity property also has an 8-foot fence lying almost adjacent and, though not included in its motion, the Planning Commission expressed a desire to have flexibility to provide landscaping on the Moss property in lieu of the fence, should the owner of the neighboring property be amenable to this. She said that staff worked with the applicant to develop Note 9 on the application plan, which they believe addresses this recommendation and which allows for flexibility while still providing the necessary screening. She presented a photo of the property from Google Maps and pointed out the existing fence as well as the area of the proposed fence. She explained that Note 9 requires construction of a fence unless the owners of both properties agree that screening would be appropriate in lieu of the fence and addresses the potential scenario should Avinity remove its fence, that the owner of the Moss property would construct a fence within 90 days. She concluded and invited questions.

Mr. Randolph asked if the County's zoning standards establish a height requirement by number of stories or number of feet. Ms. Nedostup responded that it is identified by the number of stories on the application plan. Mr. Kamptner added that the maximum height allowed for this district is 65 feet. Mr. Randolph stated that 65 feet on this location, given that it is slightly raised, means the buildings would be huge in this section of highway.

Mr. Gallaway invited the applicant's representative to address the Board.

Mr. Justin Shimp, Project Engineer, addressed the Board. He said they have agreed to proffer an elevation for the building height. He said the building is modeled after the Craig townhomes across the street, has to look similar, and he thinks this would be sufficient detail that they could not construct a building that is 65 feet tall in accordance with the drawing. Addressing the issue of the fence, he said the Avinity projects requires a screening fence between densities when it was developed. He said they worked with the neighbor and agreed to plant landscaping, though, should the neighbor's fence ever be taken down they would have to replace it. He presented slides with drawings of the townhomes, explained that each apartment unit is about the size of three townhomes with the project being essentially the size of six townhomes, and it is designed to be compatible with the Avinity Phase I development. He noted that this is a PRD in a one-acre zone and they worked with staff to detail their amenities more than they would have with a larger project. He said they reduced the size of the buildings and created a courtyard with games and landscaping. He added that they had a neighborhood meeting before the Planning Commission hearing, at which the issue of the fence came up. He said this is an infill project, meets all the criteria of the Comprehensive Plan and they worked out the details with County staff. He asked for Board approval, and would be happy to answer any questions.

Mr. Gallaway opened the public hearing.

Ms. Valerie Long, of Williams Mullens, stated that she represents Avinity, the developer of the adjacent property. She said that Avinity does not oppose the project and noted that there has been discussion about the possibility of having the developments share some amenities as well as a pro rata road maintenance sharing agreement. She said that Mr. Alan Taylor of Riverbend Development asked her to relay to the Board that they intend to work in good faith with the developer with whom they plan to have discussions.

There being no other comments from the public, Mr. Gallaway closed the public hearing.

Mr. Randolph thanked the applicants for working energetically on resolving the issues of the fence, the dog park, parking, clubhouse usage, and the HOA relationship with the Avinity residents. He

remarked that the Planning Commission did a thorough vetting on the application initially, indicated that there were some issues, which the applicant took to heart and revised the application accordingly so that they have a project that is significantly improved.

Mr. Randolph pointed out that, under the County Code, the buildings can be three stories and up to a height of 65 feet, and the buildings do not have to be consistent with the character of the road as the County no longer have an Entrance Corridor and an ARB to be able to define it. He said they are left with a massification of buildings that do not fit with the character of the roads and used the example of The Flats on West Main Street as being indicative of a large building that is out of character. Mr. Randolph said he does not think the two proposed buildings are equally as excessively out of character, though he feels strongly that they are out of character while acknowledging that they are permitted. He said this is a problem right now and they need to talk about ways to address it. He said developers would logically seek to maximize return on investment by the square footage available and appreciates the conscious and creative effort to create more open space in this location, though they would have two very large buildings and to the north some other large buildings have gone in that are on a rise above Avon Street and kind of tower over the street, and the Mill Creek and Mill Creek South properties across the street. He indicated he would vote for this project but is bringing up his concern that the character of the neighborhood is changing in a way that the Board and Planning Commission would normally not sign on to.

Mr. Randolph **moved** that the Board adopt the proposed Ordinance to amend the zoning map for TAX MAP/PARCEL: 090000000035L0, PROJECT: ZMA201600022. The motion was **seconded** by Ms. McKeel.

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

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

ORDINANCE NO. 19-A(4)
ZMA 2016-00022

AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX MAP PARCEL 09000-00-00-035L0

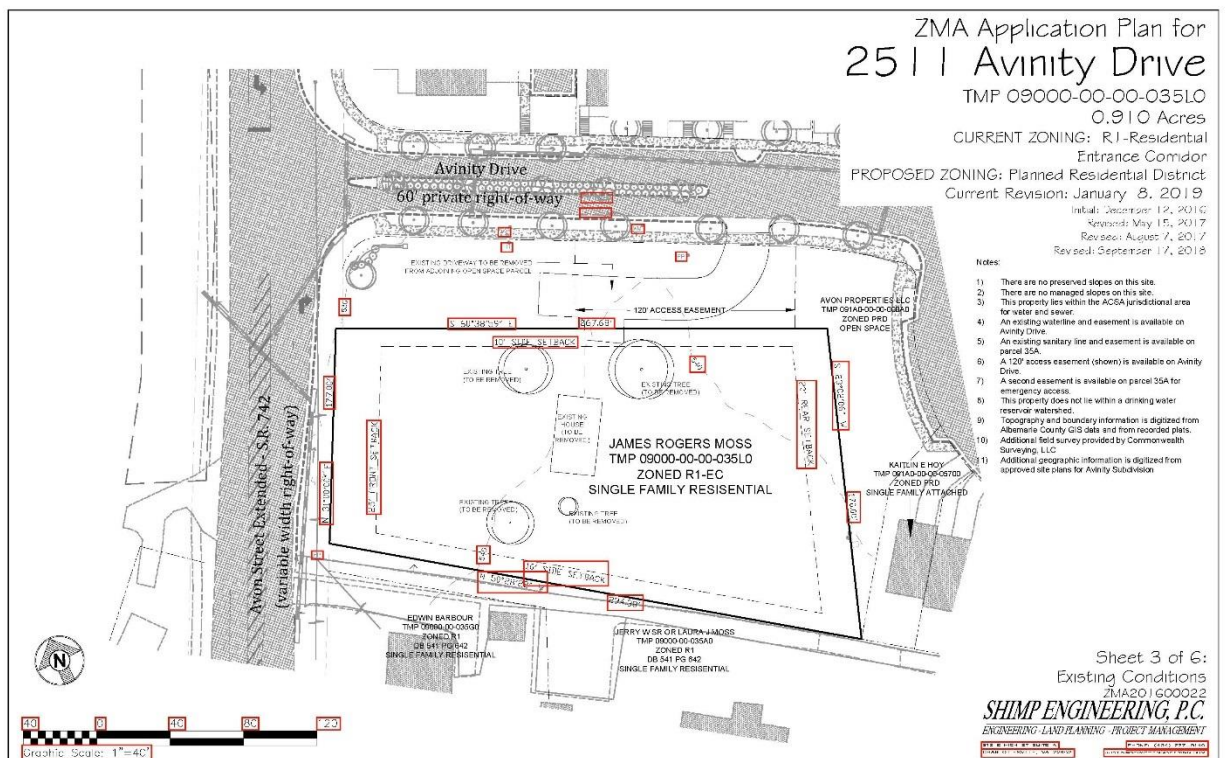
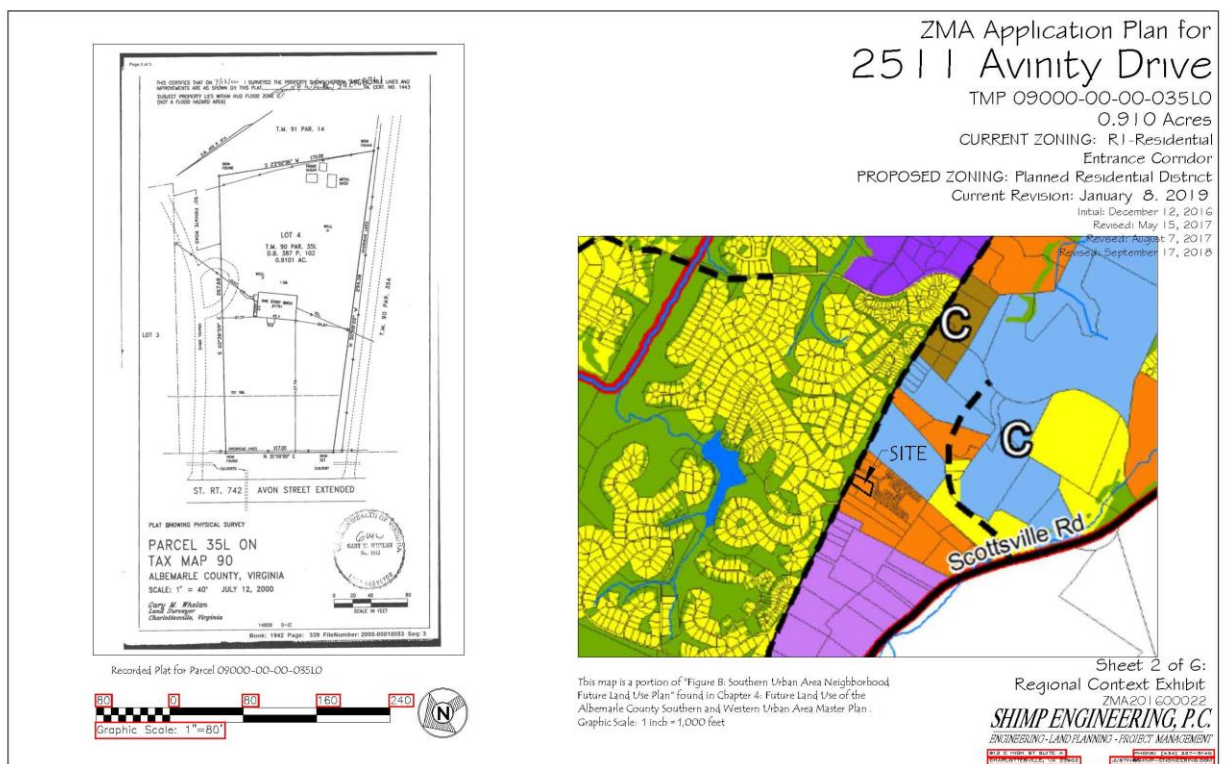
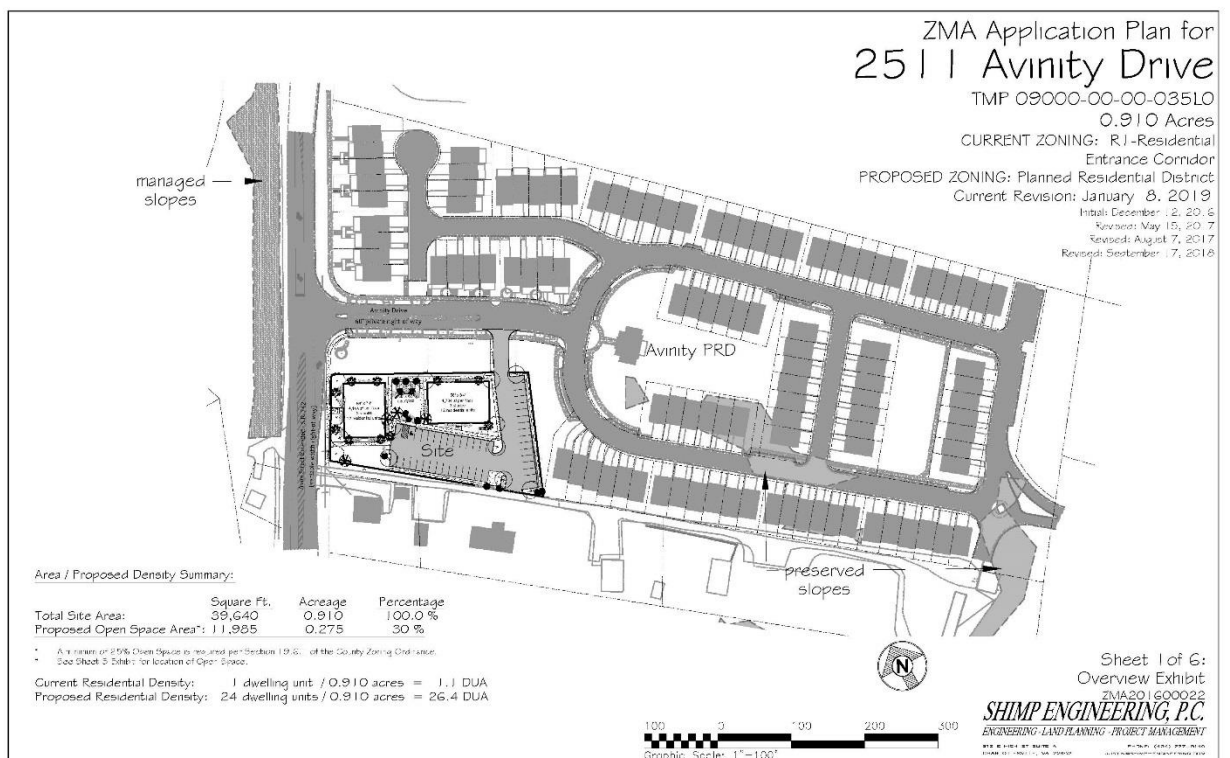
WHEREAS, the application to rezone 0.9 acres from R1 Residential to PRD, Planned Residential, for Tax Map Parcel 09000-00-00-035L0 is identified as ZMA 2016-00022 Moss (2511 Avinity Drive) ("ZMA 2016-00022"); and

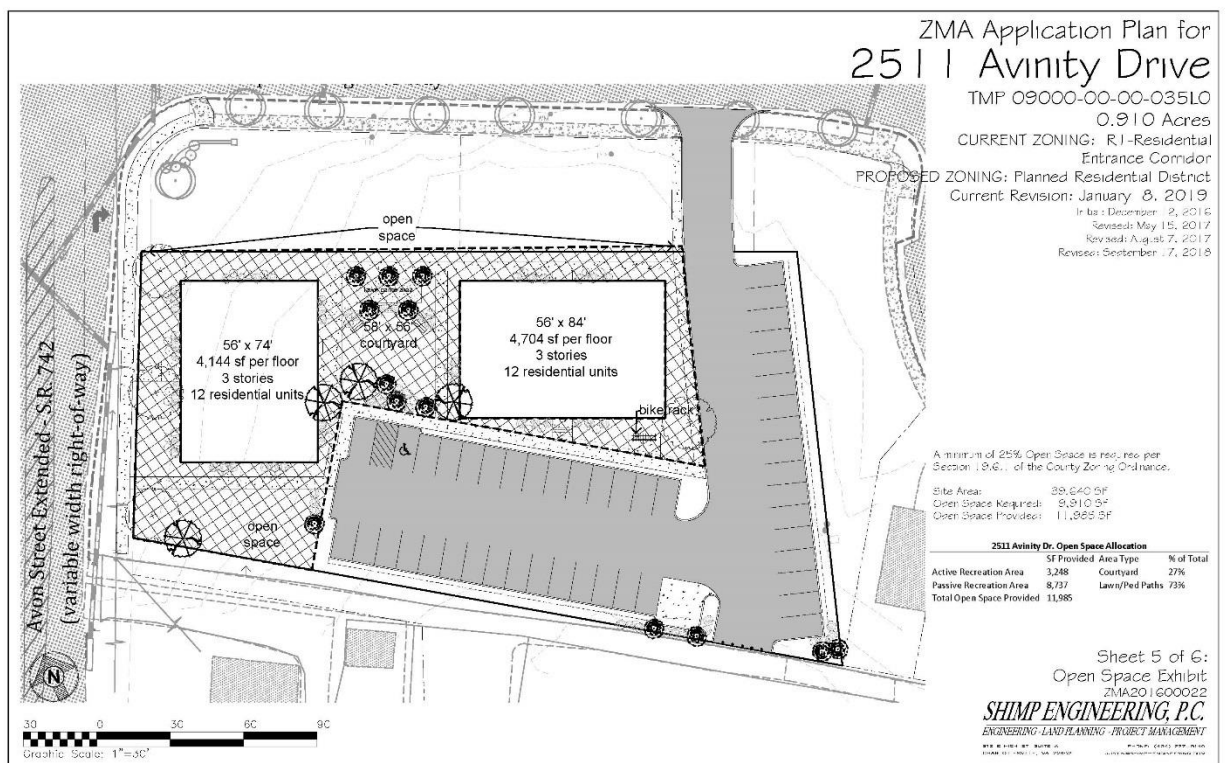
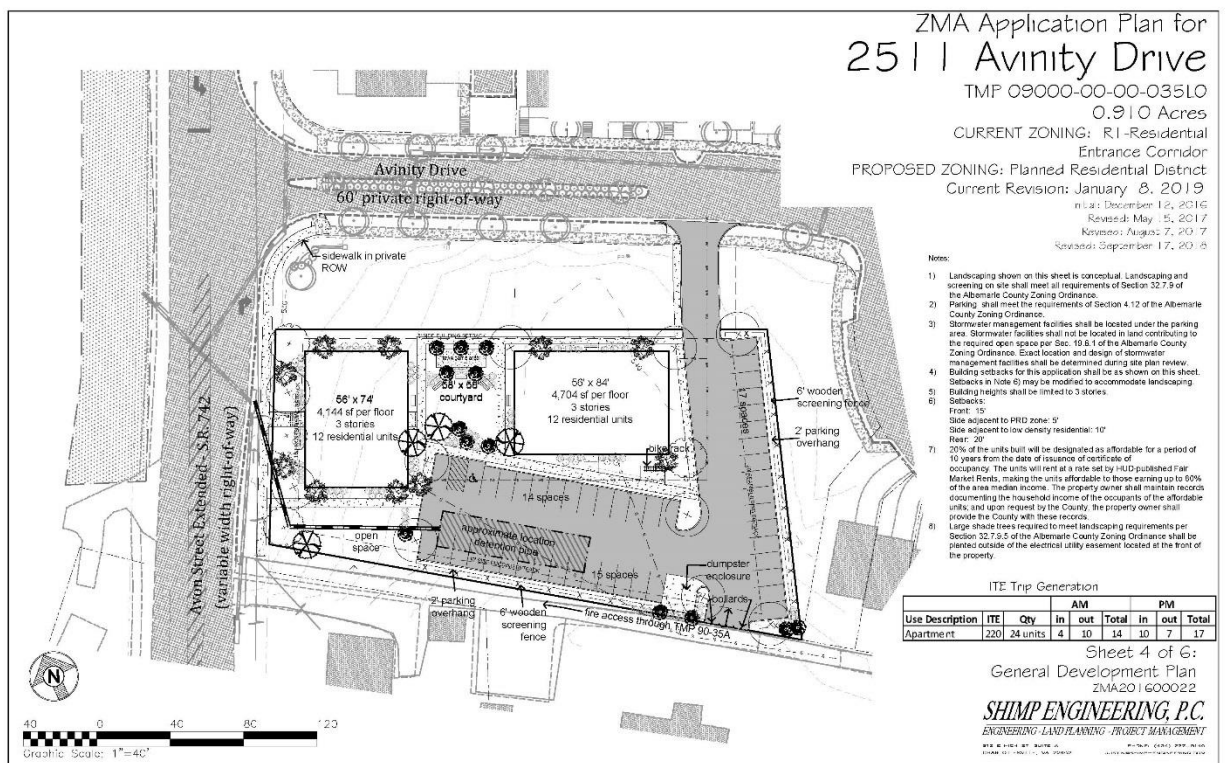
WHEREAS, on September 26, 2017, after a duly noticed public hearing, the Planning Commission deferred action on ZMA 2016-00022 to allow the applicant time to address issues of concern; and

WHEREAS, on March 19, 2019, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2016-00022, with provisos; and

WHEREAS, on May 15, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-00022.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2016-00022 and their attachments, including the revised application plan, the information presented at the public hearing, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-19, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2016-00022 with the Application Plan entitled "ZMA Application Plan for 2511 Avinity Drive", prepared by Shimp Engineering, PC, dated December 12, 2016, last revised on January 8, 2019.





Mr. Randolph **moved** that the Board adopt the proposed Resolution to approve the Special Exception to follow the minimum area required for the establishment of a planned residential development from three acres to .9 acres. The motion was **seconded** by Ms. McKeel.

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

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

Ms. McKeel asked Mr. Randolph if he plans to bring up the points he has just made and make suggestions. Mr. Randolph said they would hear about it with another large application.

Ms. Mallek commented that the shrinking of the acreage is the other side of that, and she probably should have voted no on that part of it because she thinks it is a terrible idea.

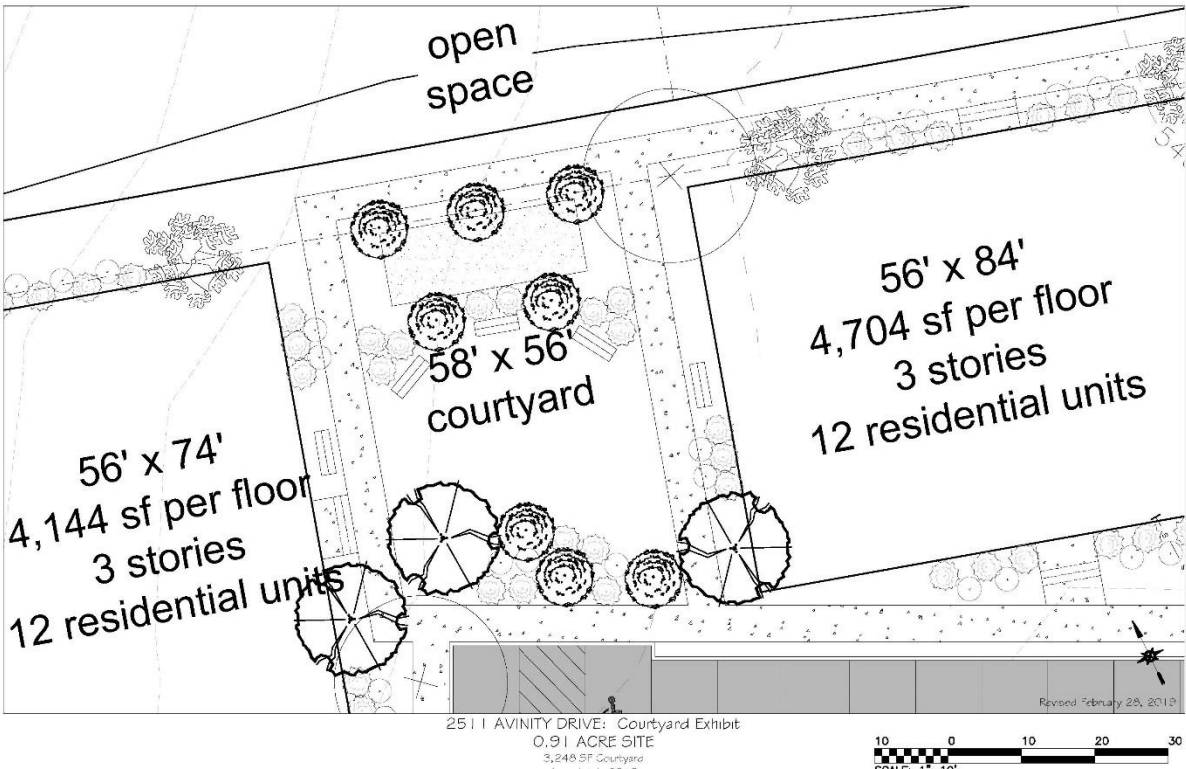
**RESOLUTION TO APPROVE SPECIAL EXCEPTION
TO MODIFY THE MINIMUM AREA REQUIRED
FOR A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT
ON TAX MAP PARCEL 09000-00-00-035L0
IN CONJUNCTION WITH ZMA201600022 MOSS (2411 AVINITY DRIVE)**

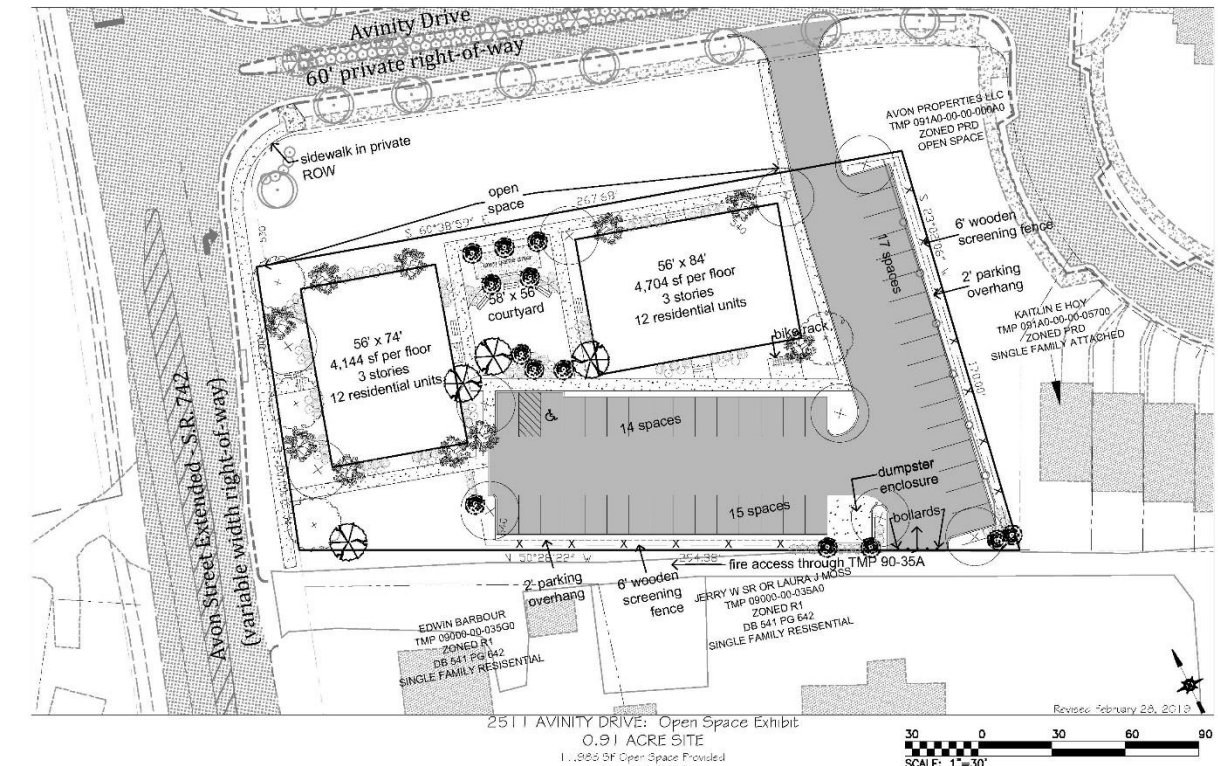
WHEREAS, the Owner of Tax Map Parcel 09000-00-00-035L0 filed a request for a special exception to modify the minimum area required to establish a district for a Planned Unit Development from three acres to 0.9 acres in conjunction with ZMA201600022 Moss (2511 Avinity Drive).

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the transmittal summary and staff reports 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 §§ 18-19, 18-33.43, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to modify the minimum area required to establish a Planned Unit Development District as requested, subject to the condition attached hereto.

ZMA201600022 Moss (2411 Avinity Drive) Special Exception Condition

1. The area of the Planned Residential Development shall be no less than 0.9 acres, and shall include the elements depicted on the Application Plan exhibits entitled "Open Space Exhibit" and "Courtyard Exhibit" prepared by Shimp Engineering, PC, and dated August 14, 2018.





Agenda Item No. 19. **Public Hearing: ZTA201900002 Agricultural Events & Operations Phase 1.** ZTA 2019-00001 Agricultural operations – To receive comments on its intent to recommend adoption of an ordinance amending Secs. 18-5.1.58 Events and Activities at Agricultural Operations (ag operations), by amend sub. (d) to require that ag operations established on and after the effective date of the ordinance have at least the minimum agriculture production of 5 acres in order to hold ag operation events as defined in Sec. 18-3.1; amend sub. (d) and (g) to require ag operations to send notification to abutting owners and provide an on-site point of contact if a zoning clearance is required; amend sub (g) to require ag operations to monitor outdoor amplified music for compliance with a sound level meter and to prohibit outdoor amplified music between 10 p.m. Sunday thru Thursday nights and 7 a.m. the following mornings, and between 11 p.m. on Friday and Saturday nights thru 7 a.m. the following mornings; amend sub. (h) yard and separation from dwelling units to amend sub (h)(1) and (h)(b)(2) outdoor event and activity areas and parking areas and portable toilets h.(b)(2), remove the current 75 foot setback and 125 foot separation from a dwelling unit in these sections and replace them with a 125 foot setback from property lines for outdoor event and activity areas and parking areas and portable toilets, require 125 foot setback for tents used for ag operation events with a grandfathering provision and provision for special exceptions; and (6) delete sub. (h), which is addressed in amended sub. (c) and make technical changes to sections being amended. (Advertised in the Daily Progress on April 29 and May 6, 2019.)

The Executive Summary forwarded to the Board states that this zoning text amendment (ZTA) was initiated by the Board of Supervisors on January 9, 2019 for a two-phased approach to text amendments for agricultural operation activities and events. Phase I will incorporate the provisions for farm wineries, breweries, and distilleries (FWBD) adopted in January 2017 into zoning regulations for agricultural operation events. Phase II will include consideration of a) how to evaluate whether an agricultural operation is a primary use devoted to the bona fide production of crops, animals or fowl for the purpose of qualifying for events and b) what is the meaning of “farm to table dinners” relating to allowed events.

The proposed ordinance includes the following changes to align regulations for agricultural operations with those for farm wineries, breweries, and distilleries:

- 1) Add requirement that agricultural operations have a minimum of five (5) acres devoted to agricultural production in order to be eligible to have agricultural events on the property
- 2) Add requirement for neighbor notification and point of contact when zoning clearances are required
- 3) Add curfew for outdoor amplified music
- 4) Update setbacks for agricultural event and activity structures

Attachment B provides a highlighted version of the ordinance for reference and ease of seeing the proposed changes.

The Planning Commission discussed this text amendment in a work session on March 5, 2019. Subsequently, a public hearing was held on April 9, 2019. The staff report and minutes from that meeting are provided as attachments. Commission voted 7-0 to recommend approval of ZTA2019-02 as provided in Attachment B. The Planning Commission did not request any changes. Since the Commission, staff identified several very minor changes that are now reflected in the final proposed ordinance in Attachment C. These changes are technical clarifications and are not significant and do not change the nature or impact of the amendment.

Staff recommends that the Board adopt the ordinance to approve ZTA 2019-02 (Attachment C).

Ms. Rebecca Ragsdale, Senior Planner with Zoning Division of Community Development, presented. She said the public hearing is for an update to the existing agricultural operation, events, and activities provision in the ordinance to align them with farm wineries, breweries, and distilleries. She said this was initiated by the Board in January with a resolution of intent to align the regulations. She said they initially adopted the current ordinance provisions in 2014, followed by public engagement and input, and an update of the farm winery, brewery, and distillery regulations in 2017. She said the Planning Commission recommends approval. She said the staff has been trying to make sure the ordinance revisions align better with the Comprehensive Plan, State Code, and public input. She said they are talking about activities with this zoning text amendment (ZTA) that are accessory and supportive or complementary to agriculture. She said the ordinance uses terms like agritourism and agricultural events, which are the regulations that are being addressed this evening and intended to be secondary to agricultural uses. She said the proposed ZTA and ordinance has four provisions and they are proposing only things that are already in the County's farm winery, brewery, and distillery regulations and have not proposed any new, substantive regulations in terms of rural area land uses or impacts.

Ms. Ragsdale reviewed the first of the proposals, which is to add an outdoor amplified music curfew, with the purpose and intent consistent with the Comprehensive Plan and which does not cause substantial detriment to abutting properties. She pointed out there is a zoning clearance requirement for outdoor amplified music so staff can verify that they have the equipment or the sound management plan so they stay within the decibel levels of the ordinance. She said the second proposed change is to add neighbor notification when an application is made for a clearance of outdoor amplified music or related to agritourism or events, which would provide the neighbor with the applicant's contact information in case they would like to express any concerns. She said the third proposal was a housekeeping update to the setback section so that it matches other use categories in the ordinance where they have a 125-foot setback to a property line and to make sure tent setbacks and other outdoor activities, such as parking and portable toilets, are clear. She said they are updating the primary structure setbacks; there is already a provision in there and we have not changed that for a reduction through the special exception process which would have to be approved by the Board.

Ms. Ragsdale said the fourth proposal is to add a minimum acreage or minimum eligibility requirement of 5 acres of minimum onsite production in order to hold events, which would not apply to farm sales or certain agritourism-type activities. She reiterated that these uses are secondary to agriculture, and they would make sure the property has agriculture as a primary use and verify the acreage through the clearance process. She said that special exception review criteria are an option for property owners in the case that a smaller farm were to meet all these criteria and want to host an event supportive of agriculture. She said the requirement is that it be consistent with these regulations, it be consistent with the Comprehensive Plan and not cause substantial detriment to abutting properties. She said that there are 4 things that are in the ordinance to bring those different use categories in the rural areas in alignment in those 4 areas. She said the Planning Commission and staff recommends that the Board adopt the proposed ordinance in Attachment B.

Ms. Palmer asked for confirmation that sound decibel testing is conducted at the edge of the property and that they do not go to an adjacent property. She also asked if they take the height of a property into consideration, as sound may travel further in this case. Ms. Ragsdale responded that they measure the sound at the property line.

Ms. Amelia McCulley, Deputy Director of Community Development, confirmed that it is measured at the property line of the receiving property and they typically choose more than one location.

Ms. McKeel asked who does the sound measurement, as she learned that an outside firm conducts the sound testing by telephone. She asked if this is an acceptable standard. Ms. McCulley explained that the ordinance says the zoning clearance that is based on the outdoor amplified music is to verify that the sound amplification equipment at the agricultural operation would comply with the applicable standards in the ordinance. She said the ordinance requires the use of a noise meter by the applicant. She said the zoning clearance triggered by the use of outdoor amplified music has a verification that the sound amplification equipment onsite would apply with the applicable standards or the owner has and would use a sound level meter as defined in the ordinance to self-monitor. She explained that some applicants request that the County conduct the sound test, while sometimes they ask to self-monitor if they have the necessary equipment.

Ms. McKeel asked if an iPhone can be used to conduct the sound test. Ms. McCulley responded that an iPhone may not be used; it does not meet the standard. She added that a sound study is often provided for information, not necessarily to meet the ordinance requirement because it is either/or. She noted that if the applicant has a sound meter that meets the ordinance, they don't have to provide a sound study. Ms. McKeel asked for clarification or additional information regarding the iPhone for future discussion so she can respond to questions. Ms. McCulley responded that we have two ways to go and we should be clearer about that because she thinks there was some confusion in the appeal hearing.

Ms. Mallek asked if the County is in a position to require that people have the right equipment. Ms. McCulley asked if she is referring to directional equipment or the meter. Ms. Mallek indicated she is referring to both. Ms. McCulley clarified that the County cannot require that someone use directional speakers as a means of sound control and attenuation, though they may suggest their use.

Ms. McCulley said when somebody mentions to us and we are getting these comments all the time both directly from applicants and indirectly through ABC is we talk to them about music and traffic because those are the key impacts on neighbors. She said with regards to music we talk about do it indoors with windows closed because even if it is in the building and the windows are open it is outdoors. She noted those are some of the key ways to make impacts on your neighbors, sound travels great distances in the country, use directional speakers and so on and so forth. She said it was done in the form of advice and it is not mandated as to that one solution for their sound control.

Ms. Palmer asked if staff required that they do it indoors. Ms. McCulley responded that the County does not require it be indoors, but strongly urging and advises it.

Addressing the proposed provision of neighbor notification, Ms. Mallek emphasized that someone should be notified immediately when the contact information changes. She added that performance standards for the special exception are very general and urged that they be very specific.

Ms. Ragsdale pointed out that one special exception is for setbacks and the other is for the minimum five-acre requirement. She stated that staff wanted this option available for the unique property or operation that may be able to meet all the other requirements of the ordinance. She asked Ms. Mallek if her concern was with the setback reduction provision, the five acres, or both. Ms. Mallek responded that they are tied together. Ms. Ragsdale responded that it would have to be an agricultural operation event, and reminded her that they can condition special exceptions in regard to size and scale of the event, and staff would analyze these on a case-by-case basis.

Mr. Gallaway asked if the specificity sought by Ms. Mallek is defined during the special exception process. Ms. Mallek pointed out that 1, 2, and 3 do not demand it, which is her problem. Mr. Gallaway remarked that the top part demands it, then this is what you use as your site-specific criteria and then you establish what the specific details for the special exception are.

Ms. McCulley remarked that they could have additional noise curfews and reduce the number of events because it is a reduced setback or smaller eligibility acreage, though they have not had a lot of requests and have not had a lot of experience. She said they would rely on impact to neighbors, and should it not be possible to address these impacts, they would not be able to support it.

Ms. Mallek asked if it would be simpler to leave the five-acre minimum without a special exception, as a large event is not compatible with a small property. Mr. Gallaway remarked that he is not debating Ms. Mallek's point but the special exception would make them scrutinize the situation. He observed that in some areas, things are so specific that they do not foresee the possibility of something that could work under the special exception. He said that while the application forces them to look at the very specific nature of the site and if it can be alleviated, it gets written into the special exception. He said the process of what triggers the special exception is clear to him and allows the Board to decide quickly if something can be granted and what must be met.

Ms. Mallek said she would feel better if it was proper notification and a public hearing instead of through the Consent Agenda since she fears they will create a nightmare of activities they would have to deal with.

Mr. Gallaway remarked that the process seems right to define site specifics that make it in accordance with what exists for the larger property.

Mr. Randolph pointed out that for repaving under the rural road program, a critical mass of adjoining property owners must agree to it. He asked why they are putting the obligation on staff and not on the applicant. He suggested they require the applicant to get signoff from adjoining property owners, and should a neighbor object, it would trigger a staff review process.

Ms. Mallek and Ms. Palmer cautioned against requiring neighbor approval.

Ms. Palmer remarked that a lot of people would not understand, and they would need a staff member to explain that a special use permit runs with the land and is forever.

Ms. McCulley stated that they are about to begin revisions to Phase II and would come before the Board with public engagement. She said the current ordinance is to align agricultural operations with wineries, breweries, and distilleries, and if they held this up and just addressed it for agricultural operations, they would have the same disconnect. She suggested that they fix this issue with Phase II, scope it out and have discussions, and be able to get the alignment that is now misaligned on this.

Ms. Palmer said she thinks they are all ready to do this, though they are hearing a lot since they did this other stuff, as Ms. Mallek has brought up, and she is happy that they are about to start Phase II.

Ms. McKeel agreed that Phase II needs to come forward.

Mr. Dill asked how they decide what an agricultural operation is, what is allowed, and how to address alcohol. He asked if a landowner with an apple orchard of sufficient size could hold an event every weekend, which could have a big effect on the rural areas. He asked if a cidery would be allowed to sell beer and wine in addition to its own product. Mr. Kamptner explained that the state opened the door for the holding of events and activities by agricultural operations. He said this is the fourth of four

agricultural-related activities for which the General Assembly greatly expanded what it means to be agriculture, and it has worked fairly well for wineries, breweries, and distilleries with the exception of outdoor amplified music. He stated that the County's Zoning Ordinance defines an agricultural operation and the bona fide production of crops, animals, and fowl, though they are refining this with Phase II.

Ms. McCulley clarified that the ordinance revision would not change the type or number of events that can be held, it adds curfews and neighbor notice in the event of outdoor amplified music, increases setbacks, and requires eligibility acreage for onsite growing to qualify for the event.

Ms. McKeel asked if actual growing or production must occur on the five acres and it would not include a residence. Ms. McCulley responded that on the five acres one may grow other crops, such as hay, and confirmed that it would not include a residence.

Ms. Mallek asked if all they are proposing to add to Phase II is a special exception for five acres. She expressed her primary concern of how they would get the special exception to work.

Ms. McCulley said she heard from the Board that it would like further consideration of the special exception process to include neighbor notice.

Ms. Ragsdale clarified that neighbors would receive notice if a special exception is requested, and should they apply for a clearance, the special exception would run concurrently with that. She said that in terms of staff analysis of the impacts, she pictures something similar to what they do with family day homes when a neighbor objects.

Ms. McCulley noted that the Board hears a lot of special exceptions related to site plans, which do not have a separate notice requirement. She said neighbors would be notified should the Board adopt this requirement tonight, and if there is a special exception in conjunction with the zoning clearance request, they would be notified of that. She said the staff can see if there are more specific special exception criteria that are applicable and added that they have not had enough experience to know yet, and they can learn as they go.

Mr. Gallaway opened the public hearing.

Mr. Sean Tubbs, of the Piedmont Environmental Council, addressed the Board. He said adoption of the first phase of the ZTA would go a long way to ensure the Rural Areas remain dedicated to truly bona fide uses and that the County's pastoral landscape is not solely used as a backdrop for large events. He said the amendment, if adopted, would give at least some protections to neighbors of properties that qualify under state legislation passed in 2014 to hold events in order to supplement their income, and in some cases to survive. He said the change to state legislation reduced the ability of localities to regulate events. Mr. Tubbs said there is still work to be done to make sure that people do not just call themselves farms just to hold events, which the first phase begins to address with the five-acre minimum requirement, and the second phase to get into deeper issues. He recognized that they have heard from neighbors of these operations that there is a substantial impact on the health, safety, or general welfare -- so there is room to regulate outdoor events that generate noise, traffic, and other issues. He added that the property rights of these agricultural operations are valid, as well as the rights of neighbors. Mr. Tubbs added that he supports the neighbor notification requirement.

Mr. Morgan Butler, of the Southern Environmental Law Center (SELC), addressed the Board. He expressed his organization's support for the ordinance changes and for taking baseline protections that apply to events at farm breweries and wineries and applying them to events at actual farms. Addressing concerns expressed by Ms. Mallek, he said there is currently no five-acre requirement. He thanked staff for meeting with SELC prior to the Planning Commission's meeting and reiterated Mr. Tubbs' comments about the importance of Phase II and clarifying some points of the ordinance through the public engagement process.

Mr. Gallaway closed the public hearing.

Mr. Dill said he is still not clear as to what a legitimate agricultural operation is. Ms. Ragsdale responded that there is agriculture and there is an agricultural operation, which is devoted to the bona fide production of agriculture. Ms. Ragsdale said there are a number of factors staff can consider to determine if a farm is engaged in good faith in the bona fide production of agriculture. Mr. Kamptner added that there are several different tax forms, receipts showing gross sales, 12 specific factors, plus one additional factor which would be any other relevant factors that the Zoning Administrator determines to be necessary.

Ms. Mallek remarked that primary use means that more than 50% of the income comes from agriculture, which the County can address in the next round.

Ms. Palmer **moved** that the Board adopt the proposed Ordinance to approve ZTA201900002. The motion was **seconded** by Ms. Mallek.

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

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

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

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

By Amending:

Sec. 5.1.58 Events and activities at agricultural operations

Chapter 18. Zoning

Article II. Basic Regulations

Section 5. Supplementary Regulations

Sec. 5.1.58 Events and activities at agricultural operations.

Each event or activity at an agricultural operation authorized below shall be subject to the following:

- a. *Purpose and intent.* The purpose and intent of this section 5.1.58 is to implement policies of the comprehensive plan and the requirements of Virginia Code § 15.2-2288.6. The stated elements of the county's vision for the Rural Area designated in the comprehensive plan include having a strong agricultural economy with large lots on which to produce agricultural products, opportunities to gain value from processing those products, and accessing local markets; maintaining a clearly visible rural character achieved by supporting lively rural industries and activities; having a significant tourist economy in which the rural landscape augments the visitors' experience; and having diverse, interconnected areas of viable habitat, healthy streams, sustainable supplies of unpolluted groundwater, and protected historic and cultural resources. The comprehensive plan's stated goal to protect the county's agricultural lands as a resource base for its agricultural industries and for the related benefits they contribute towards the county's rural character, scenic quality, natural environment, and fiscal health is achieved, in part, by allowing appropriately scaled low-impact events and activities on farms engaged in agricultural production as provided in this section. The comprehensive plan's stated goal to encourage creative and diverse forms of rural production and support rural land uses is achieved, in part, by allowing the events and activities such as farm sales, low-impact forms of agritourism, and other events and activities provided herein.

The comprehensive plan also recognizes that rural land uses depend on natural resources that are irreversibly lost when rural land is converted to residential and commercial uses, and that protecting rural land uses provides an opportunity to conserve natural, scenic, and historic resources – by maintaining farmland, forested areas, and other natural areas – and public fiscal resources – by limiting development and lessening the need to provide public services to wide areas of the County. In addition, the comprehensive plan recognizes that conflicts can arise not only between agricultural and residential uses, but also between different agricultural uses. Thus, to ensure that events and activities at agricultural operations do not conflict with the character of the Rural Area, to promote a vibrant rural economy while controlling the adverse impacts these events and activities may have on public fiscal resources and services, and to minimize possible adverse impacts resulting from events and activities, this section incorporates strategies provided in the comprehensive plan to address potential impacts.

This section shall be implemented and interpreted to achieve the objectives of its purpose and intent.

- b. *Findings.* The board hereby finds that the standards and restrictions in this section were established by considering their economic impact on agricultural operations and the agricultural nature of the events and activities authorized herein. The board further finds that one or more substantial impacts on the public health, safety, or welfare have been identified when a zoning clearance or a special use permit is required by this section. These substantial impacts, and the thresholds and standards related thereto, are based upon the comprehensive plan, study, experience from authorizing and regulating similar events and activities under this chapter, and existing state standards. In addition, the board finds that the thresholds and standards established herein are the minimum necessary in order to satisfy the relevant policies, goals, and objectives of the comprehensive plan without allowing the events, activities, and structures permitted by this section to cause substantial impacts and thereby endanger the public health, safety, or welfare.
- c. *Applicability; limitations.* This section applies only to the events and activities permitted by right and by special use permit under subsection (d). This section does not apply to the agricultural operation itself, to any farm winery subject to section 5.1.25, to any farm brewery subject to section 5.1.57, or to any farm distillery subject to section 5.1.59.
- d. *Events and activities permitted.* The following events, activities, and structures are permitted by right, permitted by right with approval of a zoning clearance, or by special use permit as set forth in the following table, provided that these events, activities, and structures are individually and in the aggregate subordinate to the agricultural operation, and subject to the applicable requirements of this section and this chapter:

1.

Eligibility for agricultural operation events. Any agricultural operation event established in the County before May 15, 2019, may continue to be held as currently authorized in subsection (d) and as defined in Section 18-3.1. Any agricultural operation event established in the county on or after May 15, 2019, may be held only if the agricultural operation to which it is subordinate has a minimum of five (5) acres of land devoted to agricultural production on-site, or on any abutting lot under the same ownership, at least one growing season each calendar year.
2.

A special exception to the minimum acreage requirement set forth in subsection (d)(1) may be granted provided the proposed agricultural operation events are consistent with the purpose and intent of this ordinance and the comprehensive plan, and would cause no substantial detriment to abutting properties.

Event or activity ¹	Criterion	By right	By right with zoning clearance ²	By special use permit ³
Agritourism: generally, for any number of events or activities, not regulated as another category of agritourism in this subsection or as an agricultural operation event	On sites ⁴ greater than or equal to 21 acres and the event or activity will generate 50 or fewer visitor vehicle trips per day (“VTPD”)	X		
	Either on sites less than 21 acres or the event or activity will generate more than 50 visitor VTPD		X	
	The event or activity would have more than 200 attendees at any single agricultural operation at any time, regardless of the number of visitor VTPD or the acreage of the site			X
Agritourism: educational programs, or workshops or demonstrations related to agriculture or silviculture	On sites ⁴ greater than or equal to 21 acres and the event or activity will generate 50 or fewer visitor vehicle trips per day (“VTPD”), and each event or activity would have 200 or fewer attendees at any single time, regardless of whether the number of these events or activities, in the aggregate would exceed 4 in a calendar year	X		
	The event or activity would have 200 or fewer attendees at any single time, regardless of the number of visitor VTPD or the acreage of the site, where the number of these events or activities, in the aggregate would not exceed 4 in a calendar year	X		
	Either on sites less than 21 acres or the event or activity will generate more than 50 visitor VTPD and each event or activity would have 200 or fewer attendees at any single time, where the number of these events or activities, in the aggregate would exceed 4 in a calendar year		X	
	The event or activity would have more than 200 attendees at any single agricultural operation at any time, regardless of the number of visitor VTPD or the acreage of the site			X
Agritourism: farm tours	The number of farm tours in which the agricultural operation is participating would not exceed 4 in a calendar year, and each farm tour would have 200 or fewer attendees at any single agricultural operation at any time, regardless of the number of visitor VTPD or the acreage of the site	X		
Agritourism: farm tours	The number of farm tours in which the agricultural operation is participating would exceed 4 in a calendar year, regardless of the number of attendees at any single agricultural operation at any time, the number of visitor VTPD, or the acreage of the site		X ⁵	
Sales: The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including farm sales but excluding harvest-your-	On sites greater than or equal to 21 acres and the activity will generate 50 or fewer visitor VTPD	X		
	On sites less than 21 acres or the activity will generate more than 50 visitor VTPD		X	
	Structures used for the sales activity, in the aggregate, if the gross floor area devoted to sales is less than or equal to	X		

Event or activity ¹	Criterion	By right	By right with zoning clearance ²	By special use permit ³
own activities	4,000 square feet			
	Structures used for the sales activity, in the aggregate, if the gross floor area devoted to sales is greater than 4,000 square feet			X
Sales: harvest-your-own activities	On any site, regardless of the acreage of the site, the number of visitor VTPD, or the number of attendees at any time	X		
Sales: The preparation, processing, or sale of food products in compliance with Virginia Code § 3.2-5130(A)(3), (4) and (5) or related state laws and regulations (“sale of food products”)	On sites greater than or equal to 21 acres and the activity will generate 50 or fewer visitor VTPD	X		
	On sites less than 21 acres or the activity will generate more than 50 visitor VTPD		X	
Other Events or Activities: Agricultural operation events	The event will generate 50 or fewer visitor VTPD and will occur on sites greater than or equal to 21 acres	X		
	The event will generate more than 50 visitor VTPD or occur on sites less than 21 acres but have 200 or fewer attendees at any time		X	
	The event will have more than 200 attendees at any time, regardless of the number of visitor VTPD or the acreage of the site			X
	The number of events in a calendar year would exceed 24, regardless of the number of visitor VTPD, number of attendees, or the acreage of the site			X
Other Events or Activities: Other events or activities which are determined by the zoning administrator to be usual and customary uses at agricultural operations throughout the Commonwealth	The applicable criteria will depend on whether the proposed event or activity is classified as agritourism, sales, or an event; and the applicable criterion of the events or activities listed above shall apply	Determined by how event or activity is classified	Determined by how event or activity is classified	Determined by how event or activity is classified

1. If two or more events or activities categorized as “Agritourism” or “Other Events or Activities” are being, or will be, conducted on-site simultaneously for any duration, the number of visitor VTPD and the number of attendees shall each be aggregated, and the requirements of the more restricted event or activity shall apply. For the purposes of this provision, an event or activity requiring a special use permit is more restricted than an event or activity permitted by right, either with or without a zoning clearance, and an event or activity permitted by right with a zoning clearance is more restricted than an event or activity permitted by right.
 2. The zoning clearance shall be obtained under section 31.5 and shall include considering the matters in subsection (e).
 3. The special use permit shall be obtained under section 33 and, in addition to the requirements of that section, shall include the information required by subsection (f).
 4. The term “site,” as used in this section, means one or more abutting lots under the same ownership on which the agricultural operation and the event or activity is located.
 5. A single zoning clearance may be obtained for all agricultural operations participating in a farm tour.
- e. *Matters to be considered in review of request for approval of zoning clearance.* In reviewing a request for approval of a zoning clearance, the zoning administrator’s review shall include verifying that the proposed event or activity complies with the applicable minimum yard standards in subsection (h), Virginia Department of Transportation entrance standards, Virginia Department of Health health and sanitation standards, and shall ensure that on-site travelways can accommodate emergency vehicles, adequate on-site parking is provided in a location that complies with this chapter, environmental impacts are addressed by compliance with the applicable regulations or performance standards of this chapter and chapter 17, and that all improvements comply with the applicable requirements in section 4. In addition, for any zoning clearance for a farm tour that may have more than 200 attendees at any single agricultural operation at any time, the zoning administrator shall consider the traffic management plan submitted by the person requesting the zoning clearance. The traffic management plan shall demonstrate how traffic entering and exiting each agricultural operation participating in the farm tour will be managed to ensure safe and convenient access to and from the site and safe travel on public streets.
1. *Notice.* The agricultural operation shall provide written notice that an application for a zoning clearance for agricultural events and activities allowed by this subsection has been submitted to the owner of each abutting lot under different ownership than the lot on which

the proposed event would be located. The notice shall identify the proposed type, size, and frequency of events, and provide the name and telephone number of a contact person who will be on-site at the agricultural operation during each event. The notice shall be mailed at least ten (10) days prior to the action on the zoning clearance.

- f. *Information and sketch plan to be submitted with application for a special use permit.* In addition to any information required to be submitted with an application for a special use permit under section 33.4, each application for one or more event or activity ("use") for which a special use permit is required under subsection (d) shall include the following:
1. *Information.* Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height, and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure or other place where music will be performed.
 2. *Sketch plan.* A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning, depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage, and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.
- g. *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:
1. *Zoning clearance.* Each agricultural operation shall obtain approval of a zoning clearance under section 31.5 prior to generating any outdoor amplified music at the agricultural operation. The purpose of the zoning clearance shall be to verify that the sound amplification equipment at the agricultural operation will comply with the applicable standards in section 4.18 or that the owner has and will use a sound level meter as that term is defined in section 4.18.02 prior to and while outdoor amplified music is being generated, to monitor compliance with the applicable standards in section 4.18, or both.
 2. *Maximum sound level.* Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.
 3. *Outdoor amplified music not an exempt sound.* Outdoor amplified music shall not be deemed to be an exempt sound under section 4.18.05(A).
 4. *Times of day when outdoor amplified music prohibited.* Sound generated by outdoor amplified music is prohibited between 10:00 p.m. each Sunday through Thursday night and 7:00 a.m. the following morning, and between 11:00 p.m. each Friday and Saturday night and 7:00 a.m. the following morning
 5. *Notice.* The agricultural operation shall provide written notice that an application for a zoning clearance for outdoor amplified music allowed by this subsection has been submitted to the owner of each abutting lot under different ownership than the lot on which the proposed event would be located. The notice shall identify the proposed type, size, and frequency of events at which outdoor amplified music will be played, and provide the name and telephone number of a contact person who will be on-site at the agricultural operation during each event. The notice shall be mailed at least ten (10) days prior to the action on the zoning clearance.
- h. *Yards.* Notwithstanding any other provision of this chapter, the following minimum front, side, and rear yard requirements shall apply to any event or activity:
1. *Structures used for agritourism, events, and sales.* The minimum yards for structures used for agritourism, events, and the sale of agricultural or silvicultural products, shall be as follows:
 - a. *New permanent structures and temporary structures.* The minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures used for agricultural operation events or agritourism and any new permanent structure or temporary structures, provided that the minimum front yard on an existing public road in the rural areas (RA) district shall be thirty-five (35) feet for structures used for sales.
 - b. *Existing permanent structures.* If an existing permanent structure does not satisfy any minimum yard requirement under subsection (h)(1)(a), the minimum yard required shall be the distance between the existing permanent structure and the street, road, access easement, or lot line on November 12, 2014, and that distance shall not be thereafter reduced. An enlargement or expansion of the structure shall be no closer to a street, road, access easement or lot line than the existing structure.
 2. *Outdoor event and activity areas.* The minimum front, side, and rear yards for outdoor event and activity areas shall be a minimum of one hundred twenty-five (125) feet from any

abutting lot not under the same ownership as the agricultural operation. These minimum standards shall not apply to any portion of the agricultural operation that is engaged in production agriculture or silviculture, even though it also is used for an agritourism activity.

3. *Parking areas, tents, and portable toilets.* The minimum front, side, and rear yards for parking areas, tents, and portable toilets shall be one hundred twenty-five (125) feet from any abutting lot not under the same ownership as the agricultural operation.
4. *Special exception.* Any minimum yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to any abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent to the proposed reduction has been provided by the owner of any lot abutting the proposed reduced setback.

i. *Uses prohibited.* The following uses are prohibited:

1. Restaurants.
2. Helicopter rides.

Agenda Item No. 20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No. 20a. **Discussion:** Rappahannock Electric Cooperative System Expansion.

Ms. Mallek noted that she sent around background information provided by Mr. David Benish and others of an official notice of intent request to the Board to support this going to the Planning Commission. She invited Board feedback.

Ms. Palmer said she is fine with this.

Mr. Randolph stated that he thinks a 100% threshold is unrealistic.

Ms. Mallek said she is very comfortable with asking for this for the electric cooperative. She said they have a whole different structure in the way they operate to benefit their constituencies, and Rivanna Station is an incredibly important consumer of the line that they would improve and the redundancy for their services is very important. She said she hopes they can soon move to the next step, which involves official notice to begin the ZTA process. She noted that representatives of the company have researched draft language and provided to Planning staff, so a head start has been made towards this.

Ms. Mallek asked Mr. Kamptner if he needs a motion. Mr. Kamptner responded that he is seeking Board consensus and direction.

Mr. David Benish, Chief of Planning/Interim Director, explained that this is Step 1, and should there be Board consensus, staff would come back with information on the necessary resources, public input process, how this compares with other priorities, and refinement of the resolution of intent.

Mr. Randolph asked if this would impact staff's work plan. Mr. Benish responded that staff will let the Board know where this fits into the other priorities.

Mr. Randolph remarked that a lot of the ingredients in the proposal for addressing five acres are similar to those of short-term rentals, such as neighbor input and noise violations. He suggested that staff look for symmetry and compatibility and then approach them in a similar manner.

Item No. 20b. **Discussion:** Owensville Road Through-Truck Restriction Resolution.

Ms. Mallek noted that she forwarded an email from John Butner and Paul Howe as well as from the lumber industry to the Board. She proposed that they make a small change in the wording of the resolution by striking "logging operations" and substituting "agricultural and forestry operations and equipment." She relayed that Mr. Butner said the VDOT Commissioner would have the power to modify the resolution and approve it without further action on the Board's part, other than a letter of support for the word change.

Hearing no opposition, Ms. Mallek **moved** to authorize the Chair to send a letter requesting the above change in wording in the Owensville Road Through-Truck Restriction Resolution to the VDOT Commissioner. The motion was **seconded** by Ms. Palmer.

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

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

Mr. Randolph said the Board received a letter regarding the striping and repaving of Whitewood Road and asked staff to get back to the Board on this as to what VDOT was meant to do versus what they actually did.

Ms. McKeel said she forwarded the constituent letter to Joel DeNunzio of VDOT and would inform the Board once she receives a response.

Ms. Palmer recognized that there have been some emails exchanged about the University Hall demolition issue and the County's borrow pits in the rural areas, and she has spoken with Jesse Warren, who has been looking into the regulations UVA has with respect to demolition, noting that debris from a dormitory demolition two years ago ended up in an illegal borrow pit in Greene County. She said that Mr. Warren informed her that a good portion of the clean fill that would come down from U-Hall would be fill for the building. She said that they know some of this may go to a farm in the White Hall District, and she would like to gain a better understanding of how the County police borrow pits. She asked if a permit is required every time a new load is coming and remarked that she does not feel they are watching this very closely.

Ms. Mallek invited Mr. Kamptner to weigh in, as he was present at two meetings with her about these items. She said a neighbor complained about the Free Union site months ago and the landowner was told that once they reached 10,000 square feet, they had to achieve certain objectives and they did not do those things, which is why a notice of violation was sent out, and now those things are going to be complied with. She said they have a new contact at UVA who is very helpful, though unfortunately, the County is often the last to know.

Mr. Kamptner explained that under the current fill and waste regulations, there are performance standards; and, if the area would exceed 10,000 square feet, then a plan must be produced which is approved by the Department of Community Development with additional performance standards, which could also include an erosion and sediment control plan.

Mr. Randolph asked if it is 10,000 cubic feet or square feet. Mr. Kamptner clarified that it is square feet and represents the surface area.

Ms. Palmer asked if the only way the County would find out about this is from a neighbor complaint. She asked if one can do this on a conservation easement, such as ACE. Mr. Kamptner responded that it would depend on the easement and asked Mr. Benish for assistance. Mr. Benish remarked that he does not think it explicitly does that, but the intent of the easements is to generally limit development inconsistent with the rural areas, and depending on the resources that are being protected, those easements would be geared to that so something like stream buffer protection may be included in the easement. He said he does not think it is explicit that you cannot have 10,000 square feet of grading, as this is not a standard in the easement.

Mr. Randolph observed that what he is saying is if it is not explicit, then implicitly they can do it. Mr. Benish confirmed this, adding that he thinks most of the ordinances wind up precluding the activity, though it is not a standard. He offered to check with other staff.

Ms. Palmer said it is more of an industrial thing on a conservation easement.

Mr. Kamptner noted that this particular use is allowed in every zoning district since it is a necessity of any kind of development. He said they would have to look at the current ACE easement to be able to answer the question.

Ms. Palmer pointed out that they have a County-run place to put clean fill at a cost of only \$10/ton, which is much cheaper than commercial establishments. She questioned whether it should be allowed in a conservation easement or something like that.

Ms. Mallek remarked that she does not think it has ever come up during her 18 years on the ACE Committee. She added that wherever there is a ravine and there is not running water in it, people would want to put something in it. She said she was horrified to learn that asphalt is considered to be inert and allowed to be legally buried in the rural areas even though it is filled with petrochemicals. She recalled that a parking garage at UVA was demolished and dumped on a property off of Barracks Road beyond Montview, and the landowner was responsible for breaking up the soil and returning the rebar metal. She said the cautionary tale to landowners is their neck is in the noose when something bad happens, it is not the responsibility of the contractor or trucker to help with the cleanup, and they need to be careful about what they allow to happen.

Ms. Palmer noted that Department of Environmental Quality (DEQ) does not allow stumps to be taken to Ivy, as that is considered to be organic material. She said the clean fill would be concrete and asphalt but not wood.

Mr. Randolph recalled a situation outside of Philadelphia, PA where fill from a demolition that contained organic material was dumped in a limestone quarry, which then became the site for a development of apartment buildings and started to subside.

Ms. Mallek expressed hope that they can reduce the 10,000-square-foot requirement to something smaller with WPOs. Ms. Palmer asked if the 10,000-square-foot requirement is set by the

state. Mr. Kamptner responded that under the Chesapeake Bay Act, the County could go as low as 2,500 square feet.

Agenda Item No. 21. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson said he was pleased to announce that Angela Inglet of VACO has invited Emily Kilroy to the next Region III and V spring meeting on May 21 to present on how the County engages its citizens in the NIFI program process, and how other communities can use this model to leverage resources to accomplish community goals. He noted that several County Supervisors, administrators and staff from across the region would be attending, and he would report back to the Board on it.

Ms. McKeel said that she and Planning Commissioner, Julian Bivins, would attend the EDA conference in Richmond, May 20-24, 2019, and hopefully learn some valuable information.

Agenda Item No. 22. Adjourn to June 5, 2019, 9:00 a.m., Lane Auditorium.

At 7:56 p.m., Mr. Gallaway adjourned the Board to June 5, 2019, 9:00 a.m., Lane Auditorium.

Chairman

Approved by Board
Date 11/20/2019
Initials CKB