

A regular day meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 7, 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. Ned Gallaway, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Rick Randolph.

ABSENT: Mr. Norman G. Dill.

OFFICERS PRESENT: County Executive, Jeff Richardson, Deputy County Executive, Doug Walker, Assistant County Executive, Trevor Henry, County Attorney, Greg Kamptner, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:01 p.m., by the Chair, Mr. Gallaway.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Palmer asked that the Board add to the end of the agenda, discussion of potential drafting of a letter in support of an application for solar projects grant money for the Ivy landfill.

Ms. McKeel asked that the Board add to the end of the agenda, discussion of a presentation, at a future meeting, by Brad Sheffield of JAUNT regarding the concept for on-demand service.

Motion was then offered by Ms. McKeel to adopt the final agenda, as amended. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Dill.

Introductions. Mr. Gallaway introduced the presiding security officer, Officer Larry Crickenberger and Lt. Terry Walls, and County staff at the dais.

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

Ms. Palmer announced that the North Garden Community Day would be held Saturday, August 17, 2019, 11:00 a.m. until 4:00 p.m., at the field with Cutright's Lake at the junction of 29 South and Red Hill School Road; with food, music, and games. She said she has gone many times, it is a lot of fun, and it is supported by the North Garden area Christian community, North Garden Volunteer Fire Company, and the North Garden Ruritans.

Ms. Palmer stated that in July, the McIntire Recycling Center began accepting #1 and #2 plastics, and it has been very successful as people have been separating contaminated items and placing only #1s and #2s in the bins, which would result in a better chance to sell the product. She said the facility has informational stickers on how to separate items, which people can place on their recycling bins. She added that Whole Foods accepts #5 plastics, such as yogurt, butter, and soup containers, and a drop-off bin is located next to the exit door.

Ms. McKeel stated that on Thursday, August 1, 2019, she attended the graduation ceremony for the summer Academy of the Junior Chapter of the National Society of Black Engineers. She explained that the Academy is a partnership between Albemarle County Public Schools, The University of Virginia Office of Diversity and Engagement, and the University of Virginia School of Engineering. She said the first group of presentations was on the environment and water, and she was impressed by the first presenter's remark about how in many parts of the United States one can no longer drink water from the faucet. She said that Pearl Early did a great job with the event, as always, and it was fun.

Ms. Palmer reminded everyone that the County's water is wonderful and they are lucky to have invested in infrastructure for good quality water.

Ms. Mallek remarked that the cost is 2.5 gallons per penny.

Ms. Mallek stated that she attended a standing room only memorial send off at the University Chapel for Karenne Wood, of the Monacan tribe, who dropped out of school and later became a PhD, and worked with the Museum of Natural History to develop educational materials on Virginia Indians, as well as with the Virginia Foundation for the Humanities, to tell their full story. She said speakers included chiefs of the Monacan and Powhatan tribes and family members. Ms. Mallek said the event was really

wonderful. She noted how Ms. Wood's sense of humor in telling the story of their tragedy was incredibly powerful.

Ms. Mallek announced that she attended a change-in-command ceremony at the National Ground Intelligence Center (NGIC) at Rivanna Station for new Commander Sean Stanton. She noted that he is quite young, has five children, lives in Still Meadow, and seems to be a delightful person. She noted the sea change in NGIC's connections with the County, which is being coordinated by Trevor Henry.

Mr. Randolph commented that the decennial census would be conducted this year, as required by the Constitution. He noted that the County had a 75% mail response rate in 2000 and a 77% response rate in 2010, but the census is now relying more on self-reporting and internet-based responses. He expressed concern that parts of the County, as well as much of rural America, does not have internet service and the Board of Supervisors should regularly remind residents over the next year to respond to the census. He said he learned this at the August 1st meeting of the TJPDC, at which Kathy O'Connell of the U.S. Bureau of the Census presented. He stated that the 16 largest federal assistance programs, totaling \$10,182,105,724.00 are based on census data, and it is critical that all those who should be counted are counted, as there has been an effort to reduce participation with a question about citizenship.

Mr. Randolph said that he recently learned of a pilot program being conducted by the city of San Jose, CA, with GreenWaste Recovery and BioCollection, to break down #2, #4, and film plastics into a set of chemical ingredients. He said he will keep the Board updated as he learns more about their efforts.

Ms. Palmer noted that, though the County does not recycle most plastic films, it does recycle plastic bags and some film.

Ms. McKeel suggested they put recycling stickers near the signup sheet for meeting attendees to take.

Ms. Mallek added that they should also put the stickers at the door where the magazines are in the front of the building. Ms. Palmer agreed that this is a great idea and offered to get some more stickers.

Ms. McKeel suggested that Supervisors take something to remind people about the importance of the census when they are out in the community.

Ms. Palmer remarked that they should be getting educational materials from the group working with TJPDC.

Ms. Mallek recalled that someone at the State level is supposed to be organizing census efforts and wondered if the TJPDC would be involved. Mr. Randolph remarked that he is not aware of any TJPDC participation beyond the presentation on Thursday.

Ms. Mallek remarked that some counties are becoming actively involved and asked if Albemarle can organize efforts in some way. Ms. Palmer suggested they invite the census representative to speak before the Board.

Mr. Gallaway commented that Supervisor Dill was absent as he is attending a family reunion.

Mr. Gallaway noted that this weekend there would be several community driven events throughout the City under the Unity Days Banner, including a community sing out, movie screenings, block parties, and concerts. He noted that the full schedule is available on Facebook by searching Unity Days 2019 or Charlottesville.org/Unity days.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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

Ms. Teri Kent, a resident of Belvedere, Founder of Better World Betty and Director of Programs and Communications for the Charlottesville Climate Collaborative, addressed the Board. She said she is involved with helping businesses and people in the community reduce their environmental impact and thanked the Board for making climate action and goal setting a priority. She said the science is very clear, that they need to act swiftly and applauded the Board for being timely. She continued that climate leadership is vital to ensure that the community remains a desirable place to work, live, and play as the health and safety of the community are at risk. She noted that the parents of one of her volunteers were killed in last year's flash flooding that occurred in Albemarle County. She urged the Board of Supervisors to establish a best in class climate goal of 45% reduction by 2030 to 2010 greenhouse gas emissions levels and to achieve carbon neutrality by 2050, to enable financial tools and investments in energy efficiency and renewable in both the commercial and residential sectors, similar to the Charlottesville's Clean Energy Loan Fund, and to continue the LEAP energy assessments for businesses and residents. She noted that almost 100 businesses participated in the Better Business Challenge and many took

advantage of the services to save energy. She urged the Board to promote public and private led initiatives to increase public awareness on this issue, especially with recycling, as she has observed that some are still not properly sorting recyclables. She also urged the County to commit to bi-annual emissions inventories to track our progress and success.

Mr. Kent Schlusser, a resident of Dunlora in the Rio District, addressed the Board. He urged the Board to vote against the rezoning of 999 Rio Road. He said he wrote his doctoral thesis on decision making and learned in his research that all factors must be considered in order to inform a good decision. He recognized that the Planning Commission recommended the Board approve the rezoning for the logic and refusal to consider current data, in my opinion, is very flawed. He said the Commission accepted 2016 VDOT data, even though there is more recent 2018 VDOT data, and even this year data presented by residents, and the Planning Commission seemed to have rejected that. He noted second, that VDOT stated it does not make projections on future traffic and so it did not consider how the 200 car parking lot of the Senior Center and 200 new homes in Belvedere would affect traffic on Rio Road and Belvedere. He said third, the Planning Commission stated that this does not change the character of the nearby homes; yet it approved a commercial business with a recommended rezoning. He observed that there are no commercial businesses between Pen Park Road and the railroad tracks, no apartments on this section of Rio Road, and it does change the character. He said fourth, with increased traffic from Belvedere development already approved that more cars would cut through Dunlora Road, which VDOT has determined to be a rural road, to the intersection with CATEC, where many accidents have occurred. He said fifth, the Planning Commission looked at the rezoning application in isolation without considering the additional traffic and change in the character of the area or the impact on the intersection with CATEC as well as on other parts of Rio Road. He expressed concern that VDOT would not take action until someone has been killed in an accident. Mr. Schlusser asked the Board to deny this rezoning request.

Ms. Judy Schlusser, a resident of Dunlora in the Rio District, addressed the Board. She read the following data: North Point: 900 units, Brook Hill: 1,500 residential units, Belvedere: 999 units and the list can go on and on. She recalled the form-based code meeting where experts from NOVA came down to speak and emphasized that infrastructure needs to be in place before moving forward. She observed that since she moved to the County in 1977 the only roads that have been built are the John Warner Parkway, Berkmar Extension, and the widening of a short section of Route 29 that resembles the top half of an hourglass with four lanes and then two lanes. She continued that 999 rezoning would add traffic to a congested intersection and what is proposed is out of character for the environment. She urged the Board of Supervisors to not approve the rezoning, as submitted.

Ms. Heidi Dhivya Berthoud, a resident of Buckingham County, addressed the Board. She said she was heartened that David Hannah, Natural Resources Manager, would present a proposal to have the Virginia DCR conduct a study of the James River for a possible scenic river designation. She recognized that both Fluvanna and Buckingham Counties have expressed support for this designation and the Scottsville and that the James River Association are actively promoting this. She recognized that there are six native cities Monacan, Saponi nations buried within the Wingina area near to where the Atlantic Coast Pipeline would cross the James. She said the area is full of historical artifacts, as documented by the Smithsonian Museum, the Wert Collection, and archaeological digs of three major Virginia universities. She recognized that the Virginia House of Delegates and Senate signed House Joint Resolution #44 to designate the James River as a historical cultural treasure and they concur to preserve the 148 miles of the James River from Waterworks Dam in Lynchburg to the foot of the falls in Richmond as to be henceforth recognized and preserved as the James River Bateau Festival Trail. She said that the James River provides drinking water to thousands, the scenic river designation has been available since 1970, and wondered why they did not agree to this prior to now. She said this would be a shift in the consumer mentality to see how every action affects our great grandchildren and noted the benefits of helping to guide them and consider the leadership, visual, natural, and recreational values in the planning and permitting processes, while not imposing land use controls or regulations. She noted that she is a front line environmental activist and secretary and baseline testing project manager for Friends of Buckingham and has been fighting the Atlantic Coast Pipeline for five years, though she is not under the illusion that this can stop the pipeline. She said they must move rapidly in the direction of protections of their home planet, however small those steps might be. She said that she looks forward to getting on the River and helping with the study and evaluation process.

Mr. Sean Tubbs, of the Piedmont Environmental Council, addressed the Board. He said the PEC supports the designation of the James River as a scenic river and commended Matt Lawless and the James River Association for bringing this forward at this time. He said this designation would help to promote and protect a natural, cultural, and social resource and would be a great way to celebrate the program's 50th anniversary. He said second, in terms of the County's legislative packet, he complimented the Board for taking time to make a decision on impact fees and discussing things it wants to get changed. Addressing the Strategic Plan report, Mr. Tubbs said it is great to see so much progress related to the Route 29 area. He thanked the Board for its decision to keep the General District Court downtown and urged residents to take a look at what is going on in the report. He expressed support for climate action planning, said he has participated in the transportation sector portion of Climate Mondays, and emphasized the economic development and quality of life benefits of climate action in addition to its environmental aspects. He noted that the Planning Commission has recommended a traffic corridor study for the proposed 999 Rio Road development and urged the Board to prioritize this study.

Ms. Abigail Turner, a resident of Greencroft Subdivision in the Samuel Miller District, addressed the Board. She said she would talk about rules for the use of County buildings; which would be addressed in an upcoming work session. She expressed concern about the rule on Page 13 that reduces the number of nights the 5th Street building would be open from five to three days per week. She said the master gardeners meet monthly on Monday nights for eight months, whereas in the past they met on Thursday mornings but were pushed out since they have more than 50 participants and there was not sufficient parking. She noted that the group is part of the Virginia Cooperative Extension, to which the County provides funding and which supervises volunteers and has offices on the second floor of the 5th Street building. She asked the Board to make the building available for more than three nights a week and to have staff investigate the demand for meeting space. She commended staff for its work on Climate Mondays and looks forward to the next step of the Climate Action Plan. She thanked the County for sponsoring the September 8 Future of Our Landscapes in a Changing Environment event which has 22 sponsors. She noted that her group consists of 120 active members, contributes 12,000 volunteer hours per year in landscaping and gardening education to residents, and is expanding to include climate action issues.

Mr. Neil Williamson, of the Free Enterprise Forum, addressed the Board. He noted that Albemarle County took a strong position on development areas 30 to 35 years ago, and that philosophy was based on building to a hard edge. He observed that this philosophy has been shifting as the Board has been reducing density on the edges that is in direct opposition to the adopted plan. He said this is fine but they need to change what this is. He noted that the Board would be discussing impact fees and urged them to factor in affordable housing during the conversation. He observed that they continue to hear concerns about development within the development area, which only makes up 5% of the County's land area, in accordance with the Comprehensive Plan that was community vetted. He urged the Board to have a philosophical conversation in the near future as to whether the Board wants to taper edges, reduce development within the development area, and whether or not the County has the capacity for the development that is coming.

Ms. McKeel addressed the concern expressed by Ms. Turner, noting that Stonefield has a good-sized community room available to the public, she has used the room to hold meetings, and Stonefield's website provides contact information.

Agenda Item No. 8. Consent Agenda.

Mr. Randolph **moved** that the Board adopt the Consent Agenda. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Item No. 8.1. Approval of Minutes: September 5, September 12, and December 5, 2018.

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

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

Mr. Dill's minutes of September 12, 2018, were carried forward to the next meeting.

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

Item No. 8.2. FY 2019 Appropriations.

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

The total change to the FY 19 budget due to the appropriations itemized in Attachment A is \$38,625.02. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

Source: Local Revenue – Grant Revenues (\$ 14,900.94)

This request is to de-appropriate the remainder of a grant and donated funding that was provided to the County and return the funding to the Charlottesville Area Community Foundation (CACF) to expedite the completion of a Heritage and History project on behalf of the Yancey community. It is staff's understanding that CACF will provide this funding directly to a non-profit entity that will contract with an entity that will create and install the BF Yancey Heritage and History Project on behalf of the BF Yancey Heritage and History Committee.

| | | |
|-------------------------------|---------------|--------------------|
| Appropriation #2019095 | | \$53,525.96 |
| Source: | State Revenue | \$53,525.96 |

Pursuant to the School Board's approval on July 11, 2019, this request is to appropriate:

- Special Revenue Funds: This request is to appropriate \$32,000.00 in State revenue from the Virginia Department of Education for the STEM Early Learning through the Arts grant awarded to Albemarle County Public Schools to enhance learning in science, technology, engineering, and mathematics through the arts for kindergarten and preschool students.
- Special Revenue Funds: This request is to appropriate \$21,525.96 in State revenue from the Virginia Department of Education for an enrollment based Career and Technology Education (CTE) Testing grant awarded to Albemarle County Public Schools. The state grant funds support purchasing industry certification exams, licensure tests, and occupational competency assessments for students enrolled in high school CTE courses. The CTE Equipment funds will be used to purchase a desktop laser system for Monticello High School.

By the above-recorded vote, the Board adopted the following Resolution to approve Appropriations #2019094 and #2019095 for local government and school projects and programs:

RESOLUTION TO APPROVE
ADDITIONAL FY 19 APPROPRIATIONS

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2019094 and #2019095 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2019.

| APP# | Account | FY Budget 2019 Description | Amount |
|---------|---------------------------------|--|--------------|
| 2019094 | 3-1720-18100-318100-181109-1007 | SA2019094 Yancey Heritage & History Grant Funds - De-Appropriation | -\$5,000.00 |
| 2019094 | 3-1720-18120-318120-181109-1007 | SA2019094 Yancey Heritage & History Grant Funds - De-Appropriation | -\$9,900.94 |
| 2019094 | 4-1720-12010-412010-600000-1007 | SA2019094 Yancey Heritage & History Grant Funds - De-Appropriation | -\$1,900.94 |
| 2019094 | 4-1720-12010-412010-800100-1007 | SA2019094 Yancey Heritage & History Grant Funds - De-Appropriation | -\$1,000.00 |
| 2019094 | 4-1720-12010-412010-800200-1007 | SA2019094 Yancey Heritage & History Grant Funds - De-Appropriation | -\$12,000.00 |
| 2019095 | 3-3226-63226-324000-240900-6599 | SA2019095-STEM Early Learning through the Arts grant | \$32,000.00 |
| 2019095 | 4-3226-63226-461101-301210-6530 | SA2019095-STEM Early Learning through the Arts grant | \$32,000.00 |
| 2019095 | 3-3105-63105-324000-240900-6530 | SA2019095-CTE Testing grant | \$21,525.96 |
| 2019095 | 4-3105-63105-461313-601300-6530 | SA2019095-CTE Testing grant | \$10,263.71 |
| 2019095 | 4-3105-63105-461313-800100-6530 | SA2019095-CTE Testing grant | \$11,262.25 |

Item No. 8.3. Proposed Lease for Office Space for the Office of Economic Development at 110 Old Preston Avenue, Charlottesville, VA 22902.

The Executive Summary forwarded to the Board states that the County Office Building - McIntire Road (COB-McIntire) is a 127,336 square foot facility housing 11 local government departments and offices, along with Albemarle County Schools administration. Purchased and renovated in the early 1980's, it was able to accommodate the growing space needs of the County until 2003 when the County purchased the 5th Street facility and relocated four local government departments there.

Since 2003, the growing demand to provide services to County residents has placed ever increasing demand on the limited space available in the two office buildings. This is especially true regarding the County Executive's Office and Finance Department. Though a space needs study has been initiated to analyze and document long term needs of the County, there is a short- to mid-term need for additional space.

Within the last two years, the space needs for the County Executive Office has increased with the creation of the Project Management Office (PMO) and the Office of Equity and Inclusion (OEI). Additionally, the office of Communications and Public Engagement (CAPE) has recently filled two vacant

positions that will be filled within the next few weeks.

Though some relief was realized by converting a break room and conference room to accommodate the PMO, the needs of OEI and CAPE have not been met. The Office of Economic Development (OED) currently occupies 722 square feet of office space at the COB - McIntire, which is too small for effective operations of 3.5 FTE's. The approximate 1,700 square feet of this potential lease opportunity would meet the needs of OED. The vacated 722 square foot space would meet the needs of OEI, without the need for renovation. Once OEI relocates, CAPE would have the space they require for additional staff. The office space located at 110 Old Preston Avenue is a short walk from the COB-McIntire. The close proximity would minimize the additional staff time needed for OED staff to interact with other County departments, as well as County support functions provided by Information Technology and Facilities and Environmental Services. Due to the sensitive nature of work, some modifications to the space will be required to provide private offices to the existing open floor plan, and to address some ADA issues. The lease does not provide for parking, requiring the County to rent spaces. The cost for six rented spaces is included in Attachment A. The initial term of the proposed lease would commence on September 1, 2019 and end on June 30, 2021, with options to renew for additional one- year terms.

The total FY 20 cost for this lease and related operating and one-time costs is \$124,148 as detailed in Attachment A. Of that total, \$30,000 will be funded by the existing capital budget. The remaining \$94,148 is recommended to be funded by General Fund fund balance in FY 20. This proposed use of the General Fund fund balance will not reduce the County's 10% unassigned fund balance or 1% Budget Stabilization Reserve; however, it does reduce the amount of FY 19 undesignated funds that would be available for other uses. If this agenda item is approved, this funding will be requested as an appropriation at the Board's August 21, 2019 meeting. In addition, IT staff would be required to support this site, and although staff believes this could be accomplished with existing IT staff, it would likely effect how quickly IT staff would be able to respond to issues at the new location, as well as the existing locations.

Staff recommends that the Board adopt a Resolution (Attachment B) to approve a lease of 110 Old Preston Avenue, contingent on the Board's approval of the August 21 Appropriation.

By the above-recorded vote, the Board adopted the following Resolution to approve a lease of 110 Old Preston Avenue, contingent on the Board's approval of the August 21 Appropriation:

**RESOLUTION TO APPROVE A LEASE
FOR 110 OLD PRESTON AVENUE**

WHEREAS, the Board finds that it is in the best interest of the County to enter into a lease for property located at 110 Old Preston Avenue, Charlottesville, VA 22902 for the Economic Development Office's use.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves entering a lease for property located at 110 Old Preston Avenue, Charlottesville, VA 22902 for the Economic Development Office's use, or another County department's use if deemed necessary by the County Executive, and authorizes the County Executive to execute a lease on behalf of the County after approval as to form and substance by the County Attorney, and contingent on approval of Appropriation #2020016 by the Board of Supervisors on August 21, 2019 to appropriate the required FY 20 funding.

Item No. 8.4. Proposed Lease for Office Space for the Finance Department at 400 Preston Avenue, Suite 200, Charlottesville, VA 22902.

The Executive Summary forwarded to the Board states that the County Office Building - McIntire Road (COB-McIntire) is a 127,336 square foot facility housing 11 local government departments and offices, along with Albemarle County Schools administration. Purchased and renovated in the early 1980's, it was able to accommodate the growing space needs of the County until 2003 when the County purchased the 5th Street facility and relocated four local government departments there. Since 2003, the growing demand to provide services to County residents has placed an ever increasing demand on the limited space available in the two office buildings. This is especially true regarding the County Executive's Office and Finance Department. Though a space needs study has been initiated to analyze and document long term needs of the County, there is a short to mid-term need for additional space.

Between FY2014 and FY2019 the Finance Department has gained an additional eight positions, with no corresponding increase in work space. Some relief was realized with more efficient office furnishing, but conditions remain cramped. This situation will be exacerbated in FY2020 with the addition of three more new staff positions. Finance and Facilities and Environmental Services had extensive discussions throughout FY2019 regarding renovations within Finance's current footprint and determined that there was no practicable way to accommodate the department's needs. The approximate 2,426 square feet of this potential lease opportunity would alleviate the pressure on Finance by housing up to 10 staff positions.

The Finance management team is working to determine which work units would be relocated to the rented space; the determination will seek to limit negative service delivery impacts. The office space located at 400 Preston Avenue is a short walk from COB-McIntire. The close proximity would minimize

the additional staff time needed for Finance staff to interact with other County departments, as well as County support functions provided by Information Technology and Facilities and Environmental Services. The lease provides for seven parking spaces. The initial term of the proposed lease would commence on September 1, 2019 and end on June 30, 2021, with options to renew for additional one-year terms.

The total FY 20 cost for this lease and related operating and one-time costs is \$110,512 as detailed in Attachment A.

This amount is recommended to be funded by General Fund fund balance in FY 20. This proposed use of the General Fund fund balance will not reduce the County's 10% unassigned fund balance or 1% Budget Stabilization Reserve; however, it does reduce the amount of FY 19 undesignated funds that would be available for other uses.

If this agenda item is approved, this funding will be requested as an appropriation at the Board's August 21, 2019 meeting. In addition, IT staff would be required to support this site, and although staff believes this could be accomplished with existing IT staff, it would likely affect how quickly IT staff would be able to respond to issues at the new location, as well as the existing locations.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve a lease of 400 Preston Avenue, Suite 200, contingent on the Board's approval of the August 21 Appropriation.

By the above-recorded vote, the Board adopted the following Resolution to approve a lease of 400 Preston Avenue, Suite 200, contingent on the Board's approval of the August 21 Appropriation:

**RESOLUTION TO APPROVE A LEASE
FOR 400 PRESTON AVENUE**

WHEREAS, the Board finds that it is in the best interest of the County to enter into a lease for property located at 400 Preston Avenue, Suite 200, Charlottesville, VA 22902 for the Albemarle County Finance Department's use.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves entering a lease for property located at 400 Preston Avenue, Suite 200, Charlottesville, VA 22902 for the Albemarle County Finance Department's use, or another County department's use if deemed necessary by the County Executive, and authorizes the County Executive to execute a lease on behalf of the County after approval as to form and substance by the County Attorney, and contingent on approval of Appropriation #2020016 by the Board of Supervisors on August 21, 2019 to appropriate the required FY 20 funding.

Item No. 8.5. Request for Authorization for Carr-Greer Farmhouse to be Evaluated for Historic Registers.

The Executive Summary forwarded to the Board states that River View Farm was purchased in 1807 by Hugh Carr, a formerly enslaved County resident who became a prominent and influential member of the community. Carr and his wife raised seven children, including Mary Carr-Greer, the former principal of the Albemarle Training School for whom Greer Elementary School is named.

The Carr-Greer Farmhouse is one of only a few properties still in existence that illustrate the history of the once thriving rural African American communities of Union Ridge and Hydraulic Mills. The Carr-Greer Farmhouse serves to commemorate the history of the African American community in Albemarle County in the period following emancipation from slavery.

The former River View Farm property is now a part of the Ivy Creek Natural Area which is jointly owned and managed by the City of Charlottesville and the County of Albemarle. The Ivy Creek Foundation (ICF), in long-term agreement with the City and the County, stewards the Ivy Creek Natural Area.

The ICF seeks to call attention to the significant heritage of the Carr-Greer Farmhouse and its residents by listing the property in the Virginia Landmarks Register and the National Register of Historic Places, the Commonwealth's and nation's official lists of culturally significant places worthy of preservation (Attachment A).

The initial step in listing a property in the historic registers requires the property-owner's signature on the Preliminary Information Form (Attachment B). The ICF is prepared to take responsibility for completing all other aspects of the nomination at no cost to the City or County. County support of the nomination signals a recognition of the significance of the Farmhouse - an important resource that requires stewardship. Listing of historic properties in the State and National Registers is an identified strategy in the Comprehensive Plan, and staff and the Historic Preservation Committee support the request.

Recent coordination with City staff indicates that City Council will consider this request in early August.

The historic register application process has no budget impact. County funding was previously approved for repairs to stabilize the Farmhouse. A feasibility study and repair-related survey work are underway, with repair work scheduled to begin in the Fall. Any renovation work beyond the already-funded repair work would require additional CIP requests. Listing in the registers could possibly open some grant funding opportunities.

Staff recommends that the Board authorize the County Executive to sign the Preliminary Information Form.

By the above-recorded vote, the Board authorized the County Executive to sign the Preliminary Information Form:



DHR | Virginia Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221; Telephone: (804) 367-2323; Fax: (804) 367-2391

PRELIMINARY INFORMATION FORM (PIF) for INDIVIDUAL PROPERTIES

The Preliminary Information Form (PIF) constitutes an application for preliminary consideration of a property for eligibility for the Virginia Landmarks Register and the National Register of Historic Places. The PIF is **not** the same as a nomination to the Registers, but is a means for evaluating the **eligibility** of a property for listing. The PIF is evaluated by Department of Historic Resources (DHR) staff and the State Review Board and their recommendations regarding the property's eligibility will be provided to the property owner in writing.

Before Preparing a PIF

Contact DHR's Archivist for assistance in obtaining any information DHR may have on file about your property, such as a previous architectural survey record or eligibility evaluation. You are welcome to use this information in preparing your PIF. Contact DHR's Archivist by phone at (804) 482-6102, or by email at Quatro.Hubbard@dhr.virginia.gov.

Staff at one of DHR's three Regional offices are available to answer questions you may have as you begin preparing your PIF. Locations and contact information for each office is at http://dhr.virginia.gov/regional_offices/regional_offices.htm. (You also are welcome to ask DHR's Archivist for the contact information.)

Preparing a PIF

A PIF consists of three equally important parts:

1. **Form:** Complete the attached form to the best of your ability, using your own research about the property to be evaluated as well as any information that DHR has provided. Remember that DHR's Regional staff also are available to assist you. The form may be completed using Microsoft Word software, typed, or hand-written. If using MS Word, the PIF can be submitted via CD, email, ftp, or other file sharing means.

Your PIF will not be evaluated if it is missing any of the following information:

- Property owner's signature
 - Contact information for the person submitting the form (if different from the property owner)
 - Contact information for the City Manager or County Administrator where the property is located
2. **Photos:** Provide color photographs of your property's exterior and major interior spaces, with emphasis on architectural features instead of furnishings. Photos typically include views of the main building from all sides, as well as important ornamental and/or functional details; any outbuildings or secondary resources; and the property's general setting. Submit photo prints on 4" x 6" glossy photo paper and digital images on CD or other file sharing means approved by DHR's Regional staff.
 3. **Maps:** A minimum of two maps must accompany your PIF:
 - **Location map:** This map shows the exact location of your property. The map can be created using Google Maps, Google Earth, Bing, or other mapping websites. A copy of a road map also may be used as long as the property's exact location and physical address are shown on the map. DHR's Archivist can assist in providing an acceptable location map with boundaries.
 - **Sketch map:** This map shows the locations of all resources on your property, such as the main building; any secondary resources (often referred to as outbuildings); major landscape features such as a stream, formal gardens, driveways, and parking areas, and the road on which the property fronts. The sketch map can be drawn by hand, or an annotated aerial view, tax parcel map or survey map may be used.

Submitting a PIF

Once you have completed the PIF, submit it to the appropriate Regional office. The Regional staff member will inform you when DHR staff will review your PIF and answer any questions you may have about the evaluation process.

Note: All submitted materials become the property of DHR and will be retained in our permanent Archive. In addition, the materials will be posted on DHR's public website for a period of time during the evaluation process.

*Thank you for taking the time to submit this Preliminary Information Form.
Your interest in Virginia's historic resources is helping to provide better stewardship of our cultural past.*



PRELIMINARY INFORMATION FORM (PIF) for INDIVIDUAL PROPERTIES

DHR No. (to be completed by DHR staff) _____

Purpose of Evaluation

Please use the following space to explain briefly why you are seeking an evaluation of this property.

Are you interested in applying for State and/or Federal Rehabilitation Tax Credits? Yes _____ No _____

Are you interested in receiving more information about DHR's easement program? Yes _____ No _____

1. General Property Information

Property name: _____

Property address: _____

City or Town: _____

Zip code: _____

Name of the Independent City or County where the property is located: _____

Category of Property (choose only one of the following):

Building _____ Site _____ Structure _____ Object _____

2. Physical Aspects

Acreage: _____

Setting (choose only one of the following):

Urban _____ Suburban _____ Town _____ Village _____ Hamlet _____ Rural _____

Briefly describe the property's overall setting, including any notable landscape features:

3. Architectural Description

Architectural Style(s): _____

If the property was designed by an architect, landscape architect, engineer, or other professional, please list here: _____

If the builder is known, please list here: _____

Date of construction (can be approximate): _____

Narrative Description:

In the space below, briefly describe the general characteristics of the entire property, such as its current use (and historic use if different), as well as the primary building or structure on the property (such as a house, store, mill, factory, depot, bridge, etc.). Include the architectural style, materials and method(s) of construction, physical appearance and condition (exterior and interior), and any additions, remodelings, or other alterations.

Briefly describe any outbuildings or secondary resources (such as barns, sheds, dam and mill pond, storage tanks, scales, railroad spurs, etc.), including their condition and their estimated construction dates.

4. Property’s History and Significance

In the space below, briefly describe the history of the property, such as significant events, persons, and/or families associated with the property. Please list all sources of information used to research the history of the property. (It is not necessary to attach lengthy articles or family genealogies to this form.)

If the property is important for its architecture, engineering, landscape architecture, or other aspects of design, please include a brief explanation of this aspect.

5. Property Ownership (Check as many categories as apply):

Private: _____ Public\Local _____ Public\State _____ Public\Federal _____

Current Legal Owner(s) of the Property (If the property has more than one owner, please list each below or on an additional sheet.)

name/title: _____

organization: _____

street & number: _____

city or town: _____ state: _____ zip code: _____

e-mail: _____ telephone: _____

Legal Owner’s Signature: _____ Date: _____

• • Signature required for processing all applications. • •

In the event of corporate ownership you must provide the name and title of the appropriate contact person.

Contact person: _____

Daytime Telephone: _____

Applicant Information (Individual completing form if other than legal owner of property)

name/title: _____

organization: _____

street & number: _____

city or town: _____ state: _____ zip code: _____

e-mail: _____ telephone: _____

6. Notification

In some circumstances, it may be necessary for DHR to confer with or notify local officials of proposed listings of properties within their jurisdiction. In the following space, please provide the contact information for the local County Administrator, City Manager, and/or Town Manager

name/title: _____

locality: _____

street & number: _____

city or town: _____ state: _____ zip code: _____

telephone: _____

Item No. 8.6. Belvedere Special Exception to modify Section 4.16.3.3 (Recreational Amenity deadline).

The Executive Summary forwarded to the Board states that the applicant requests a special exception to modify County Code § 18-4.16.3.3, which is the trigger for completion of recreational amenities within Block 4 of Belvedere. The ordinance requires:

4.16.3.3 Recreational facilities shall be completed when fifty (50) percent of the units have received certificates of occupancy.

The proposed deadline for completion is July 15, 2020.

Staff analysis of the request is provided as Attachment B.

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

By the above-recorded vote, the Board adopted the following Resolution to approve the Belvedere special exception, subject to the condition of approval:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA200400007 BELVEDERE**

WHEREAS, the Owner of Tax Map Parcels 06100-00-00-16000 and 062A3-00-00-00100 filed a request for a special exception to modify the requirements of County Code § 18-4.16.3.3 that recreational facilities shall be completed when 50 percent of the units within each block of the development as identified on the application plan and code of development have received certificates of occupancy to allow the completion of recreational amenities within Block 4 of the Belvedere Development to occur on or before July 15, 2020.

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 §§ 18-4.16.3.3, 18-8.2(b), 18-33.43, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception as set forth above, subject to the condition attached hereto.

* * * *

Special Exception for ZMA200400007 Belvedere Condition

1. The Block 4 Neighborhood Center Greenspace and Amenities as described in the Belvedere Code of Development must be completed on or before July 15, 2020. The Block 4 Neighborhood Center Greenspace and Amenities does not include the private education center or daycare as proposed in the Belvedere Code of Development.

Item No. 8.7. 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 awards received during this time period.

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

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

GRANT REPORT ACTIVITY – June 16, 2019 through July 18, 2019

There were no applications made during this time.

Awards received during this time.

| Granting Entity | Grant Project | Type | Amount Awarded | Match Required | Match Source | Department | Purpose |
|--|--|---------------|----------------|----------------|---------------------------------|----------------------|---|
| Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund (VBAF) | Former Barnes Lumber Site Environmental Assessment & Site Remediation Planning | State | \$49,912.50 | \$49,912.50 | Crozet New Town Associates, LLC | Economic Development | This grant will provide environmental assessment and site remediation planning for the former Barnes Lumber site in Crozet pursuant to the Economic Development Agreement for a Public-Private Partnership (PPP) between the County, the Economic Development Authority (EDA) and Crozet New Town Associates, LLC |
| Virginia Department of Criminal Justice Services | Victim Witness Assistance Grant Program | Federal State | \$134,326 | \$0 | N/A | Police | This continuation grant provides funds for staffing, equipment, training, and victim assistance costs. |

Item No. 8.8. Capital Projects Status Report – 2nd Quarter 2019, ***was received for information.***

Item No. 8.9. Environmental Quarterly Report – 4th Quarter FY 19, ***was received for information.***

Item No. 8.10. Board-to-Board, July 2019, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, ***was received for information.***

Item No. 8.11. VDOT Monthly Report (August) 2019, ***was received for information.***

Agenda Item No. 9. 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 (TJPD), 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 fourth of four anticipated Board discussions to develop its priorities for the 2020 General Assembly session.

Since the June 19 Board discussion and direction, staff and David Blount, the County's legislative liaison, have performed additional research and met. Following is the current status of the initiatives:

Board priority for 2020

In-kind services to volunteer firefighting and emergency service providers: Pursue as a Board priority in 2020. In-kind services that have been identified so far include contract management services for capital projects, assisting in preparing proposals, budgeting services, and providing insurance. This initiative is further described in Attachment A.

Conditional Board priority for 2020

Local control over monuments and memorials for war veterans: Pursue legislation in 2020 only if the General Assembly's committee membership materially changes. This initiative is further described in Attachment A.

Prohibition on carrying specified loaded weapons in public areas: Pursue legislation in 2020 only if the General Assembly's committee membership materially changes. This initiative is further described in Attachment A.

Increasing the minimum tree canopy preserved during development: Pursue either as a statewide initiative or as a Board priority. This initiative is further described in Attachment A.

Pursue as a statewide or regional initiative in 2020 or thereafter

Documenting historic structures prior to demolition: Pursue as a statewide initiative.

Equal taxing authority for counties: Pursue either as a statewide initiative, particularly in conjunction with other localities in the High Growth Coalition, with the legislation limited to enabling authority for a city-level transient occupancy tax. Alternatively, consider pursuing as a Board priority with any new transient occupancy tax revenue applied to a specific purpose. This initiative is further described in Attachment A.

Impact fees: Pursue as a statewide initiative, recognizing that this will be a multi-year initiative. This initiative is further described in Attachment A.

Providing tax relief for public safety volunteers: Staff will explore this issue with Albemarle County Fire Rescue and the region to determine the appropriate relief and whether there is regional support for such an initiative.

Do not further pursue or pursue after more information is obtained

Civil penalties for open burning violations: At the time of this writing, staff is seeking information from VACO and VML representatives as to whether there may be interest in pursuing as a statewide initiative.

Extending the eligibility of antique motor vehicle status from 25 to 30 years: This issue needs to be addressed nationally, working with automobile clubs.

Homestay platform reporting: The Department of Finance has purchased software and has only recently started using the system. Revisit the issue in the late fall at the earliest, or continue the initiative to 2021 through VACO and VML to see if there is interest to pursue as a statewide initiative

Recycling reporting: At the state level, the solution may be for those required to report recycling information fully comply with state law, and for the state agency to which the information is required to be reported to enforce those requirements. If the County wants to require recycling information to be reported to it, the County is enabled in Virginia Code § 15.2-939 to adopt an ordinance to require any non-proprietary information to be reported.

Attachment B is a copy of the County's 2019 Legislative Positions and Policy Statements to begin the discussion of that document for 2020.

There are no specific, identifiable budget impacts.

Staff requests that the Board provide direction from the Board on its legislative priorities and other initiatives.

Mr. Kamptner, County Attorney, presented. He noted that this is the fourth review of the Board's legislative priorities for the upcoming General Assembly session in 2020. He said there were a limited number of slides today, and we worked through the remaining 13 or 14 initiatives that have been on the table that have been removed to be captured in the last slide, but we will move through these in the same order as the executive summary to hopefully streamline this presentation. He said the clear priority of the Board that staff has heard so far was to seek legislation enabling authority to provide in-kind resources to volunteer firefighters and emergency service providers. He said conditional Board priorities include: local control over monuments and memorials, to restrict loaded weapons from public places, and an increase in minimum tree canopy during construction. He said we can revisit #3 with the Board; the direction in June was to pursue legislation to be added among the localities that have the enabling authority to restrict the specific as specified loaded weapons in public spaces. He said if there were any desire to change that, he would welcome any comments on that. He noted the increased minimum canopy left out a term

preserved during construction. He said he has learned that Arlington County approached the Virginia Municipal League's Policy Committee with proposals that would expand the enabling authority that Albemarle County operates under to give increased flexibility and to also allow the tree canopy preservation to be considered a best management practice for stormwater management. He said he learned from David Blount, of TJPDC, that this same initiative would be presented to VACO's Environmental Steering Committee next week and suggested they piggyback on this potential statewide initiative to expand our existing authority.

Ms. Mallek asked if there was discussion about any other agencies or would they wait to see what happens. Mr. David Blount, TJPDC Legislative Liaison, responded that bills from the General Assembly July special session were sent to the Crime Commission, which is taking written public comment and would receive public comment at a meeting to be held the week of August 19.

Mr. Randolph remarked that the key word is "pursue", and what it means for the County to pursue this legislation. He urged that the County not slacken its commitment to having this law changed, to be able to prohibit the carrying of specified loaded weapons in public areas, regardless of what happens in the General Assembly and the makeup of its membership. He asked Mr. Blount to clarify what he means by pursue legislation. Mr. Blount responded that the Board can continue to have its name attached to whatever is out there and to continue to put that pressure on, regardless of the makeup of the General Assembly, though the reality is that this legislation would not advance without a material change. He explained that his view of what it means to pursue legislation is to have the County's representatives sponsor or sign on as a co-patron of legislation. He added that staff would come to the Board in a few months to request approval of its policy and position statements.

Mr. Kamptner added that he views the word "pursue" as meaning to identify something as a Board priority.

Ms. McKeel commented that America has more gun shops than McDonalds, Starbucks, and supermarkets combined, as reported by David Fried in The Atlantic magazine documentary, *Guns Found Here: Inside America's Only Gun Tracing Center*.

Mr. Kamptner continued his presentation. He reminded the Board that last June they held a discussion about requiring landlords to allow a historic structure to be documented and decided to pursue this as a statewide initiative, only after examining alternative approaches, such as having historical societies or other non-governmental agencies take the lead. He suggested they allow Margaret Maliszewski to reach out to a network of historic planners or to those in similar positions around the State to see if there is a solution. He said the reason he was reluctant to proceed full blast was because this would be government getting statutory authority to go on to private property, without evidence of a crime or violation, which could be a right to privacy concern and is why his recommendation is very tepid right now and why he thinks historical preservation planners should get together and come up with some ideas.

Ms. Mallek noted that last month they lost a 1710 barn when a new owner bulldozed it down. She said the frustration level is through the roof as the County has been talking about this for 12 years and getting nowhere.

Mr. Randolph wondered how high vertically does one's private property rights extend and whether or not the County could fly a drone over a property to take photographs. Mr. Kamptner responded that there have been drug cases that dealt with this and he recalls that a federal appellate court held that 35 feet above was not an invasion of privacy. He noted that there are some other cases that require it to be much higher.

Ms. Mallek remarked that the County does not have the authority to impose a substantial fine when something is demolished without a permit or process and wondered if this could be a useful parallel track. Mr. Kamptner remarked that this would come under Chapter 5 of the County Code and he offered to check with Michael Dellinger and get back with that information.

Mr. Kamptner next addressed the issue of equal taxing authority with cities and the authority to impose a transient occupancy tax. He said our recommendation right now is to continue pursuing this. He said this is a state wide initiative, and if the Board is inclined to proceed on its own, we have been in discussion about the transient occupancy tax in getting the additional authority. He said that additional authority has been given to counties for a specific purpose or project. He noted that a transient occupancy tax is primarily devoted to tourism and suggested they work with leadership of CACVB, PACC, and the Chamber of Commerce to learn if they have identified a need. He recalled that the Interim Director of the CACVB had identified a need for more contributions from both the County and City to promote tourism. He noted that these organizations are in the midst of leadership changes and suggested the Board pursue this next year, and in the interim pursue statewide initiatives that has been an on-going initiative of the Board.

With regard to impact fees, Mr. Kamptner said the Board would pursue this as a statewide initiative with VACO. He said in terms of tax relief for public safety volunteers, he reminded the Board that they decided in June to look at this on a regional level and they would ask Fire/Rescue to take the first steps.

Ms. Mallek recalled that a procedure was already available for teachers and she was hoping to pounce on some work that has already been done.

Mr. Palmer asked, for the benefit of the Board and public, what it means to work on the state level in terms of who is doing the work, what does it look like, and how organized it is. Mr. Kamptner responded that some things are not yet at the state level, such as civil penalties for open burning violations, while equal taxing authority was being worked on by VACO and the impact fees are being worked on by VACO, the High Growth Coalition, and the Virginia Municipal League. He said the proffer system really does not work, and he was not saying that impact fees will address everything.

Ms. Palmer noted that Ms. Mallek attends VACO meetings and other Supervisors have also attended. She asked if Supervisors serving on committees was the manner in which they maintain influence. Mr. Kamptner responded that County staff members attend conferences and Mr. David Blount is a great resource. He said the process of reviewing the initiatives during Board meetings helps to organize things, as well as Mr. Blount's presentations to TJPDC and staff monitoring of the General Assembly session.

Ms. Mallek remarked that VACO is divided into 12 districts; there are items that catch fire in each district or several, and then priorities are chosen at the August and November meetings for the legislative session. She encouraged Supervisors to select a committee to serve on and make their voices heard.

Ms. McKeel remarked that every Supervisor has gone to Richmond and spoken in favor of or against a bill.

Mr. Kamptner addressed the issue of civil penalties for open burning violations. He said they recommend it be pursued only as a statewide initiative. He said as a first step, he would ask the Fire Marshal to reach out to determine whether or not there is interest. He noted that his paralegal, James Douglas, pulled 2018 statewide data and found 10 violations, of which two resulted in a fine of \$250.

Ms. Mallek remarked that this is sort of a poignant example of how they deal with things as they come up and the County is not the only place where people are enabled to do whatever they want as it is all over the State.

With regard to extending the status of antique motor vehicle eligibility, Mr. Kamptner said they determined it needs to be addressed nationally by working with car clubs. He said that James Douglas pulled data from 2017 and 2018 and found 153 incidents statewide, though none had a Charlottesville or Albemarle address.

Ms. McKeel said that DMV and the police have indicated there are cars that are not safe on the highway because of being this many years old and which are not inspected. She noted that four of her friends belong to antique car clubs and support this and she agrees that they would not get anywhere without the support of the clubs. Mr. Kamptner recalled that he presented some data during a previous discussion of this issue which showed that the number of accidents increases with the age of a vehicle. Ms. McKeel remarked that many of them are old junkers that would not pass inspection.

Mr. Randolph said he has a letter from the Virginia Chapter of the Yugo Club of America, which argues that if it goes from 25 to 30 years then none of the cars would be on the road.

Ms. Mallek remarked that a personal property tax exemption is given to these owners, which saves them several hundred dollars per year and dumps that burden on the rest of the County.

Mr. Kamptner addressed the issue of recycling reporting. He said the impetus for this was that some recycling haulers or companies producing recycled material has declined to provide information to the TJPDC, with one of them saying that this information was proprietary. He noted that §15.2-939 allows the County to adopt an ordinance that requires reporting and that particular enabling authority allows the haulers to withhold proprietary information. He recounted how Ms. Palmer asked him to further explain why his recommendation was as stated in the Executive Summary. He said his recommendation was for the Board to give direction to pursue adopting the enabling authority that exists in Virginia Code §15.2-939. He said his recommendation was due to three reasons. He said the first question that would be asked was if the County has used the enabling authority provided, the second question would be if anyone has withheld information that was claimed to be proprietary that is not, and the third was a couple of words in the enabling authority that says that the County's ordinance was to facilitate compliance with the regulations adopted pursuant to §10.1 and that is the report that has to be submitted by TJPDC and goes to DEQ, so everything falls together. He added that he has been holding up some work of the Solid Waste Alternatives Advisory Committee in getting some information to the Committee about what it means to be proprietary. He said he provided some definitions and between those definitions and the DEQ form that TJPDC and everybody else who is obligated to report their compliance with the recycling requirements, it lists all the materials that have to be reported. He said that what they have to report is limited to what is on the form and consists of basic identifying information, and it should work. He noted that was the revised recommendation.

Ms. Palmer remarked that it has been a priority to shore up these numbers and make them better from very early on in the process and the difficulty in getting accurate numbers was talked about and prioritized. She said the SWAC committee has looked at ways to make it stronger and the last thing it wants to do is go back the other way and make them even less reliable. She said she hopes they can find a way to compel the haulers to give the numbers to TJPDC so they can continue their work of collecting and distributing these numbers.

Ms. Mallek remarked that Albemarle County's neck has been in the noose since at least 2009, with incomplete reports since it does not get cooperation from the haulers. She asked that the definitions be emailed to the Board as she is suspicious of what is proprietary as it does not involve new drugs but the pickup of trash. Mr. Kamptner responded that the State has not defined it in the enabling authority and as long as the definition adopted by the Board is reasonable in the context of how it is being used, it would be adequate.

Mr. Kamptner concluded his presentation with the two initiatives that are no longer under consideration. He said the homestay platform reporting was pulled as they want to have time to test the software that the Department of Finance obtained as it could make additional enabling authority unnecessary. He said in addition, based on research on enabling authority, staff has determined that the County was covered and does not need to expand the power of land bank authorities. He then invited final direction from the Board as to whether or not staff should proceed with the recommendations, as modified now.

Ms. Mallek expressed her support.

Ms. Palmer said she wants to keep very important things in the forefront, even if they are not going after individual bills as a County.

Ms. Mallek said she does not want the staff to let go of any of the hard work it has done.

Mr. Kamptner said he would return in October or November in coordination with when TJPDC has developed its priorities.

Board members thanked Mr. Kamptner and staff for their work.

Agenda Item No. 10. **Work Session:** Rules for the Public's Use of the County Office Buildings and Their Grounds.

The Executive Summary forwarded to the Board states that the Board's Community Use of County Facilities Policy (the "Policy"), first adopted on February 10, 1982, governs the public's use of the County's Office Buildings located at 401 McIntire Road (COB-McIntire) and 1600 5th Street (COB-5th) (Attachment A). The Policy has been amended numerous times over the years in a piecemeal manner, most recently on October 3, 2018 when the Board amended the policy pertaining to the public's use of the parking lots at COB-McIntire.

A team composed of representatives from the County Attorney's Office, the County Executive's Office, the Police Department, and the Department of Facilities and Environmental Services has met several times to discuss amendments to the Policy for the Board's consideration. The proposed draft Rules for the Public's Use of the County Office Buildings and Their Grounds (the "Rules") (Attachment B) are the result of that team's work.

The draft Rules address several issues regarding the public's use of COB-McIntire and COB-5th with the objectives to: (1) ensure that the County (including the School Division) and the public are able to conduct County business with minimal or no disruption; (2) enable the public to use the COB-McIntire and COB-5th in a reasonable manner; (3) recognize the public's interest in exercising First Amendment rights; (4) clarify the County's interests, as a property owner, in making certain areas of COB-McIntire and COB-5th are available for public use while other areas are not open for public access; and (5) clarify the role of the County Executive and his designees as persons in charge of COB-McIntire and COB-5th.

Important Changes

The Rules would make two important changes from the current Policy:

Front lawn: A portion of the front lawn of COB-McIntire would be available for the public to exercise First Amendment rights.

Use of rooms: The days and times that rooms in COB-McIntire and COB-5th would be available for public use would be limited to Tuesday through Thursday, 5:00 p.m. to 9:00 p.m.

Guiding Legal Principles

Like an owner of private property, the County retains the power to preserve the property under its control for the use to which it is lawfully dedicated. COB-McIntire and COB-5th are dedicated to conducting County and School Division business.

Nonetheless, COB-McIntire is the legislative and administrative seat of County government, and the courts have recognized that the grounds of these types of buildings are places where the public may exercise First Amendment rights, subject to content-neutral and reasonable time, place, and manner restrictions. First Amendment rights may be exercised in many ways. The speech and conduct that falls under the First Amendment is far reaching, ranging from protests and demonstrations, to handing out leaflets, to engaging in petition campaigns, and to flag burning. Because COB-5th is not the legislative or administrative seat of County government, its exterior grounds would not be open to the public in the same way that COB-McIntire would be.

The legal principles that apply to the interior of COB-McIntire and COB-5th are different because,

with some exceptions discussed below, the interiors of public buildings have not traditionally been forums where the public exercises First Amendment rights. One of the exceptions where First Amendment rights may be exercised is during meetings of public bodies such as the Board of Supervisors, provided that the person does not actually disrupt the meeting. Another exception is the right of the public to photograph and videograph public officials in public places within the building.

Making a Portion of the Front Lawn of COB-McIntire Available for Exercising First Amendment Rights

The current Policy does not open the grounds of COB-McIntire to First Amendment activity.

The Rules would designate Area 1, identified as such on Attachment C, as the place on the COB-McIntire grounds where the public could exercise First Amendment rights. Area 1 is the portion of the front lawn running along the frontage of both McIntire Road and Preston Avenue near the intersection of those two streets. This area is the most publicly visible part of the COB-McIntire site. The Rules would provide that Area 1 would be open to the public from 7:00 a.m. to 9:00 p.m. without the need for a permit or reservation. The Rules would also provide that sound amplification equipment between 8:00 a.m. and 5:00 p.m. and during County or School Division night meetings would be restricted, any displays, monuments, and signs would have to be attended at all times, and several specific acts would be prohibited, including obstructing sidewalks, open flames, alcoholic beverages, commercial activity, and camping.

Making Rooms Available for Public Use

The current Policy allows organizations to use rooms within COB-McIntire and COB-5th, Monday through Friday, until as late as 10:00 p.m., including during the day, provided that a room is available.

The Rules propose making Lane Auditorium and Rooms 235, 241, and 246 in COB-McIntire and Room A in COB-5th available for use by organizations each Tuesday through Thursday when the County is open for business, from 5:00 p.m. to 9:00 p.m. The reasons for reducing the days and hours during which these rooms are available to the public include the need to ensure that the rooms in these buildings are available for the County and the School Division, building security, and the additional costs of heating and cooling the buildings, and keeping the buildings open.

Other Important Rules Pertaining to the Grounds

Parking lots: The Rules would continue to reserve the upper and middle parking lots at COB-McIntire, and all of the parking lots at COB-5th, primarily for the public to conduct County and School Division business. The lower parking lot at COB-McIntire would be available for public parking during the times specified in the Rules (including when persons are exercising First Amendment rights in Area 1) when it does not conflict with County or School Division uses or is not otherwise closed by the County Executive for reasons provided in the Rules.

Sidewalks and travelways: Sidewalks and travelways that are within the COB-McIntire and COB-5th grounds may be used by persons lawfully on the sites for ingress and egress.

Other Rules Pertaining to the Interiors

Lane Auditorium lobby: The lobby would be open primarily to persons in COB-McIntire to conduct County or School Division business. It would not be available for use by organizations. Hallways: The public hallways, such as those extending from the Lane Auditorium in COB-McIntire, and the entrance lobby at COB-5th, would be primarily limited to persons in the buildings to conduct County or School Division business. Department offices: Department offices, including their interior lobbies, hallways, and work spaces, would be open only to persons to conduct County or School Division business and invitees of persons in the department.

The Role of the County Executive

The Rules would expressly authorize the County Executive to administer the Rules, and would allow him to delegate this task to his deputy and assistant and to others. In trespass situations, the County Executive would also be authorized to designate the Police Department as the “person lawfully in charge of the property.”

Amendments to County Code §§ 10-103 (disorderly conduct) and 10-120 (trespass) are also proposed to expressly state that the County Executive or his designee is the “person in charge” in disorderly conduct situations and the “person lawfully in charge of the property” in trespass situations (Attachment D).

Improvements to secure the parking lots have already been budgeted and appropriated. The cost to provide the gate at the Preston Avenue entrance is approximately \$40,000. Staff will recommend that the front lawn of COB-McIntire be improved to clearly delineate the location of the front lawn that will be available for the exercise of First Amendment rights. Several options for physical improvements continue to be developed by staff and will be presented to the Board for consideration when ready.

Staff requests that the Board provide feedback regarding the Rules, direct staff to return with the Rules to consider for adoption at an upcoming meeting, and authorize staff to schedule for public hearing an ordinance to amend County Code §§ 10-103 and 10-120.

Mr. Kamptner, presented, and, first, addressed Ms. Abigail Turner’s question. He said a group like the master gardeners would be considered as an invitee of the County, as defined in the rules, which

encompasses groups affiliated with a State organization or agency, as well as VACO, and not subject to the Tuesday through Thursday rule.

Ms. Mallek asked if organizations for which the County has participated in budgeting fall under the same category just described. Mr. Kamptner confirmed this and the expectation is that those kinds of uses would continue; unaffected by these rules, but just clarified that they are allowed.

Ms. Mallek asked for confirmation that the County can make special arrangements for groups it has sponsored, such as the Veterans Roll Call. Mr. Kamptner confirmed they can make arrangements for a County-sponsored event.

Ms. McKeel said that if the purpose of these rules was to save on air conditioning and staff and they have one group in the building on a night, it seems like they have mixed messaging. Mr. Kamptner responded that outside organizations were present between 5:00 p.m. to 10:00 p.m. on Mondays or Fridays during the three-month period three times while the County used the facility 22 times.

Mr. Lance Stewart, Director, Facilities and Environmental Services, explained that energy savings, greenhouse gas reductions, and improvement of security are the purposes of the new rules.

Ms. McKeel explained that she does not understand how the County would save on costs by restricting groups if it allows one group to use the building.

Ms. Randolph asked Ms. McKeel if she was questioning whether or not they should operate a building for one group, considering the overhead costs and security issue.

Ms. Palmer recalled that the master gardeners began meeting on Monday nights due to parking issues and she questions whether there is much savings since the Police Department and Fire/Rescue are in the 5th Street building all the time. Mr. Stewart responded that the Mondays and Fridays are applicable to the McIntire County Office Building and that all of the meeting rooms, with the exception of this meeting, are in this wing of the building, and during the summer they use two cooling towers and at least one chiller, air handler, water circulation pumps, and lighting.

Ms. McKeel suggested they have multiple groups use the building during the same week to accomplish savings. Mr. Stewart responded that they can have conversations with the groups that have regular evening meetings.

Ms. Palmer asked Mr. Stewart for confirmation that the 5th Street building is not part of the new rules on meeting times. Mr. Stewart confirmed this. He said the staff looked at utilization of the last three months of Monday and Friday night meetings and found just three bookings by outside agencies that would not fall within the policy guidelines while 22 were sponsored by the County, of which 14 were Climate Mondays.

Ms. Mallek commented on the lack of meeting space while they are fortunate to have many involved residents. She added that she also recognizes the work involved for a single custodian and the Police Department when they have large groups.

Mr. Kamptner continued that a team has been working on this project for several months. He said the objectives of the draft rules before the Board are to improve clarity and comprehensiveness as compared to the current rules, which were adopted in 1982 and have been amended multiple times over the years in a piecemeal fashion. He addressed the rules for the County Office Building and noted that he is also including the Schools Division in the discussion. He said the paramount purpose of the building is to conduct County business and staff wants to ensure they are current with First Amendment case law, which is not an easy area of the law, and to ensure that there is limited or no disruption. He noted that the County has the same rights over its property as any property owner, with a key exception being the First Amendment.

Mr. Kamptner said the lawn in front of the building at McIntire Road has been determined to be a public forum where the public can gather without permission. He said the lawn in front of the County Office Building, Lane Auditorium, and other meeting rooms are available to the public when a public body is holding a meeting, as per case law and the Freedom of Information Act, and the same rights to the public exist at 5th Street, with the exception of the exterior, as this building has never been the seat of legislative or executive power. He recounted a federal lawsuit from the late 1980's against a nativity scene authorized by the Board of Supervisors on the front lawn. He said the County argued that the front was a public forum and that it could not remove the nativity scene as this would violate the First Amendment but lost the case before a federal appellate court.

Regarding sporadic events, he said the County is not obligated to run out and enforce its rules every time, though if there were common events and the County were not to enforce its rules this would be a different matter. He recognized that the current rules do not clearly articulate the role of the County Executive, whereas the new rules would authorize the County Executive to administer the rules or to delegate this task. The rules would also incorporate two provisions in the County Code. He said Mr. Richardson has authorized the police to be in charge of the property for enforcement of trespassing.

Mr. Kamptner continued that the seats of legislative and executive power are usually found to be public forums, though cases are not uniform and depend on the particular facts. He said that streets, sidewalks, and parks have been found to be public forums and the County has a fairly extensive set of

rules for the obtaining of a permit to exercise First Amendment rights in the County parks. He noted that the County's streets are controlled by VDOT, while Charlottesville controls its own streets and is in the process of amending its ordinance. He said the Board can adopt reasonable and content-neutral time, place, and manner regulations for public forums. He reviewed some rules of conduct, including permitted hours, sound amplification equipment, and prohibited acts. He presented a map of the property and pointed out areas proposed for the exercising of First Amendment rights. He said the area of the front steps and landing plaza is still under review and would require a fact-specific determination as to if it is non-public or public. He said the case law has generally found that connecting pieces of the property, such as travel ways, sidewalks, and parking lots, are non-public forums. He said those exercising their First Amendment rights have the right to park in the County parking lots after business hours. He reminded the Board that a project to connect the middle parking lot to the sidewalk is currently under contract. Mr. Henry clarified that this work is tied to finishing up other paving that occurred over the summer and would be conducted over the next few weekends.

Mr. Kamptner stated that the sidewalks along McIntire and Preston are public, owned by the City, outside the scope of these rules, and considered by the courts to be traditional public forums, although the public cannot obstruct pedestrians or traffic. He noted that in some areas along the sidewalks the City's property extends slightly beyond the sidewalk. In terms of the inside of the building, the public has the right to attend public meetings, as long as they do not cause a disruption, and can bring signs, provided they do not block the view of others. He explained that the rules establish a permitting procedure, fees are being worked on, and they may permit the County Executive to make periodic adjustments. He continued that the lobby outside of the Lane Auditorium is reserved for County events and would not be available for outside organizations.

Ms. Palmer observed that the days and hours of room availability presented by Mr. Kamptner are the same for Lane Auditorium and 5th Street Room A, though this is not necessarily the case. Mr. Kamptner responded that this language would be corrected.

Mr. Kamptner explained that public hallways may be used only to get to other areas, though the rules would allow photography and audio recording in these areas as they would be treated as public spaces, as has been determined by the courts. He said there have been cases where people go into department offices and the courts have said these are non-public areas and there is not a First Amendment right to walk through them or to take photographs, as these activities disrupt business and, therefore, they are laying this out in the rules. Other interior spaces, including stairwells, bathrooms, and storage rooms, are non-public. He concluded that staff is making some edits, have shared the draft rules with the School Division, and would work with the Office of the Commonwealth's Attorney to make sure they are fine with trespassing and disruptions in public spaces amendments in the final version, and then to return before the Board in October.

Ms. Palmer said she was in agreement and understand that they do not want commercial activity in these spaces but wondered if a County-sponsored group, such as the master gardeners, could hold a plant sale in the parking lot on a Saturday morning. Mr. Kamptner responded that this is something staff is looking at as the current rules prohibit commercial activity.

Ms. Mallek said her understanding that they are permitted to have food trucks provide food to serve conference attendees, which is separate from having a procurement so that departments can have a food truck come now and then, which she hopes would occur as long as it is done in the proper format.

Ms. Palmer remarked that she is interested in saving energy and she is aware that groups have difficulty in finding meeting space. She said she was glad to learn about Stonefield and was interested in Ms. McKeel's idea to consolidate the meetings.

Ms. McKeel commented that she is sure groups would be receptive to consolidation if the staff approaches it in the right way.

Mr. Randolph **moved** that the Board authorize staff to schedule a public hearing for an ordinance to amend County Code §§10-103 and 10-120. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Recess. At 2:53 p.m., the Board recessed, and reconvened at 3:13 p.m.

Agenda Item No. 11. **Work Session:** State Scenic River Designation for the James River.

The Executive Summary forwarded to the Board states that the Virginia State Scenic River program began in 1970. It is administered by the Virginia Department of Conservation and Recreation (VDCR). The designation recognizes the scenic, natural, historic, and recreational values of rivers. It provides a small amount of protection when state and federal projects are being considered. The designation does not provide any regulatory authority or land use controls, or give the public any right to use or access privately-owned land.

The State Scenic River Program celebrates its 50th anniversary in the year 2020. A number of rivers throughout the state will be under consideration for designation in 2020. No section of the Middle James River carries the designation at this time. Attachments A, B, C, D, and E provide information from VDCR about the program.

Before a river or river segment can be designated as State Scenic, VDCR staff must evaluate it to determine if it qualifies. VDCR must receive a request from all affected localities before it conducts a study to evaluate the river segment. In addition to Albemarle County, three other localities are affected: Town of Scottsville, Fluvanna County, and Buckingham County. Each of these three localities have made a request of VDCR to conduct a study.

The Virginia General Assembly must pass legislation to create State Scenic Rivers. If VDCR determines a segment of James River qualifies as State Scenic, it is incumbent upon the localities to show support for the designation. Support is typically demonstrated by adopting a resolution. In making a request for a study, localities are signaling their intent to support the designation. Attachment F is a draft letter to VDCR requesting that they conduct a study of the James River. A community meeting to explore the topic, with a presentation by VDCR, is scheduled for July 26 in the Scottsville Town Hall.

Three State Scenic Rivers are located in Albemarle County (Attachment A). The Moormans and Rivanna Rivers are State Scenic. The entire stretch of the Rivanna River, from the South Fork Rivanna River dam to the confluence with the James River in Fluvanna County, is State Scenic. A segment of the Rockfish River that forms the Albemarle County boundary with Nelson County is also State Scenic.

There is no budget impact in requesting a study or in the designation of the James River as a State Scenic River.

Staff recommends the Board authorize the County Executive to send a request to VDCR to conduct a study to determine if a segment of the James River meets the requirements to qualify as a State Scenic River.

Mr. David Hannah, Natural Resources Manager, presented. He stated that there has been growing interest in designating the middle James River as a State scenic river, kicked off by the James River Association and the Town of Scottsville, which have been promoting and leading the effort. He said an informational meeting was held June 10, 2019, followed by a well-attended community meeting in Scottsville on July 26. He presented several slides and noted that the same information was included in the Board's attachment and that he would not review every item. The Code of Virginia calls for the identification and protection of designated rivers that possess superior natural and scenic beauty, fish and wildlife, and historic, recreational, geologic, cultural, and other assets. He explained that such a designation identifies rivers or segments of rivers that are worthy of recognition, protection, and management and allows the scenic quality to be assessed or used. The Virginia Scenic Rivers Act was passed in 1970 and, as its 50th anniversary is approaching, there has been interest in getting more rivers to have this designation.

Mr. Hannah presented a slide that listed the minimum requirements for DCR to consider a study for the designation. He said the first step is to evaluate the river, which would begin with a request from all localities or jurisdictions affected. He said there are 13 criteria, which are listed in Attachment E (copy on file), with emphasis on the visual aesthetic quality of the river corridor. If these requirements are met then additional steps are required to continue the designation process, which include a demonstration by localities of support, usually in the form of a resolution, and the sponsorship of a bill to designate the river segment, which must be passed by the General Assembly and signed by the Governor. He added that the intent is for this to occur in the 2020 legislative session. He presented a statewide map of the scenic river system, noting that there are 33 river segments designated as scenic, 24 segments that have been found to tentatively qualify for designation, and 62 segments have been determined to have potential and to be worthy of a study and further investigation. He pointed to the segment of the James River that they would consider for the scenic designation, which would include Fluvanna County to the east and Buckingham County to the south. He noted that the Rivanna River is designated as a State scenic river, from the South Fork Reservoir to the James River, and Moormans River is also a State scenic river, while the Mechums and Hardware Rivers have been identified as potential candidates.

Mr. Hannah pointed out the Rockfish River, which forms the border between Albemarle and Nelson counties, and noted that this segment is also a State scenic river, while the upper part is a potential one. He stated that, in addition to Scottsville, Fluvanna and Buckingham Counties have made requests for a study. He said Chip Boyles and the TJPDC have offered assistance in the process and he learned that Nelson County would be considering Board action next week for the section of the James between the Rockfish and Tye Rivers. He said that resource protection on and beside the river is voluntary and involves the cooperation and support of local and state officials, though the Scenic River Act does not authorize any additional restrictions on riparian land uses. He then presented a slide that listed the benefits of the designation.

Ms. Palmer asked Mr. Hannah to explain what a closer review of projects by state and local agencies means. Mr. Hannah responded that the fact the river is scenic would be used as part of the consideration for a project review. He noted that dam construction is not allowed on a State scenic river without approval of the General Assembly and the Federal Energy Regulatory Commission recognizes the State scenic river program when it promotes projects for development.

Ms. Palmer asked where the designation for the Moormans River begins. Mr. Hannah responded that it begins at Sugar Hollow Reservoir, after the dam. He added that the River Act is hesitant to include headwaters areas because it is not always clear where their beginning point is located.

Ms. Mallek recognized that one advantage of the designation would be similar to when there is a State-recognized easement through Virginia Outdoors Foundation, in which case VDOT and others have to pay more attention because it is State agency to State agency.

Mr. Hannah presented a list of items the designation does not do. He said it does not provide any regulatory or land use control and does not require or permit public access or the right to use privately owned property adjacent to the river, with more details provided in Attachments B and C. Once the river has obtained the designation the optional management and protection lies with localities and periodic surveys are conducted to make sure it maintains the qualities that qualify it for the designation. He concluded the presentation, asking the Board to authorize the County Executive to request that DCR conduct a study of the James River to evaluate if it qualifies for the designation. He noted that DCR wants to conduct assessments while trees are green, prior to October, and if the Board would like to proceed it should do so now so that DCR can begin its study soon. He concluded and invited questions.

Ms. Mallek expressed her support.

Ms. Palmer concurred, though she would like to have more information on what exactly the designation does. She noted that a resident addressed the Board earlier and expressed support for the designation while voicing her opposition to the pipeline. Mr. Kamptner responded that he was looking at the Virginia Code and Attachment C, which specifies what the designation does and kind of mirrors but is not real specific.

Mr. Hannah offered to follow up with Ms. Lynn Crump, of the Department of Conservation and Recreation, with specific questions. He recognized that the pipeline is not proposed to pass through Albemarle, but if one were to be proposed, the State scenic designation would not halt it, though the scenic designation and aesthetic considerations would have to be taken into account. He added that perhaps a pipeline would have to be bored underneath the river instead of crossing it. He noted that parallel roads and railroads can impact the visual quality of a river corridor.

Mr. Kamptner added that federal laws related to railroads would preempt state and local efforts.

Mr. Gallaway invited Mr. Ernie Reed, a member of the Nelson County Board of Supervisors, to address this matter.

Mr. Reed said he attended the meeting to gather information for his Board's meeting next week and said he is sure they would look positively on this.

Ms. Mallek remarked that Ms. Crump can probably answer the question as to if they are better off if the application were to include Nelson County.

Mr. Hannah pointed out that if Nelson County does not make a request then the area of the river that would be studied is from where the Rockfish River enters the James to at least as far as the Fluvanna County line and possibly as far as to where the Rivanna River empties into the James, which would be 34 miles in total.

Ms. Palmer asked for assurance that this designation would not affect the use of the River as a source of water supply. Mr. Hannah confirmed that his understanding is that it would not.

Ms. Mallek added that the designation is honorific.

Mr. Randolph **moved** that the Board authorize the County Executive to send a request to VDCR to conduct a study to determine if a segment of the James River meets the requirements to qualify as a State Scenic River. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Note: Given that the Board was ahead of schedule, it decided to take up Agenda Item #13 at this time:

Agenda Item No. 13. **Presentation:** Charlottesville-Albemarle SPCA (CASPCA) Annual Presentation.

Ms. Angie Gunter, Executive Director of CASPCA, presented. She noted that the SPCA serves as both a pound for City of Charlottesville and Albemarle County and as a public shelter, taking care of strays, seized, abandoned, and unwanted animals. She said the County's funding in 2018 constituted 18% of their revenue. She noted the following statistics: 95% save rate, 4,889 animals and adopted out

3,000, which is the second highest rate since 2008, reunited 530 lost pets, served 282,220 meals to homeless animals, 6,000 spayed/neutered, 200 lifesaving surgical procedures, 3,300 animals microchipped; with 56% from Albemarle, 34% from private shelter, and 10% from Charlottesville. She said that 2,170 animals came from Albemarle, 309 from Animal Control, 1,269 public strays, and 592 from owner surrenders.

Ms. Gunter explained that the contract services include caring for strays, homeless, abandoned, and unwanted animals, providing emergency veterinary care, to ensure a safe place for dogs running at large, rabies control program, sterilization, housing for animals held on court cases, housing for animals on 10-day bite confinements, veterinary services to Animal Control Officers in assessing the condition of neglected animals for court cases, take in wildlife and transport to the wildlife center or euthanize, and the sale of dog licenses on behalf of the County. She said they provide spay/neuter services to reduce overpopulation, for which they are not funded, including for those who are on public assistance and those with pits and hounds owned by Charlottesville and Albemarle residents, as these breeds represent the largest share of dogs brought to the shelter.

Ms. Gunter said they provide a free trap/neuter/return program and vaccination services for cats, which is the most effective and humane way to control the population, assist Animal Control in handling cat complaints by providing education and solutions to the public. She listed the following pet retention efforts: provide a pet pantry, dog obedience classes, and compassionate care clinics to low income families (vaccines, wellness exams, pet education). She said the public assistance program is designed to provide veterinary care to pet owners in dire straits and are often sent from veterinarians who say their clients cannot afford to pay for their care. She noted that they renovated the kennels this year to provide better conditions for dogs, which included play parks for enrichment, with private funding.

She next reviewed compensation with the following statistics: \$582,529 in 2018 and \$621,000 in 2019 in compensation; cost of care = \$20/day per animal, 2,217 animals from Albemarle County at a cost of \$2,248,760. She said the cost of care includes food, vaccinations, medication, staff time, spay/neuter procedures, microchips, cleaning supplies, basic pet supplies, electricity, and computers. She continued with additional statistics: Albemarle County 47% canine, 52% feline, 2% small animals, 50% of dogs are public strays, 25% of dogs are from Animal Control, 25% from owner surrender, 59% of felines are public strays, 38% of felines are from owner surrender, and 3% from Animal Control. She presented outgoing animal statistics for Albemarle County as follows: 1,890 adopted at 76%, 17% returned to owner, 4% euthanized, 1% transferred to other shelters. In 2018, for shelter animals, 1,543 spayed/neutered, 401 free surgeries, 231 subsidized surgeries and 296 low cost. She said they also receive \$2,508 from the Animal Friendly State License Plate Program, 24 days is the length of the average stay for canines, 59 days for felines, and 22 days for small animals. She added that they are very transparent and voluntarily do annual reporting and abide by all rules of the Virginia Department of Agriculture with custody records and are annually inspected by the State Veterinarian for compliance.

Ms. Palmer asked how they determine eligibility for low cost services. Ms. Gunter responded that the individual must provide proof of low income, such as food stamps or social security.

Ms. Palmer asked if local social services program participation is considered. Ms. Gunter responded that it is not, but if they referred someone, the SPCA would take them.

Ms. Mallek related how she has received complaints from residents of the rural areas of packs of cats dumped on Sugar Hollow from the TNR program and decimating the bird population. Ms. Gunter responded that she thinks that sterilizing the animals is the most humane thing they can do. She said they have a community cat manager that goes out and traps cats to reduce the population.

Ms. Palmer remarked that many people would not bring pets in to be spayed or neutered if they think there is a chance they would be euthanized. Ms. Heather Sullivan, Director of Operations, said the misconception is that the TNR does not stand for trap, neuter and release but trap, neuter, return. She said these are cats that already have a caretaker who gives them veterinary care and feeds them. She said the two options are to do nothing and have the population grow or spay and neuter them and then return them to where they are with their caretaker.

Ms. Palmer remarked how veterinarians like herself have educated new kitten owners about not letting the cats outside as they kill birds and it costs more to maintain outside cats. She said she is not a supporter of keeping cats outside and she thinks what is being done is the best under the circumstances.

Ms. Sullivan commented that the stray population has been decreasing since the TNR program began and the program is working.

Ms. Mallek said it is her understanding that Animal Control Officers do not pick up cats. Ms. Sullivan responded that they only do so if they are injured or if there is a public risk.

Ms. McKeel asked what they do with mean cats, as one in her neighborhood would attack her dog. Ms. Gunter responded that they can be trapped and brought in to the shelter, though if it has an owner they do not have the right to take it, although they can hold the cat for a period of time for the owner to reclaim.

Ms. Mallek commented that it is not humane to keep cats outside during periods of very hot or cold temperatures and have to kill for a living.

Agenda Item No. 12. **Presentation:** FY17-FY19 Strategic Plan Final Report.

Ms. Kristy Shifflett, Director, Project Management Office, presented. She noted that Supervisors received a progress report with their packet, which details significant progress and accomplishments made over the past two years. She presented slides with lists of accomplishments and gave Board members an opportunity to read the slides. She noted that strategic plans are fluid and many items emerge or become better defined. She presented a slide with a list of items on which they would focus for the 2020–2022 period and gave Board members another opportunity to review the slide. She concluded and said she looks forward to working on these priorities with the Board.

Note: Given that the Board was ahead of schedule, it decided to take up Agenda Item #25 and then Item #24, at this time:

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

Mr. Richardson said he had several items to share with the Board. He said he went out in the field with Fire/Rescue on Friday, July 19, 2019, for seven hours during a period of extreme heat. He visited many stations throughout the community accompanied by Battalion Chief Steve Elliot. It was a wonderful learning experience and he presented photographs of the visit. He noted that some fire stations have meeting space for which residents may contact the Albemarle County Fire Department to inquire about locations and use. Ms. Mallek added that the Volunteer Stations also rent out their meeting rooms to the community.

Ms. Palmer asked if there was a central list of all the places available to the public for community meetings. Ms. Emily Kilroy, Director of Communications and Public Engagement, responded that the County does not have a central location, though it would be useful and she offered to follow up on this.

Mr. Randolph commented that recently the President of The Village of Rivanna tried to organize a CAC meeting and called East Rivanna Volunteer Fire Company and was told there would be a fee. He said the volunteer companies need to be really clear that for County-related functions there should not be a charge. He urged that the list of meeting spaces Ms. Kilroy put together include information on rules and fees.

Mr. Richardson then presented additional photographs of the fire stations. He recounted how the Hollymead Fire Station received a thank you letter from the family of a woman who was assisted in giving birth by Fire/Rescue, and recognized that many families have expressed thanks for their services during a grave time of need. He recounted the soft opening of Brookhill River Park on July 10 at which two Supervisors attended and while visiting the Hollymead station on July 19 he learned that firefighters had just scoped the landing at the new park to determine how to access it for an emergency call.

Ms. Mallek wondered if there was funding somewhere for emergency rescue access to the slide, as it would be difficult to quickly get rescue personnel in. Ms. Kilroy responded that part of potential State support for a boat ramp for when it is time for the County to be looking at that is in this line of thinking; access to the river is important for scientists, emergency responders, and anyone who wants to go for a float.

Mr. Richardson recounted that during his day in the field they responded to one serious call that involved a single car crash of an elderly man on Route 53; emergency responders were able to free and transport to University of Virginia Medical Center. He recognized passersby for offering to help by directing traffic and being with the victim's family. For the benefit of the public, he reminded citizens that when they hear emergency sirens they should safely get off the road and allow emergency vehicles to pass. He continued his presentation with additional photos, including of a vegetable garden at Monticello Fire Station from which lunch was served. He commented that personnel can be at the stations for 24-hour periods or longer.

Mr. Richardson recognized Firefighter/EMT, Mr. Ryan Mullen, for coming to the station with his young son to check on staff on his day off. He praised the wonderful staff and work family who joined him for lunch at the station. He presented photographs of a welcome lunch they held for new Charlottesville City Manager, Taron Richardson, and his staff at which they discussed how to collaborate and work together. He reminded the Board that at its recent joint meeting with City Council they discussed boundary maps and critical areas of overlap. He commented that there have been small group meetings among the different departments to identify opportunities and they hope to reach out to City staff before September 9 to share ideas on infrastructure partnerships.

Mr. Richardson informed the Board that from May–July, 2019, they have seen a 7% increase in building inspections, for a total of 9,114 during this three-month period, which does not include complaint investigations, or inspections for bed and breakfast, Department of Social Services daycare and adult care, and job site meeting request. He noted that the number of inspections in July, 3,273, was an all-time record for the County, which means that building economic activity is at an all-time high.

Mr. Richardson recognized the following three staff members for their recent graduation from the Senior Executive Institute: Ron Lantz, Chief of Police; Lorna Gerome, Human Resources Director; and Trevor Henry. He said they spent two weeks in mid-July studying high-performance government training. He added that his office invited Dr. John Nalbandian, guest speaker at the Senior Executive Institute,

former Mayor of Lawrence, Kansas, and Professor Emeritus at University of Kansas School of Public Administration, to spend half a day with 50 staff members at the County Office Building to learn how staff can work with elected officials and the community and work cross-departmentally on complex issues. He noted that Dr. Nalbandian is one of the best speakers on government that he has ever heard. He concluded and turned the presentation over to Ms. Kilroy.

Ms. Kilroy thanked Mr. Richardson and the Board for allowing her to speak on some of the initiatives her office is working on. She reminded the Board that September 4 is the 275th anniversary of the County's founding in 1744, for which they would hold a celebration on Saturday, September 28, 2019 from 10:00 a.m.–2:00 p.m., at Lane ballfield to reflect on the County's past, embrace the present, and envision the County's future. She said the events would include touch-a-truck, speakers, live music, and children's activities.

Ms. Kilroy provided an update on the website replacement project, which she noted was an organizational priority for FY 20. She said they had a formal kickoff with the vendor in July and are collecting analytics from the current website to help the vendor come up with a user experience for the new website. She said a questionnaire would be sent to current users this week about how they use the website. She said the project team's goal is to create a high-quality and interactive customer experience for on-demand service delivery that is more modern than the current site, which has been in use for 20 years.

Ms. Kilroy noted that she provides a briefing each night, except for Saturday, on media coverage of the County and she would analyze this data to determine where efforts are succeeding and identify areas which they can reposition to become more effective. She presented a slide with a word cloud of headlines from the first quarter of the year and compared this with the second quarter. She said they track direct communications through A-mail and direct to the media, and noted that they have over 9,000 A-mail subscribers to which they send emails twice per week on topics relevant to the individual's particular interests. She said they use social media to share stories, photos, videos, and reach those who are not directly engaged with the County.

Ms. Palmer asked what the timeline is for the website update. Ms. Kilroy responded that the vendor expects the new site to go live by early summer of next year, after tax season. Ms. Palmer invited Ms. Kilroy to attend the SWAC Committee meeting to talk about this as they are interested in trying to integrate what the Committee is doing.

Ms. Mallek asked if they are using the same vendor that was described several years ago or if they are starting from scratch again. Ms. Kilroy responded that it is the same vendor, though the staff vetted them through the process, and they feel it is the best in class. She stated that there is a lot of content work as well as integrations between external websites, such as the payments portal, GIS web, and others. Ms. Mallek commented that it seems a lot of work has been done. Ms. Kilroy responded that since the County filled the Knowledge Manager position this past December, she has been meeting with Rod Burton to advance the project and keep it moving.

Ms. Mallek asked for confirmation that the Search function would work better. Ms. Kilroy responded that the Search function would be a prominent feature on the site and include the latest search technology and provide suggestions, similar to what is done with Google. Ms. Mallek remarked that she uses the site to look for old reports and she is excited that the Search function would be improved. Ms. Kilroy said it will be much easier to find important things as content management will be very different on the back end than it is currently.

Mr. Richardson added that the Information Technology Department plans to repurpose a FY 20-approved full-time equivalent position for Manager for Business Intelligence and Warehouse to IT Security Manager, as a result of some restructuring of the Department that has allowed the team to better access critical needs and what can be covered by staff versus consultants. He said that a dedicated security manager has emerged as the most critical need.

Ms. Palmer expressed her appreciation for Mr. Richardson's comment that citizens have a responsibility to get out of the way of ambulances and fire trucks, though she has received comments over the years about the lack of drop off and shoulders on rural roads, making it difficult and dangerous to pull over. She asked if Fire and Rescue have identified problematic areas to which they think the County should direct money to improve. Mr. Richardson responded that this is an excellent thought and offered to follow up with the Fire Chief.

Ms. Mallek asked for guidance as to what people should do under the scenario posed by Ms. Palmer. She said she has been told to stop on a straight stretch and to let the vehicles go around. Mr. Richardson reiterated that he would follow up and perhaps invite the police and fire chiefs to address the Board on this issue.

Ms. McKeel added that she sees the same thing in the urban ring and has observed that there can be a lot of traffic and drivers keep on going.

Ms. Mallek recounted how she was the second on the scene of an accident on Advance Mills Road, where a driver went off the road and hit a tree, the car tipped on its side, the driver fell out of the door, and passengers were disoriented. She said that both fire and police responded in 11 minutes and

commended the officers for handling and de-escalating what could have been a traumatic situation.

Ms. Mallek praised Mr. Bill Letteri, of the Department of Finance, for recently assisting a senior citizen with tax questions.

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

Ms. Palmer said she sent an email to Supervisors yesterday asking to discuss an application for solar projects grant money for the Ivy landfill. The community power group will be submitting two proposals to Dominion Energy in response to its 2019 Solar Energy RFPs. They are submitting proposals for a two megawatt and a 1.5-megawatt solar installation on the old Ivy landfill. The same company made an application a year ago, which did not get funded. The group is asking that both the City and County to send letters of endorsement. She said Ms. Kathy Galvin would bring this same request before the City Council. Ms. Palmer offered to prepare the letter or to have the Communications Director prepare it and have the Chair sign.

Ms. Mallek recalled that the Board endorsed the project the last time and said she fully endorses it now.

Ms. McKeel asked Supervisors to set aside time on a future agenda to allow Brad Sheffield, of JAUNT, to present on an on-demand service pilot for the area of Loaves and Fishes.

Ms. Mallek expressed her support.

Mr. Gallaway said he would work with Mr. Sheffield to schedule a time.

Item No. 24a. Discussion of the process for subordinate public bodies to formally communicate to the Board; placing matters on the public body's agenda; informing affected parties of the proposed communication.

Ms. Mallek said she would like to have the County Attorney share guidance with the Board at a future meeting as to the best ways and procedures to do things to have a more consistent approach. Mr. Kamptner responded that he has some thoughts to share with the Board.

Ms. McKeel said she would like the Board to review the classifications of home occupation businesses in residential areas, as she has observed people operating food trucks and parking them at home as well as landscaping businesses using their homes to store equipment.

Ms. Mallek said she wants to make things easier for a rural support business and wonders where else they can go to store their equipment that does not require an expensive permit.

Ms. McKeel said that she was referring to those who live on half-acre and quarter-acre lots and not rural areas where people have lots of property.

Agenda Item No. 14. Closed Meeting.

At 4:43 p.m., Ms. Palmer **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider:
 1. The annual performance of the Clerk to the Board and the County Attorney; and
 2. Appointments to the ACE Committee and three County advisory committees; and
 3. Candidates for appointment as Director of Community Development; and
- Under Subsection (7), to consult with legal counsel and briefing by staff members pertaining to actual litigation between the Board of Supervisors and the Scottsville Volunteer Rescue Squad; and
- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the requirements of the State Stormwater Management Act, the Water Protection Ordinance, and the Zoning Ordinance to fill waste activities; and
- Under Subsection (19), to receive information pertaining to operations, procedures, tactical planning, security plans and measures, and personnel deployments for the weekend of August 9-12, where discussion in an open meeting would jeopardize the safety of people or the safety of County facilities and buildings.

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

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

Agenda Item No. 15. Certify Closed Meeting.

At 6:09 p.m., Ms. Palmer **moved** that the Board of Supervisors certify by a recorded vote that to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

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

Mr. Randolph moved that the Board make the following appointments/reappointments:

- **appoint** Mr. Thomas Thorpe to the 5th & Avon Community Advisory Committee with said term to expire September 30, 2020.
- **reappoint** Mr. Richard Keeling to the Acquisition of Conservation Easement (ACE) Committee with said term to expire August 1, 2021.
- **reappoint** Ms. Olivia Branch to the Pantops Community Advisory Committee with said term to expire June 30, 2021.
- **appoint** Mr. Peter Thompson to the Places 29 (Rio) Community Advisory Committee with said term to expire September 30, 2021

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

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

NAYS: None.

ABSENT: Mr. Dill.

NonAgenda.

Mr. Randolph read and **moved** adoption of the following Resolution Appointing the Director of Community Development:

**RESOLUTION
APPOINTING THE DIRECTOR
OF COMMUNITY DEVELOPMENT**

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia (the "Board") that, upon the recommendation of the County Executive, Jodie S. Filardo ("Filardo") is hereby appointed the Director of Community Development for the County of Albemarle, Virginia pursuant to Virginia Code § 15.2-512; and

BE IT FURTHER RESOLVED that this appointment shall be effective on and after September 9, 2019; and

BE IT FURTHER RESOLVED that Filardo will serve as Director of Community Development at the pleasure of the Board and for an indefinite tenure pursuant to Virginia Code § 15.2-513; and

BE IT FURTHER RESOLVED that Filardo will act under the supervision of the County Executive.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Mr. Gallaway commented that Ms. Filardo currently lives in Arizona and the Board had a brief conversation with her before the appointment.

Agenda Item No. 17. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Harold Pilar, a resident of the Scottsville District, addressed the Board. He said he has three things on his mind for now with the first being a shooting range. He expressed support for the police range to be open to the public at scheduled times and he advocates for allowing public employees to voluntarily attend a weapons handling course. He said that his second suggestion is that County employees work 36 hours/week during the summer months, with half-days on Fridays, to allow them time

to take vacations and to attend doctor appointments without taking an entire day off, with a reduction in pay to match these hours. He said he used to work for a company that had a 37.5 hour work week and they benefited from reduced absenteeism. His third suggestion was to tax college degrees and master's degrees as assets, similarly to how they tax vehicles.

Agenda Item No. 18. **Public Hearing: FY 2020 Budget Amendment and Appropriations.**
(Advertised in the Daily Progress on July 28, 2019)

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

The cumulative total of the FY 2020 appropriations itemized below is \$24,585,485.23. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2020 Budget Amendment totals \$24,585,485.23. The estimated expenses and revenues included in the proposed amendment are shown below:

The budget amendment is comprised of a total of thirteen (13) separate appropriations. Five (5) have already been approved by the Board on July 3, 2019. Eight (8) appropriation requests for approval on August 7, 2019 are the remaining as described in Attachment A.

After the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment B) for local government and school projects and programs as described in Attachment A.

| <u>Appropriation #2020008</u> | | <u>\$354,346.00</u> |
|--------------------------------------|--|----------------------------|
| Source: | Local Revenue - Central Virginia Regional Jail | \$ 75,000.00 |
| | Federal Revenue | \$ 279,346.00 |

This request is to appropriate \$354,346.00 in funding to Offender Aid and Restoration (OAR) to continue to provide pretrial services in the rural counties serving the Central Virginia Regional Jail. This amount includes \$279,346.00 in grant funding from the Department of Criminal Justice Services, with the County acting as fiscal agent, and a local match of \$75,000.00 from the Central Virginia Regional Jail located in the Town of Orange.

| <u>Appropriation #2020009</u> | | <u>\$62,401.00</u> |
|--------------------------------------|--------------------------------------|---------------------------|
| Source: | State Revenue | \$ 62,401.00 |
| | Reserve for Contingencies – Ongoing* | \$ 54,385.00 |

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

This request is to appropriate \$116,786.00 to the Commonwealth's Attorney for an Assistant Attorney position and related operating and one-time costs pursuant to the Board of Supervisors' action at its July 3, 2019 meeting. In May 2019, the State Compensation Board authorized and provided funding for this position.

After approval, the FY 20 General Fund Reserve for Contingencies balance will be \$176,141.00. Of that amount, \$144,324.00 is for unanticipated expenses that may require ongoing funding and \$31,817.00 is for expenses that may require one-time funding.

| <u>Appropriation #2020010</u> | | <u>\$99,825.00</u> |
|--------------------------------------|--------------------------------|---------------------------|
| Source: | Local Revenue | \$ 49,912.50 |
| | State Revenue – Grant Revenues | \$ 49,912.50 |

This request is to appropriate \$99,825.00 to provide environmental assessment and site remediation planning for the former Barnes Lumber site in Crozet pursuant to the Economic Development Agreement for a Public-Private Partnership (PPP) between the County, the Economic Development Authority (EDA) and Crozet New Town Associates, LLC approved by the Board of Supervisors on June 19, 2019.

This funding includes \$49,912.50 in State revenues from a Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund (VBAF) program grant and \$49,912.50 in local match funding from Crozet New Town Associates, LLC.

| <u>Appropriation #2020011</u> | | <u>\$260,243.02</u> |
|--------------------------------------|-----------------|----------------------------|
| Source: | Federal Revenue | \$ 260,243.02 |

This request is to re-appropriate \$260,243.02 in Federal revenues from a Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant for the following two Albemarle County Fire and Rescue (ACFR) Recruitment and Retention projects:

- 1. A full marketing campaign to recruit new volunteers to increase the public's interest in volunteering.
- 2. Training for leaders within all ACFR agencies to help ensure the retention of existing members.

| | | |
|-------------------------------|------------------------|-----------------------|
| Appropriation #2020012 | | \$1,004,667.16 |
| Source: | ABBA Fund fund balance | \$1,004,667.16 |

This request is to re-appropriate \$1,004,667.16 in Albemarle Broadband Authority (ABBA) Fund fund balance from FY 19 to FY 20. The Albemarle Broadband Authority was formed by the Board of Supervisors in August 2017. The goal of the Albemarle Broadband Authority is to extend affordable broadband internet service access to every customer in Albemarle County. The County serves as the fiscal agent for the ABBA.

| | | |
|-------------------------------|------------------|---------------------|
| Appropriation #2020013 | | \$552,006.80 |
| Source: | State Revenue | \$3,000.00 |
| | ECC fund balance | \$549,006.80 |

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

- Re-appropriate the following items from FY 19 to FY 20, funded by ECC fund balance:
 - \$109,500.00 for the purchase of electronic protocols;
 - \$84,906.80 for information technology infrastructure upgrades and replacements;
 - \$65,000.00 to replace the current elevator;
 - \$20,000.00 to replace HVAC equipment; and
 - \$7,900.00 for employee training.
- Appropriate the following items approved by the ECC Management Board on March 11, 2019, funded by ECC fund balance:
 - \$132,200.00 for information technology infrastructure upgrades and replacements; o \$101,00.00 for phone and computer replacements
 - \$25,000.00 for roof drainage repairs and improvements; and
 - \$3,500.00 for refrigerator replacements.
- Appropriate \$3,000.00 in State funded training for Public Safety Communications personnel.

| | | |
|-------------------------------|---------------------------------------|------------------------|
| Appropriation #2020014 | | \$17,271,781.09 |
| Source: | Local Revenue | \$17,221,781.09 |
| | ECC Capital Project Fund fund balance | \$50,000.00 |

The Emergency Communication Center (ECC) requests that the County, acting as fiscal agent for the ECC, re- appropriate funding for ECC capital projects:

- Re-appropriate the following items from FY 19 to FY 20, funded by Local Revenue. Due to the timing of the annual end of year close out process, these amounts may be adjusted by appropriation in October or November to ensure that these amounts reconcile with the actual FY 19 project budget balances available at the end of the fiscal year.
 - ECC Integrated Public Safety Technology Project CAD \$1,699,493.99
- The local revenue includes \$800,461.67 in County funds and \$899,032.32 from the project partners for the Regional Computer Aided Dispatch (CAD)/ Technology Project. This supports the replacement of multiple outdated computer systems for all public safety agencies within the City, County and University. The project partner shares are: City of Charlottesville – 39.77%, County of Albemarle – 47.10%, and University of Virginia – 13.13%
- Regional 800 MHz Communication System \$15,522,287.10
The local revenue includes \$7,931,888.71 in County funds and \$7,590,398.39 from the project partners for the ECC 800 MHz Regional Communications System Replacement Project. This supports the replacement and upgrade of the infrastructure for the regional 800 MHZ Public Safety Radio System. The project partner shares are: City of Charlottesville – 25.2%, County of Albemarle – 51.1%, University of Virginia – 15.9%, Charlottesville/Albemarle Airport – 2.4%, Rivanna Water & Sewer Authority – 2.4%, Albemarle County Service Authority – 2.0%, and Albemarle Charlottesville Regional Jail – 1.0%
- Re-appropriate the following items from FY 19 to FY 20, funded by ECC Capital Project Fund fund balance:
 - 800 MHZ Radio Augmentation Project \$50,000.00

This re-appropriation supports the completion of the 800 MHz radio system augmentation project which improves system coverage and upkeep of equipment

such as circuit boards, equipment no longer under warranty, generators, uninterrupted power supplies, and recorders for 800 MHz radio system users.

| | | |
|-------------------------------|--|-----------------------|
| Appropriation #2020015 | | \$4,827,907.16 |
| Source: | Economic Development Fund fund balance | \$4,827,907.16 |

This request is to re-appropriate the funding remaining at the end of FY 19 in the Economic Development Fund for the following purposes:

- \$3,941,193.00 for the Economic Development Investment Pool to support future targeted economic development initiatives. The intention is that these resources will leverage/catalyze other possible investment and will provide an immediate and accessible pool of funds for implementing initiatives that will boost business opportunity and create an improved local economy. This amount includes \$1,990,000.00 pursuant to performance agreements or projects previously approved by the Board of Supervisors.
- \$667,000.00 for the Economic Opportunities Fund, which matches economic development grant programs at the State and Federal level that help create jobs and expand capital investment in Albemarle County.
- \$111,000.00 for transfers to the Economic Development Authority (EDA) Fund pursuant to performance agreements previously approved by the Board of Supervisors. This re-appropriation also budgets the corresponding \$111,000.00 in the EDA Fund.
- \$108,714.16 for expenses approved in FY 19 including part-time wages, contractual services, and professional services.

Mr. Andy Bowman, Budget Manager, presented. He said this is a public hearing and action item on a proposed FY 20 budget amendment. The Virginia Code requires the County to hold a public hearing before amending its budget when the total exceeds 1% of the currently adopted budget. The proposed amendment would increase the budget by approximately \$24.6 million, with details of the appropriations contained in Attachment A. He said the funds would be re-appropriated from FY 19 to FY 20 and listed the largest items as follows: \$17.3 million to re-appropriate capital projects for the Regional Emergency Communications Center, \$4.8 million for Economic Development Fund, \$1 million for the Albemarle Broadband Authority, and the appropriations include various state and federal grants. He recommended that the Board adopt the resolution after the public hearing and invited questions.

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

Ms. McKeel **moved** that the Board adopt the proposed Resolution to approve appropriations #2020008, #2020009, #2020010, #2020011, #2020012, #2020013, #2020014, and #2020015 for local government and school division projects and programs as described. The motion was **seconded** by Ms. Mallek.

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

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 2020 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 20 Budget is amended to increase it by \$24,585,485.23;
- 2) That Appropriations #2020008; #2020009; #2020010; #2020011; #2020012; #2020013; #2020014; and #2020015 are approved; and
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2020.

| Fiscal Year: Budget FY20 | | | |
|--------------------------|---------------------------------|---|--------------|
| APP# | Account | Description | Amount |
| 2020008 | 3-1520-24000-324000-240440-1003 | SA2020008 Grant Award - State Contribution | \$279,346.00 |
| 2020008 | 3-1520-19000-319000-190216-1003 | SA2020008 OAR DCJS Grant Award - Central VA Regional Jail | \$75,000.00 |
| 2020008 | 4-1520-29406-421090-566120-1003 | SA2020008 OAR DCJS Grant Award | \$354,346.00 |
| 2020009 | 4-1000-22010-422010-110000-1002 | SA2020009 New assistant cmnwlth attorney | \$85,000.00 |
| 2020009 | 4-1000-22010-422010-210000-1002 | SA2020009 New assistant cmnwlth attorney | \$6,503.00 |
| 2020009 | 4-1000-22010-422010-221000-1002 | SA2020009 New assistant cmnwlth attorney | \$10,379.00 |
| 2020009 | 4-1000-22010-422010-231000-1002 | SA2020009 New assistant cmnwlth attorney | \$8,475.00 |
| 2020009 | 4-1000-22010-422010-232000-1002 | SA2020009 New assistant cmnwlth attorney | \$240.00 |
| 2020009 | 4-1000-22010-422010-241000-1002 | SA2020009 New assistant cmnwlth attorney | \$1,114.00 |
| 2020009 | 4-1000-22010-422010-270000-1002 | SA2020009 New assistant cmnwlth attorney | \$75.00 |
| 2020009 | 4-1000-22010-422010-550100-1002 | SA2020009 New assistant cmnwlth attorney | \$1,300.00 |

| | | | |
|---------|---------------------------------|---|-----------------|
| 2020009 | 4-1000-22010-422010-601200-1002 | SA2020009 New assistant cmnwlth attorney | \$400.00 |
| 2020009 | 4-1000-22010-422010-301223-1002 | SA2020009 New assistant cmnwlth attorney | \$240.00 |
| 2020009 | 4-1000-22010-422010-580100-1002 | SA2020009 New assistant cmnwlth attorney | \$500.00 |
| 2020009 | 4-1000-22010-422010-800700-1002 | SA2020009 New assistant cmnwlth attorney | \$2,560.00 |
| 2020009 | 3-1000-23000-323000-230101-1002 | SA2020009 State Revenue - New asst cmnwlth attorney | \$62,401.00 |
| 2020009 | 4-1000-99900-499000-999990-9999 | SA2020009 Reserve for Contingencies-Ongoing-New asst cmnwlth atty | -\$54,385.00 |
| 2020010 | 3-1512-24000-324000-240053-1008 | SA2020010 VBAF Brownfield Grant - Crozet/Barnes Lumber Site | \$49,912.50 |
| 2020010 | 3-1512-18120-318120-180180-1008 | SA2020010 VBAF Brownfield Grant - Crozet/Barnes Lumber Site - Crozet Newtown Match | \$49,912.50 |
| 2020010 | 4-1512-81050-481050-312210-1008 | SA2020010 VBAF Brownfield Grant - Crozet/Barnes Lumber Site | \$99,825.00 |
| 2020011 | 3-1542-33000-333000-300001-1003 | SA2020011 Re-Approp_FEMA Recruitment & Retention Grant | \$260,243.02 |
| 2020011 | 4-1542-32016-432010-110000-1003 | SA2020011 Re-Approp_FEMA Recruitment & Retention Grant | \$37,642.02 |
| 2020011 | 4-1542-32016-432010-120000-1003 | SA2020011 Re-Approp_FEMA Recruitment & Retention Grant | \$11,239.94 |
| 2020011 | 4-1542-32016-432010-312500-1003 | SA2020011 Re-Approp_FEMA Recruitment & Retention Grant | \$4,102.48 |
| 2020011 | 4-1542-32016-432010-360000-1003 | SA2020011 Re-Approp_FEMA Recruitment & Retention Grant | \$17,090.92 |
| 2020011 | 4-1542-32016-432010-601104-1003 | SA2020011 Re-Approp_FEMA Recruitment & Retention Grant | \$172,564.00 |
| 2020011 | 4-1542-32016-432010-301200-1003 | SA2020011 Re-Approp_FEMA Recruitment & Retention Grant | \$5,900.66 |
| 2020011 | 4-1542-32016-432010-390030-1003 | SA2020011 Re-Approp_FEMA Recruitment & Retention Grant | \$11,703.00 |
| 2020012 | 3-4300-51000-351000-510100-9999 | SA2020012 Re-appropriate Fund Balance | \$1,004,667.16 |
| 2020012 | 4-4300-91097-491097-950030-9999 | SA2020012 Re-appropriate Fund Balance | \$1,000,667.16 |
| 2020012 | 4-4300-91097-491097-130000-1008 | SA2020012 Temp/PT Help | \$3,715.00 |
| 2020012 | 4-4300-91097-491097-210000-1008 | SA2020012 Temp/PT Help | \$285.00 |
| 2020013 | 3-4100-51000-351000-510100-9999 | SA2020013 ECC Fund Balance: 8/7 Apps and Re-apps | \$549,006.80 |
| 2020013 | 3-4100-24000-324000-240552-9999 | SA2020013 E911 Board/VITA training funding | \$3,000.00 |
| 2020013 | 4-4100-31040-435600-800712-1003 | SA2020013 Re-app: Electronic Protocols | \$109,500.00 |
| 2020013 | 4-4100-31040-435600-800700-1003 | SA2020013 Re-app and app: IT infrastructure upgrades and replace | \$217,106.80 |
| 2020013 | 4-4100-31040-435600-550100-1003 | SA2020013 Training (Re-app of \$7,900 for training and app of \$3,000 for state funded) | \$10,900.00 |
| 2020013 | 4-4100-31040-435600-331800-1003 | SA2020013 Re-app: HVAC replacement and elevator and App: roof drainage | \$110,000.00 |
| 2020013 | 4-4100-31040-435600-800201-1003 | SA2020013 App: refrigerator replacements | \$3,500.00 |
| 2020013 | 4-4100-31040-435600-800301-1003 | SA2020013 App: computer and phone replacements | \$101,000.00 |
| 2020014 | 3-4117-19000-319000-160502-9999 | SA2020014 RE-APP-Public Safety CAD/Tech. Proj.: CITY | \$675,888.76 |
| 2020014 | 3-4117-19000-319000-160503-9999 | SA2020014 RE-APP-Public Safety CAD/Tech. Proj.: COUNTY | \$800,461.67 |
| 2020014 | 3-4117-19000-319000-160512-9999 | SA2020014 RE-APP-Public Safety CAD/Tech. Proj.: UVA | \$223,143.56 |
| 2020014 | 4-4117-31061-435600-310000-1003 | SA2020014 RE-APP-Public Safety CAD/Tech. Proj. | \$214,116.00 |
| 2020014 | 4-4117-31061-435600-312710-1003 | SA2020014 RE-APP-Public Safety CAD/Tech. Proj. | \$94,702.58 |
| 2020014 | 4-4117-31061-435600-332100-1003 | SA2020014 RE-APP-Public Safety CAD/Tech. Proj. | \$933,022.86 |
| 2020014 | 4-4117-31061-435600-550100-1003 | SA2020014 RE-APP-Public Safety CAD/Tech. Proj. | \$4,107.42 |
| 2020014 | 4-4117-31061-435600-800150-1003 | SA2020014 RE-APP-Public Safety CAD/Tech. Proj. | \$100,000.00 |
| 2020014 | 4-4117-31061-435600-800700-1003 | SA2020014 RE-APP-Public Safety CAD/Tech. Proj. | \$193,900.18 |
| 2020014 | 4-4117-31061-435600-999996-1003 | SA2020014 RE-APP-Public Safety CAD/Tech. Proj. | \$1,285.04 |
| 2020014 | 4-4117-31061-435600-999999-1003 | SA2020014 RE-APP-Public Safety CAD/Tech. Proj. | \$158,359.91 |
| 2020014 | 3-4110-19000-319000-160502-9999 | SA2020014 ECC 800 MHz Regional Comm. Sys. CITY | \$3,911,616.35 |
| 2020014 | 3-4110-19000-319000-160503-9999 | SA2020014 ECC 800 MHz Regional Comm. Sys. COUNTY | \$7,931,888.71 |
| 2020014 | 3-4110-19000-319000-160512-9999 | SA2020014 ECC 800 MHz Regional Comm. Sys. UVA | \$2,468,043.65 |
| 2020014 | 3-4110-19000-319000-160534-9999 | SA2020014 ECC 800 MHz Regional Comm. Sys. CHO | \$372,534.89 |
| 2020014 | 3-4110-19000-319000-160627-9999 | SA2020014 ECC 800 MHz Regional Comm. Sys. RSWA | \$372,534.89 |
| 2020014 | 3-4110-19000-319000-160633-9999 | SA2020014 ECC 800 MHz Regional Comm. Sys. ACSA | \$310,445.74 |
| 2020014 | 3-4110-19000-319000-181314-9999 | SA2020014 ECC 800 MHz Regional Comm. Sys. ACRJ | \$155,222.87 |
| 2020014 | 4-4110-31058-435600-950185-1003 | SA2020014 ECC 800 MHz Regional Comm. Sys. | \$15,522,287.10 |
| 2020014 | 3-4110-51000-351000-510100-9999 | SA2020014 Fund Balance - 800 MHz Radio Augmentation Project | \$50,000.00 |
| 2020014 | 4-4110-31060-435600-300204-1003 | SA2020014 800 MHz Radio System | \$700.00 |
| 2020014 | 4-4110-31060-435600-312105-1003 | SA2020014 800 MHz Radio System | \$3,096.43 |
| 2020014 | 4-4110-31060-435600-800150-1003 | SA2020014 800 MHz Radio System | \$10,000.00 |
| 2020014 | 4-4110-31060-435600-800305-1003 | SA2020014 800 MHz Radio System | \$36,203.57 |
| 2020015 | 3-1820-51000-351000-510100-1008 | SA2020015 Re-app: Econ Dev Fund | \$4,827,907.16 |
| 2020015 | 4-1820-81050-481050-130000-1008 | SA2020015 Re-app: Econ Dev Fund | \$5,155.00 |
| 2020015 | 4-1820-81050-481050-210000-1008 | SA2020015 Re-app: Econ Dev Fund | \$479.75 |
| 2020015 | 4-1820-81050-481050-310000-1008 | SA2020015 Re-app: Econ Dev Fund | \$65,879.41 |
| 2020015 | 4-1820-81050-481050-312210-1008 | SA2020015 Re-app: Econ Dev Fund | \$37,200.00 |
| 2020015 | 4-1820-93010-493010-930222-1008 | SA2020015 Re-app: Econ Dev Fund | \$111,000.00 |
| 2020015 | 4-1820-99900-499000-999954-1008 | SA2020015 Re-app: Econ Dev Fund | \$3,941,193.00 |
| 2020015 | 4-1820-99900-499000-999987-1008 | SA2020015 Re-app: Econ Dev Fund | \$667,000.00 |
| 2020015 | 3-6850-51000-351000-512000-9999 | SA2020015 Re-app: transfer from Econ Dev Fund | \$111,000.00 |
| 2020015 | 4-6850-91095-491095-950029-1008 | SA2020015 Re-app: from Econ Dev Fund: VJIP | \$111,000.00 |

Agenda Item No. 19. **Public Hearing: Ordinance to Update the Address of the Branchlands Precinct Polling Place Location.**

To receive comments on its intent to adopt an ordinance to amend County Code Chapter 2, Administration, Article I, Elections, by amending Section 2-102, Rio Magisterial District, to update the official address of the Senior Center, the polling place for the Branchlands Precinct, to 491 Hillsdale Drive.

(Advertised in the Daily Progress on July 22 and July 29, 2019)

The Executive Summary forwarded to the Board states that on November 6, 2017, after the extension of Hillsdale Drive was completed, the address of the Senior Center, which is the polling place for the Branchlands precinct of the Rio Magisterial District, was officially changed from 1180 Pepsi Place to 491 Hillsdale Drive.

Staff has prepared the attached draft ordinance (Attachment A) to amend County Code § 2- 102, Rio Magisterial District, to update the address of the Senior Center as 491 Hillsdale Drive.

The adoption of the proposed ordinance would require that the Registrar's Office mail out new voter cards to the voters in the Branchlands Precinct at an approximate cost of \$1,100.00.

The Registrar expects to be able to fund the approximate \$1,100.00 mailing cost from his current FY 20 Budget.

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

Mr. Anthony Bessette, Senior Assistant County Attorney, addressed the Board. He said the Branchlands polling place located at the Senior Center has officially changed its legal address from 1180 Pepsi Place to 491 Hillsdale Drive and this ordinance amendment would reflect that change.

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

Mr. Gallaway **moved** that the Board adopt the proposed Ordinance. The motion was **seconded** by Mr. Randolph.

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

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

NAYS: None.

ABSENT: Mr. Dill.

ORDINANCE NO. 19-2(2)

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE 1, ELECTIONS, 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 2, Administration, Article 1, Elections, is hereby amended and reordained as follows:

By Amending:

Sec. 2-102 Rio Magisterial District.

Chapter 2. Administration

Article 1. Elections

.....

Sec. 2-102 Rio Magisterial District.

The Rio Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the South Fork Rivanna River; then northeast along Seminole Trail to its intersection with Dickerson Lane (State Route 763); then west along Dickerson Lane to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then south along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Earlysville Road

(State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east along Whitewood Road to its intersection with Greenbrier Drive; then southeast along Greenbrier Drive to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with Charlottesville's northern city limits; then along the Charlottesville city limits east to its intersection with the Rivanna River; then meandering north along the Rivanna River to its confluence with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River, to Seminole Trail (U.S. Route 29), the point of origin.

B. *Precincts.* The district shall be divided into five precincts, which are described as follows:

1. *Agnor-Hurt Precinct.* Beginning at Seminole Trail (U.S. Route 29) and its intersection with Greenbrier Drive; then northeast along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering west and south along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east along Whitewood Road to its intersection with Greenbrier Drive; then southeast along Greenbrier Drive to its intersection with Seminole Trail, the point of origin.
2. *Branchlands Precinct.* Beginning at Charlottesville's northern city limits and its intersection with Denice Lane and Rio Road East (State Route 631); then northwest along Rio Road East to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to Charlottesville's northern city limits; then east along the Charlottesville city limits to its intersection with Denice Lane and Rio Road East, the point of origin.
3. *Dunlora Precinct.* Beginning at Rio Road East (State Route 631) at its intersection with the Norfolk Southern Railway right-of way and the Charlottesville city limits; then northeast along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and the Rivanna River; then running south along the Rivanna River to its intersection with the Charlottesville city limits; then south and west along the Charlottesville city limits to its intersection with the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way and the Charlottesville city limits to its intersection with Rio Road East, the point of origin.
4. *Northside Precinct.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the South Fork Rivanna River; then northeast along Seminole Trail to its intersection with Dickerson Lane (State Route 763); then west along Dickerson Lane to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then South along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering east along the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29), the point of origin.
5. *Woodbrook Precinct.* Beginning at Charlottesville's northern city limits and its intersection with Rio Road East (State Route 631) and the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River; then meandering northwest along the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with Rio Road East (State Route 631); then southeast along Rio Road East to its intersection with the Norfolk Southern Railway right-of-way and Charlottesville's northern city limits, the point of origin.

C. *Polling places.* Each precinct shall have a polling place at the location identified below:

1. *Agnor-Hurt Precinct.* Agnor-Hurt Elementary School, 3201 Berkmar Drive.
2. *Branchlands Precinct.* Senior Center, 491 Hillsdale Drive.
3. *Dunlora Precinct.* Charlottesville-Albemarle Technical Education Center, 1000 East Rio Road.
4. *Northside Precinct.* Earlysville Volunteer Fire Station, 283 Reas Ford Road.
5. *Woodbrook Precinct.* Woodbrook Elementary School, 100 Woodbrook Drive.

State law reference—Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

Agenda Item No. 20. Public Hearing: Ordinance to Amend County Code Chapter 9, Motor Vehicles (School Bus Arm).

To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 9, Motor Vehicles and Traffic, Article VIII, Video-Monitoring System, to provide that: i) the system support provided by contracted private entities includes charging and prosecuting violations; ii) a private provider of video-monitoring systems and related support services may obtain records on behalf of the County regarding the registered owners of vehicles captured by a video-monitoring system; iii) only law enforcements officers of the County may authorize the issuance of a civil summons or ticket to violators; iv) personal information collected by the system shall be limited pursuant to Virginia Code § 46.2-208(B)(30); v) a civil summons for a violation may be executed pursuant to Virginia Code § 19.2-76.2 and by mailing a copy to the vehicle owner at the address contained in the records of the Virginia Department of Motor Vehicles to include information and directions regarding rebutting the allegation by filing an affidavit; and vi) civil penalties shall be paid to the County, and to make other minor revisions consistent with Virginia Code § 46.2-844. *(Advertised in the Daily Progress on July 22 and July 29, 2019)*

The Executive Summary forwarded to the Board states that Virginia Code §§ 46.2-208 and 46.2-844 authorize the County to enact ordinances and contract with private vendors to administer a video-monitoring system on school buses. Recent amendments to the Virginia Code expressly permit such vendors to have access to records of the Department of Motor Vehicles. The changes recommended in the attached proposed ordinance (Attachment A) would conform the Albemarle County Code to those Virginia Code changes and authorize a video-monitoring program that meets legal requirements.

The attached proposed ordinance (Attachment A) incorporates Virginia Code amendments from the 2019 General Assembly session, as well as prior changes to the Virginia Code that have not previously been included in the County Code.

Virginia Code § 46.2-844 permits but does not require any civil penalties collected to be remitted to the School Board. The current proposed ordinance provides that any civil penalties collected would be remitted to the County. If the proposed ordinance is adopted and the program implemented, staff will come back to the Board approximately one year after the program is implemented to report the actual budget impact so the Board can determine what portion, if any, of the collected civil penalties should be appropriated to the School Board.

Implementing a school bus arm camera program would have a staffing and an administrative impact to the Police Department, and would impact the workloads of staff in the County Attorney's Office and the Finance Department. Staff anticipates that those impacts could be handled by existing staff, but that Police Department staff would have to work overtime to verify violations. See Attachment B for more information about the program, as well as a detailed budget impact analysis that includes an assumption of 10 busses being fitted with cameras.

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

Mr. Kamptner presented. He explained that the current regulations have allowed stop-arm video monitoring but the one impediment was express language to be clear that they are consistent with State law that any vendor could not receive information from the Department of Motor Vehicles as to owner-related information. He said the General Assembly passed legislation which allows that information and directs the Commissioner to provide that information to a third-party vendor so it can match up the vehicle shown in the video with the owner of the vehicle. He said this amendment removes the impediment and opens the door for vendors to receive this information. He said staff also cleaned up the enforcement provisions in § 9-802 so that it is consistent with the language in the State law. He noted that the slide presented gives a brief outline of how the enforcement process would go after the information is reviewed by the vendor and then sent to the Police Department, which would issue the summons. He noted that the fine is a civil penalty and if the defendant decides to go to court his office would be involved, while Department of Finance would process payments. He said staff proposes to allocate the monies to the County and not to the School Division as they want to make sure the revenues cover the costs of Police, the County Attorney, and Department of Finance time. He said that as time goes on the vendor may provide some services, such as collections.

Ms. McKeel remarked that she is thrilled this is taking place before school starts and recognized Mr. Kamptner for his work.

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

Mr. Gallaway commented that there would be a cost of overtime for the police to review, though it does not seem to be very high. He suggested that any revenue beyond what is necessary to cover costs go towards outreach and education. Mr. Kamptner responded that staff would be monitoring the process.

Ms. Mallek asked who would go on the radio to inform the public of the consequences of passing school buses. Mr. Gallaway responded that it would probably be Communications and Public Engagement.

Ms. McKeel recalled that at a recent meeting Jim Foley, Director of Pupil Transportation for Albemarle County Public Schools, said that buses that pass through the City are having a lot of trouble with people illegally passing them and she wondered if County staff can work together with the City on an education program.

Ms. Mallek asked Mr. Kamptner if they have the authority to ticket people in the City. Mr. Kamptner responded that he would talk with the Office of the Commonwealth's Attorney, though he presumes that information on the violation can be passed to the City Commonwealth's Attorney Office.

Ms. McKeel **moved** that the Board adopt the proposed Ordinance. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

ORDINANCE NO. 19-9(1)

AN ORDINANCE TO AMEND CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, ARTICLE VIII, VIDEO-MONITORING SYSTEM, 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 9, Motor Vehicles and Traffic, Article VIII, Authorizations, is hereby amended and reordained as follows:

By Amending:

Sec. 9-800 Definitions.

Sec. 9-801 Authorizations

Sec. 9-802 Passing stopped school buses violations; civil penalty.

Chapter 9. Motor Vehicles and Traffic

Article VIII. Video-Monitoring System

.....

Sec. 9-800 Definitions.

For the purposes of this article and, unless otherwise required by the context, "video-monitoring system" shall mean a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of Virginia Code § 46.2-859. Such system shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in Virginia Code § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.

(Ord. 14-9(1), 7-2-14)

State law reference - Va. Code § 46.2-844

Sec. 9-801 Authorization

- A. *Authorization.* Pursuant to Virginia Code § 46.2-844(B)(1), the County authorizes the school division to install and operate video-monitoring systems in or on the division's school buses.
- B. *Private entities.* Pursuant to the Virginia Public Procurement Act, the school division may enter into an agreement with a private entity to provide the video-monitoring systems and all related support services, to include consulting, operations, and administration for the purpose of recording, charging, and prosecuting violations of Virginia Code § 46.2-844(A). Only a law enforcement officer employed by the County may authorize the issuance of a civil summons or ticket pursuant to this article.
- C. *Restricted collection of information.* Personal information collected by a video-monitoring system installed and operated pursuant to this article shall be limited exclusively to that information that is permitted by Virginia Code § 46.2-208(B)(30).

(Ord. 14-9(1), 7-2-14)

State law reference – Va. Code §§ 46.2-844, 46.2-208.

Sec. 9-802 Passing stopped school buses violations; civil penalty.

- A. *Elements of violation.* The driver of a vehicle will be deemed to be in violation of this section if the driver fails to stop the vehicle when approaching, from any direction, any school bus which is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, and if the vehicle fails to remain stopped until all of those persons are clear of the highway, private road, or school driveway and the bus is put in motion.

- B. *Evidence of violation.* In any prosecution for which a civil summons is issued within 10 days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Code of Virginia, shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred.

The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in Virginia Code § 46.2-1090 is *prima facie* evidence that the vehicle is a school bus.

- C. *Civil summons.* A civil summons for a violation of this section may be executed as provided in Virginia Code § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy to the address of the owner of the vehicle contained in the records of the Virginia Department of Motor Vehicles. Every mailing shall include, in addition to the summons, a notice of: (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in Virginia Code § 46.2-844(A); and (ii) instructions for filing the affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons, the summons shall be executed in the manner set out in the Virginia Code. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.

- D. *Civil Penalties.* The operator of a vehicle deemed to be in violation of this section shall be subject to the following:

1. *Amount of civil penalty.* Any violation of this section shall be subject to a civil penalty of \$250.00, payable to Albemarle County.
2. *Civil penalties are in lieu of criminal penalties.* A prosecution or proceeding under Virginia Code § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under Virginia Code § 46.2-859 for the same act.

(Ord. 14-9(1), 7-2-14)

State law reference – Va. Code § 46.2-844

Agenda Item No. 21. **Public Hearing: ZTA 201700001 Homestay (previously Transient Lodging).**

To receive comments on its intent to adopt of the following ordinance changes to the Albemarle County Code: ZTA 201700001 Homestay (previously Transient Lodging): Amend Section 18-3.1 to remove the definitions of bed and breakfast and tourist lodging and add a definition for homestay; Remove and Retitle Section 18-5.1.17 to Homestays; Retitle Section 18-5.1.48 from Bed and Breakfast to Homestays; Amend Section 18-5.1.48 to clarify that residency on a parcel requires at least 180 days of residency within a calendar year, require homestays to be owner-occupied, require homestay owners to provide the contact information for the owner and other designated agent to abutting property owners, permit an entire residence in the Rural Areas Zoning District to be rented for a maximum of 45 days in a calendar year and a maximum of seven days in any one month during the calendar year; Amend Section 18-10.2.1 to replace the term "bed and breakfast" with the term "homestay"; Amend Sections 18-12.2.1, 18-13.2.1, 18-14.2.1, 18-15.2.1, 18-16.2.1, 18-17.2.1, 18-18.2.1, 18-20A.6 and 18-20B.6 to replace the term "tourist lodgings" with the term "homestays"; Amend Sections 18-19.3.1 and 18-20.3.1 to add homestays as a by-right use; Amend Section 18-4.12.6 to replace the terms "tourist lodging" and "bed and breakfast" with the term "homestay," require one off-street parking space per guest room in addition to the parking required for a single family dwelling, and exclude homestays from eligibility for parking alternatives; Amend Section 18-35.1(f)(3) to replace the term "tourist lodging" with the term "homestay".

(Advertised in the Daily Progress on July 22 and July 29, 2019)

The Executive Summary forwarded to the Board states that on May 3, 2017, the Board of Supervisors prioritized the review of the homestay use (previously known as "transient lodging," "bed and breakfasts," and "accessory tourist lodging") by adopting a Resolution of Intent and related updates to the County's taxation and licensing regulations. Many unlicensed homestays are not permitted under the current Zoning Ordinance regulations because they involve whole house rental (rental when the owner/manager is not present). Some of the proposed changes to the Homestay regulations include permitting whole house rental on large rural parcels when the owner/manager is not present, clarifying parking requirements, restricting the use of accessory structures, and requiring owner occupancy for home stay uses. Work sessions were held by the Board and Planning Commission regarding the scope, process and proposed text for the zoning text amendment (ZTA).

After the Board's public hearing on June 19, 2019, the Board suggested consideration of the following changes during its review of the proposed ordinance:

1. Clarify that homestay parking is not eligible for parking alternatives listed in County Code § 18-4.12.8.
2. Provide that the homestay use of accessory structures constructed after August 7, 2019 be authorized only by special exception for RA properties of 5 acres or greater.
3. Require that all homestays be owner-occupied, except that the use of a manager that resides on the same parcel as the homestay be authorized by special exception.

The revision related to parking is simply a clarification of what has been discussed as the applicable regulation throughout the ordinance amendment process. The use of accessory structures for a homestay use is only provided for large lot RA properties (of 5 acres or greater). The revised language supports the re-use of existing, rather than construction of new, accessory structures for a homestay use.

On June 19, there appeared to be consensus regarding the owner-occupancy requirement for residentially-zoned properties. As currently written, this requirement applies to all zoning districts with the provision of a special exception. The Board may choose to apply the requirement to: a) all districts; b) only the residential zoning districts; or c) the residential and small-lot RA districts since they are under the same proposed regulatory scheme.

Additional staffing needs have been identified to close the compliance gap and implement annual inspections. This impact has been addressed through a short-term budget funding request which was approved by the Board for FY 2020. A memorandum briefly describing the tools, resources, and implementation plan for enforcement is included as Attachment F.

Staff recommends that the Board adopt the attached proposed ordinance (Attachment E).

Mr. Bart Svoboda, Zoning Administrator/Director of Zoning, presented. He was joined by Ms. Amelia McCulley, Deputy Director, Community Development; Rebecca Ragsdale, Principal Planner; Lea Brumfield, Senior Planner; and Lisa Green, Code Enforcement Manager. He said he would review changes to the draft discussed on July 18 and address two compliance items, with the goal to adopt the new provisions tonight. He presented a timeline that began on May 3, 2017. He reminded all that homestays are short-term rentals of 30 days or less that are accessory to the primary residential use and this ordinance does not apply to long-term house rentals. He said they are doing this to comply with Comprehensive Plan strategies, to protect rural areas, and to limit impacts to neighbors and neighborhoods in the rural areas.

He presented a slide with a list of the new regulations for which there is consensus, as determined at the June 19 Board meeting. He recapped the three types of properties covered: rural area, lots greater than 5 acres in the rural areas, and lots less than 5 acres within the development area. He said he would review changes to the areas of consensus, including clarification that parking requirements may not be waived, for which they have added the following statement to § 4.12-6: "The use is not eligible for parking alternatives.", and § 4.12-8. A second change he reviewed was a requirement that all homestays must be owner occupied, with potential special exceptions. A third was that accessory structures used for homestays must be built before August 7, 2019, with the option of obtaining a special exception.

Ms. Palmer asked Mr. Svoboda to explain what types of special exceptions could be allowed to the requirement that homestays be occupied.

Ms. McKeel added that she would like to know who would determine if a special exception would be made.

Ms. McCulley responded that special exceptions are heard by the Board of Supervisors, involve neighbor notice, with a criteria that there not be a detriment to any abutting lot and that there is no harm to public health, safety, or welfare.

Ms. Palmer asked if the requirement for a property to be owner-occupied could include a manager. Ms. McCulley responded that a homestay use is accessory to a primary residential use and, if an owner does not occupy it as their residence, they could seek a special exception to allow a manager to live there as a primary residence and have a homestay accessory use. She used a hypothetical example of a resident having to move due to a job relocation.

Ms. McKeel asked for clarification that the manager must be in the house. Mr. Svoboda responded that they must be in the house or in another dwelling on the parcel.

Ms. Mallek asked Mr. Svoboda if he has developed criteria for a special exception to the requirement that it be built as of now, as she wonders what the reasons could be for such a special exception. Mr. Svoboda responded that they have, such as a when the owner owns an adjacent parcel and there is enough space and the neighbor does not object to the 125 foot setback.

Ms. Mallek recalled that the 125 foot does not have an asterisk and is something they do not want people to be able to wiggle out of in small lots. Mr. Svoboda remarked that he confused setback with accessory structure. Ms. McCulley added that Ms. Mallek's question was specific to new accessory structures built for the purpose of homestays after the date of ordinance adoption. She said staff has not developed all criteria and want to have some experience and then come back to the Board in six months.

Mr. Svoboda recognized that there is a compliance gap between what they have now and what they want to have. He said they want to be proactive in providing notification, using the LTA third-party software to research the number of active homestays and come back to the Board in March with results of their compliance enforcement efforts. He noted that they have received approval for a temporary part-time intake specialist to help process the first phase and the software is funded through 2020. He explained that the software targets homestay websites and advertising and matches by category.

Ms. McCulley reminded the Board that the plan was always to begin with educational outreach to bring people into compliance with a proper permit and proper finance scheme for running that business.

Mr. Svoboda recalled Mr. Randolph's question at the last meeting about the registry. He said that fire/rescue items and the registry are separate parts of the Code and not within the Zoning Ordinance. He concluded and invited questions.

Ms. Mallek observed that at the beginning of the presentation there was something about meals and meetings be offered, though she does not recall this being discussed. Mr. Svoboda responded that a homestay owner is allowed to have meals and meetings, provided the attendees are guests of the homestay. Ms. McCulley remarked that it is a common misconception that events can be held with attendees from outside, which is not the case.

Mr. Gallaway opened the public hearing.

Mr. Robert Tupelo-Schneck, a resident of the Rivanna District, addressed the Board. He said his wife operates a homestay out of their home and he recognized County staff for their helpfulness during the approval process. He said the homestay has been a godsend for his family as it has enabled his wife to work at home while caring for their youngest child and the extra income is critical to his family's financial well-being. He said he initially did not pay much attention to the process leading to the new regulations because they thought the intention was to broaden opportunities for room rentals, which he noted still appears on the County's website. Some early documents from a couple of years ago talk about making changes to allow more homestays to remain in conformity. He said the new rules would be more restrictive for most, though County staff has reassured him that his existing zoning approval would continue to apply and some grandfather provisions would apply, for which he and his wife are grateful. He urged the Board to expand opportunities for residential homestays rather than restricting them as there are many families that could benefit from the financial opportunity of a homestay. He recognized that people in the rural areas with more than five acres can now do whole-house rentals for some small amount of time, though this is a relatively small part of the County's population and is the only group that would see its opportunities for homestays expanded. He urged the Board to recognize that this ordinance will mostly have the affect of increasing restrictions on homestays, providing more hoops for people to jump through and in some cases forbidding what would be allowed today.

Mr. Larry McElwain, a resident of the Rio District, addressed the Board. He said he is a real estate lawyer and has been practicing in Charlottesville for 45 years. He said that he and his wife have been living on their property for 35 years, and there are new owners adjacent to the property that own two parcels containing five dwelling units, which they intend to rent out. He said the owner is a limited liability company and wondered if the owner-occupied provision would apply to an LLC with many members and if they get 45 days in each one of the parcels. He expressed concern that they could triple up on one piece of property for a significant number of days. He also expressed concern that the County would rely on complaints for enforcement, which would pit neighbor against neighbor, and it would be difficult to obtain compliance and monitoring of the taxation of gross receipts.

Ms. Susan Smith, a resident of the White Hall District, addressed the Board. She characterized homestays as being open-hearted, sharing, based on mutual trust, and the perfect remedy to the PR nightmare where even mentioning Charlottesville evokes racist violence. She said that gracious homestays are family-friendly and help heal the area's reputation, benefiting tourism and other businesses. The goal of the ordinance revision should be to make more operators legal and tax paying and to regulate only those issues affecting health, safety, and welfare, and not to throw up obstacles, make compliance difficult and remove as many as possible. She observed that the work that has gone into it has yielded a pretty good ordinance that takes care of parking, visitor turnover, oversight of guests, consideration for neighbors, safety, visitor satisfaction, checks development, and still allows for some whole-house rentals. She expressed concern that rentals would not be permitted if a residence and guest house are on separate parcels as well as with the recent change from owner/manager to owner, as those with second homes would not be allowed to have short-term rentals. She said that the prohibition of rentals in some places would lead to vacant buildings rather than affordable housing. The ordinance works perfectly well to accomplish all legitimate goals without the residency requirement and does not benefit the health, safety, or welfare and it makes it impossible for owners of second homes to comply. She said the ordinance revisions would make it a magnet for legal challenges, like the suit against Fairfax Board of Supervisors, and if the County's ordinance is voided due to overreaching everything it achieves would be lost.

Mr. William Hamersky, a resident of the Samuel Miller District, addressed the Board. He stated that someone purchased property adjacent to his property a year or two ago with the intent of making it an investment; this person also owns two other properties. He recounted how he had to call the police about fireworks because the owner had rented out the property many times. He said he was glad to see language about the number of rental days. He asked if weddings would be allowed in homestays.

Mr. Michael Webber, a resident of the Samuel Miller District, addressed the Board. He said he has followed this process from the beginning, believes it is extremely well-run. There is not going to be a perfect solution and it is time to adopt the proposals as they are written and they would be able to refine them with experience. He said he was pleased with the emphasis on owner occupancy, even though there are exceptions. He added that people who are not owner-occupying are running a hotel.

Mr. Jim Donahue, President, Canterbury Hills Neighborhood Association, addressed the Board. He said the Association fully supports the ordinance, as stated. The Board has adequately addressed all the concerns outlined in correspondence from the Association's Secretary Bob Garland.

With no further comments from the public, the public hearing was closed.

Ms. Palmer responded to Mr. Hamersky that weddings are not allowed.

Mr. Kamptner addressed Mr. McElwain's question about LLC owners. He said the ordinance defines the owner as the person who owns the fee and can include artificial entities but here they are talking about the act of occupying something. He said they would continue with this interpretation and, if amendments are warranted, staff can look at that, though their official entity would not be able to occupy as the owner/occupant.

Ms. Mallek asked if older properties with many houses that were constructed before the current zoning was established would be allowed to be occupied, as described by Mr. McElwain. Mr. Kamptner explained that the residency requirement is that the owner of the parcel reside on the parcel at which the homestay is located.

Ms. Mallek asked if multiple dwelling units on a parcel would all qualify for use. Mr. Svoboda pointed out that there is a limit on the number of bedrooms, depending on the acreage.

Ms. McCulley added that no matter how many legal, non-conforming dwellings exist on a large rural area 5+ acre parcel one cannot have more than two homestay uses, with each homestay use having a maximum of five guestrooms, for a maximum of ten guestrooms.

Ms. Palmer asked if a property owned by an LLC would have to change the ownership to an individual in order to use it as a homestay. Mr. Svoboda responded that they could apply for a special exception. Mr. Kamptner added that a family trust can qualify for a family subdivision.

Ms. Mallek asked for confirmation that a situation with five unrelated owners would not qualify as a family anything. Mr. Kamptner responded that it would not, for the reasons explained by Mr. Svoboda and Ms. McCulley, as there is a cap on the number of homestays allowed on a parcel.

Regarding Mr. McElwain's concern about enforcement, Ms. Palmer said they have had a tremendous amount of discussion as to how they would monitor and enforce this, they recognize the need for additional staff, and the registry would help. Ms. McCulley added that the staff are being proactive in trying to close the gap in businesses that are not permitted.

Ms. Palmer recalled that the first speaker remarked that if he was not already grandfathered this would have restricted his ability to have homestays. She said she assumes this has something to do with the number of bedrooms. Mr. Svoboda responded that it could be bedroom, acreage, or situational based on geography, such as greater than or less than five acres.

Ms. McCulley remarked that there are a couple of aspects in which the proposed regulations are more restrictive than the current regulations, including the owner occupancy and responsible manager requirements, setbacks, and a reduction in the number of guestrooms for smaller acreage properties. She said the permission for whole-house rentals in large rural area properties for a limited number of days is a new provision.

Ms. Palmer pointed out that there is not a limit on the number of days as long as the owner lives on the property at all times. Mr. Svoboda recognized that some existing owners with three bedrooms may only qualify for two bedrooms under the new ordinance.

Mr. Gallaway acknowledged that compliance would be driven by citizen complaints, which is the case when people call the police to report too much noise. He said his concerns about being on the less restrictive side have been addressed with grandfathering and the special exception process. He added that the County cannot regulate behavior and even with these restrictions there would be some who do not oblige. He recalled that Mr. Randolph had brought up an example that another community used successfully in regard to a responsible agent or process and asked if they could have a discussion as to why a provision is or is not included.

Ms. Palmer explained why she has undergone a revolution in thinking on this from that of being less restrictive to now being more restrictive. She recognized the number of complaints the County has

received, as those who purchase a new home have a certain expectation of the zoning and then find that there are issues of parking and noise. She stated that zoning has to matter. She said that she believes they have made a good compromise and recognized the work of staff.

Mr. Randolph added that they added adaptability with the special exception.

Ms. McKeel recognized Ms. McCulley and staff for not looking at this as an all or nothing and for looking at it from the types of communities the County has, which was critical, as her older, urban rings are losing affordable housing to Airbnbs. She said that in the two years it has taken the Board to work out this issue they have seen other communities become more restrictive, including cities globally, such as Amsterdam.

Ms. Mallek said she has been on the stricter side since the beginning because she believes that neighbors have rights too. She added that the rules in the County have been evolving over 50 years and are based upon the principle that everyone has rights. She said they have achieved something that is defensible, strong, and able to be carried out. She said she is not thrilled with their reliance on neighbors informing on neighbors but they all have to stand up for themselves and she encouraged people to make complaints.

Mr. Randolph expressed his agreement with the comments made by Ms. Palmer, Ms. McKeel, and Ms. Mallek. He said this ordinance strikes the right balance between individual rights to operate a business while protecting the best interest of neighbors and rural, neighborly values, though the devil is in the details of compliance for which he looks forward to what staff would devise. He expressed hope that a compliance protocol and regime would be as seamless and high technology as possible without the reliance of neighbors informing on one another.

Mr. Randolph then **moved** that the Board adopt the proposed Ordinance to approve ZTA 201700001 Homestay. The motion was **seconded** by Ms. Mallek.

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

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

Ms. Mallek remarked that during the two years they have been debating the issue of homestays there was lots of time for people to obtain a permit and they lost the opportunity to become already established, which is something the Board cannot take the blame for.

ORDINANCE NO. 18-18(6)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending and Renaming:

Sec. 5.1.48 ~~Bed and Breakfast Homestay~~

By Amending:

Sec. 3.1 Definitions
Sec. 4.12.6 Minimum Number of Required Parking Spaces for Scheduled Uses
Sec. 10.2.1 By Right
Sec. 12.2.1 By Right
Sec. 13.2.1 By Right
Sec. 14.2.1 By Right
Sec. 15.2.1 By Right
Sec. 16.2.1 By Right
Sec. 17.2.1 By Right
Sec. 18.2.1 By Right
Sec. 19.3.1 By Right
Sec. 20.3.1 By Right
Sec. 20A.6 Permitted Uses
Sec. 20B.2 Permitted Uses

By Repealing:

Sec. 5.1.17 Tourist Lodging

CHAPTER 18. ZONING

ARTICLE I. GENERAL PROVISIONS

3.1 DEFINITIONS

...

Homestay: “Homestay” means an accessory residential use providing transient lodging and rooms for dining and meetings for use by homestay guests provided that the dining and meeting rooms are subordinate to the homestay use. A homestay use may offer no more than five guest rooms for lodging.

...

Responsible agent: “Responsible agent” means for a homestay use, an owner, manager, management company, rental agent or individual who is identified in the zoning clearance.

...

Whole house rental: “Whole house rental” means a homestay use during which the owner or manager is not required to be present. (See County Code § 18-5.1.48).

...

ARTICLE II. BASIC REGULATIONS

4.12.6 MINIMUM NUMBER OF REQUIRED PARKING SPACES FOR SCHEDULED USES

Except when alternative parking is approved as provided in section 4.12.8, the following schedule shall apply to determine the number of required off-street parking spaces to be provided in a particular situation. If a particular use is not scheduled, then section 4.12.7 shall apply.

...

Homestay: One off-street space per guest room in addition to the parking required for the dwelling unit.

...

5.1.48 HOMESTAYS

Each homestay is subject to the following regulations:

- a. *Residency*. The owner of the parcel or a manager of the homestay must reside on the parcel for a minimum of 180 days in a calendar year.
- b. *Notice*. The owner of a parcel conducting a homestay use must provide the name, telephone number, and emergency contact information of the owner and of any manager or other designated agent to abutting property owners on an annual basis. The owner must retain and provide a copy of the notice to the Zoning Administrator within five business days upon request.
- c. *Parking*. In addition to the parking required for a single-family dwelling, the number of off-street parking spaces required by County Code § 18-4.12.6 must be provided on-site.
- d. *Information and sketch plan to be submitted with request for zoning clearance*. The following documents must be submitted to the zoning administrator with each request for a zoning clearance under County Code § 18-31.5:
 - 1. *Information*. Information pertaining to the following: (i) the proposed use; (ii) the maximum number of guest rooms; (iii) the provision of authorized on-site parking; (iv) the location, height and lumens of outdoor lighting; and (v) two forms of verification of the permanent residency of an owner or manager. Acceptable proof of permanent residence includes: driver's license, voter registration card, U.S. passport, or other document(s) that the zoning administrator determines provide equivalent proof of permanent residence at the subject property.
 - 2. *Sketch plan*. A schematic drawing of the premises with notes in a form and of a scale approved by the zoning administrator depicting: (i) all structures that would be used for the homestay; (ii) the locations of all guest rooms; and (iii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this chapter.
 - 3. *Signatures*. The responsible agent and the owner of the parcel must sign the application.
- e. *Building code, fire and health approvals*. Before the zoning administrator approves a zoning clearance under County Code § 18-31.5, the owner of the parcel or a manager of the homestay must obtain approval of the use from the building official, the fire official, and the Virginia Department of Health.
- f. *Uses prohibited*. The following uses are not permitted as uses accessory to a homestay use: (i) restaurants; and (ii) special events serving attendees other than homestay guests.

- g. *Responsible agent.* Each applicant for a homestay must designate a responsible agent to promptly address complaints regarding the homestay use. The responsible agent must be available within 30 miles of the homestay at all times during a homestay use. The responsible agent must respond and attempt in good faith to resolve any complaint(s) within 60 minutes of being contacted. The responsible agent may initially respond to a complaint by requesting homestay guest(s) to take such action as is required to resolve the complaint. The responsible agent also may be required to visit the homestay if necessary to resolve the complaint.
- h. *Lawfully pre-existing uses.* Any bed and breakfast or tourist lodging use approved prior to June 19, 2019 may continue, subject to conditions of the prior approval(s).
- i. *Special exception.*
 - (1) Waiver or modification of this section is prohibited except to permit:
 - (i) More than two guest rooms and/or the use of an accessory structure in association with a homestay on parcels in the Residential or Planned Development districts, or Rural Areas district parcels of less than five acres;
 - (ii) Reduction in minimum applicable yards for a structure or parking used in whole or in part for a homestay.
 - (2) Special exceptions may be granted after notice to abutting property owners upon consideration of the following:
 - (i) There is no detriment to any abutting lot; and
 - (ii) There is no harm to the public health, safety, or welfare.
- j. *Parcel-based regulations.*
 - (1) Each homestay located on (a) a parcel of less than five acres in the Rural Areas Zoning District or (b) a parcel of any size that allows residential use in the Residential Zoning Districts or Planned Development Zoning Districts is subject to the following regulations:
 - (i) *Number of homestay uses.* Any parcel may have only one homestay use. An accessory apartment may not qualify as a dwelling unit for a homestay use.
 - (ii) *Dwelling types.* Homestay uses may only be conducted in a single-family dwelling.
 - (iii) *Number of guest rooms.* A maximum of two guest rooms may be permitted with each homestay use.
 - (iv) *Owner or resident manager occupancy.* The owner or resident manager of a parcel with a homestay use must reside on and be present at the subject parcel during the homestay use.
 - (v) *Minimum yards.* 1) In the Residential or Planned Development districts, the minimum applicable front, side, and rear yard requirements for primary structures apply to all structures used for homestays; 2) In the Rural Areas district, the minimum front, side, and rear yard shall be 125 feet from any abutting lot not under the same ownership as the homestay, for parking and for structures used in whole or in part to serve a homestay.
 - (2) Each homestay located on a parcel of five acres or more in the Rural Areas district is subject to the following regulations:
 - (i) *Number of homestay uses.* Any parcel may have up to two homestay uses, provided all other applicable requirements are met.
 - (ii) *Accessory structures.* Homestay uses may be conducted in accessory structures.
 - (iii) *Number of guest rooms.* A maximum of five guest rooms may be permitted with each homestay use.
 - (iv) *Required development rights, density and limitation.* Each single-family dwelling to which a homestay use is accessory must comply with the following regulations:
 - (a) on any parcel less than 21 acres in size, the single family dwelling shall be authorized by a development right as provided in County Code § 18-10.3;
 - (b) on any parcel, regardless of size, the single family dwelling shall comply with the permitted density; and
 - (c) no single family dwelling may have more than one accessory homestay use.

- (v) *Minimum yards.* The minimum front, side, and rear yard for parking and for structures used in whole or in part to serve a homestay shall be 125 feet from any abutting lot not under the same ownership as the homestay use.
- (vi) *Owner or resident manager occupancy.* The owner or resident manager of a parcel conducting a homestay use must reside on and be present at the subject property during the homestay use except during approved whole house rentals.
- (vii) *Owner or resident manager occupancy during whole house rental.* The owner or resident manager of a parcel conducting a homestay use that is approved for whole house rental may be absent during the rental period for up to seven days in any calendar month and up to 45 days in any calendar year. The owner shall maintain a log of all homestay uses including the date of each rental for which the owner is absent. This log shall be provided within five business days to the Zoning Administrator upon request.

...

ARTICLE III. DISTRICT REGULATIONS

SECTION 10. RURAL AREAS DISTRICT, RA

10.2 Permitted Uses
10.2.1 By right

...

14. Homestays (reference 5.1.48).

...

SECTION 12. VILLAGE RESIDENTIAL - VR

12.2 Permitted Uses
12.2.1 By right

...

10. Homestays (reference 5.1.4748).

...

SECTION 13. RESIDENTIAL - R-1

13.2 Permitted Uses
13.2.1 By right

...

10. Homestays (reference 5.1.48).

...

SECTION 14. RESIDENTIAL - R-2

14.2 Permitted Uses
14.2.1 By right

...

10. Homestays (reference 5.1.48).

...

SECTION 15. RESIDENTIAL - R-4

15.2 Permitted Uses
15.2.1 By right

...

12. Homestays (reference 5.1.48).

...

SECTION 16. RESIDENTIAL - R-6

16.2 Permitted Uses
16.2.1 By right

...

8. Homestays (reference 5.1.48).

...

SECTION 17. RESIDENTIAL - R-10

17.2 Permitted Uses

17.2.1 By right

...

8. Homestays (reference 5.1.48).

...

SECTION 18. RESIDENTIAL - R-15

18.2 Permitted Uses

18.2.1 By right

...

8. Homestays (reference 5.1.48).

...

SECTION 19. PLANNED RESIDENTIAL DEVELOPMENT - PRD

19.3 Permitted Uses

19.3.1 By right

...

14. Homestays (reference 5.1.48).

...

SECTION 20. PLANNED UNIT DEVELOPMENT - PUD

20.3 Permitted Uses-Residential

20.3.1 By right

...

14. Homestays (reference 5.1.48).

...

SECTION 20A. NEIGHBORHOOD MODEL – NMD

20A.6 Permitted Uses

The following uses shall be permitted in an NMD, subject to the regulations in this section and section 8, the approved application plan and code of development, and the accepted proffers:

- a. *By right uses.* The following uses are permitted by right if the use is expressly identified as a by right use in the code of development or if the use is permitted in a determination by the Zoning Administrator pursuant to County Code § 18-8.5.5.2(c)(1).

...

13. Homestays (reference 5.1.48).

SECTION 20B. DOWNTOWN CROZET DISTRICT - DCD

20B.2 Permitted Uses

The following uses shall be permitted in the DCD, subject to the regulations in this section

...

- D. *By right uses; residential.* The following residential uses are permitted by right, provided that the first floor of the building in which the residential use exists is designed for and occupied only by a use permitted by subsections 20B.2(A), (B), (C) or (E):

...

9. Homestays (reference 5.1.48)

Agenda Item No. 22. **Public Hearing: Ordinance to Amend County Code Chapter 7, Health and Safety.**

To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 7, Health and Safety, by adding Article VI, Short-term Rental Registry. The ordinance would establish registration requirements for operators of short-term rentals, as well as penalties for non-registration and multiple violations.

(Advertised in the Daily Progress on July 22 and July 29, 2019)

Mr. Kamptner stated the registry program is designed to allow the County to better track and monitor the compliance of short-term rentals. He noted that Community Development and Finance

already have tracking software and the registry can be viewed as an additional tool to track this activity. He said they have used the term short-term rental to match that in the State code, though this ordinance connects short-term rentals and homestays so there is no doubt about that. He explained that there would be an annual \$27 registration fee, with exceptions for those licensed by the Real Estate Board or represented by a real estate licensee, as required by State law. He said that the Department of Community Development would be charged with administration of the registry program and enforcement of the \$500 per violation per day penalty, during which time the house may not be available for rental until the penalties are paid. He said that after repeated violations a property can be prohibited from having short-term rentals.

Ms. Palmer asked if they have to do \$500. Mr. Kamptner responded that this is the State law.

Ms. Palmer wondered what the penalty would be for someone who was not aware of the requirements and violated the ordinance for a period of two years. Mr. Kamptner responded that there may be a practical grace period or warning notice. He noted that registered operators who have had three violations of the noise, parking, or inspection violations can be prohibited.

Ms. Palmer asked if the Board has the authority to determine the grace period. Mr. Kamptner confirmed that the Board has this authority. Ms. Palmer said she would hate to charge thousands and thousands of dollars to those who are unaware and she would like a grace period. Mr. Kamptner compared the process to the process followed by Zoning, where they send a letter and start the conversation without immediately going to a penalty.

Mr. Svoboda added that, as part of the staff's engagement process, they would send out flyers to operators, conduct workshops, and get people registered and in compliance over a period of months, with a goal of compliance rather than penalties.

Ms. McCulley stated that the goal of zoning enforcement is not to produce revenue from fines but compliance and to make people fully aware of the regulations.

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

Mr. Randolph **moved** that the Board adopt the proposed Ordinance to Amend County Code Chapter 7, Health and Safety. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

ABSENT: Mr. Dill.

ORDINANCE NO. 19-7(1)

AN ORDINANCE TO AMEND CHAPTER 7, HEALTH AND SAFETY, 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 7, Health and Safety, is hereby amended and reordained as follows:

By Adding:

- 7-601 Definitions.
- 7-602 Registration.
- 7-603 Penalties.
- 7-604 Administration.

Chapter 7. Health and Safety

Article VI. Short-term Rental Registry

Sec. 7-601 Definitions.

For purposes of this Article:

Operator. "Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, license, or any other possessory capacity.

Short-term rental. "Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. A "homestay," as defined and regulated in County Code Chapter 18, is a short-term rental.

Sec. 7-602 Registration.

- A. *Annual registration.* Each operator must register annually with the County's Department of Community Development, and provide at least the operator's complete name and the address of each property in the County offered for short-term rental by the operator.
- B. *Annual fee.* A fee of \$27.00 shall be charged for each registration to cover the actual costs of establishing and maintaining the registry.
- C. *Exemptions from registration.* Registration is not required if the operator is exempted from registration under Virginia Code § 15.2-983(B)(2).

Sec. 7-603 Penalties.

- A. *Nonregistration penalty.* Any operator required to register who offers for short-term rental a property that is not registered with the County is subject to a penalty of \$500.00 per violation. Each day that an unregistered property is offered for short-term rental constitutes a separate violation. Unless and until an operator pays the penalty and registers the property, the operator may not continue to offer the property for short-term rental. Upon repeated violations of this Article pertaining to the same property the operator shall be prohibited from registering and offering that property for short-term rental.
- B. *Multiple violations.* An operator required to register shall be prohibited from offering a specific property for short-term rental upon more than three violations of applicable State laws or any County ordinances or regulations, as they relate to the short-term rental.

Sec. 7-604 Administration.

The Department of Community Development shall administer and enforce the short-term rental registry program, and its responsibilities include, but are not limited to, receiving registrations, maintaining a registry, collecting fees, creating forms, and imposing penalties.

Agenda Item No. 23. **Public Hearing: Ordinance to Amend the Albemarle County Fire and Rescue Office of the Fire Marshal Fee Schedule.**

To receive public comment on its intent to adopt an ordinance to amend the fee schedule of the Albemarle County Fire and Rescue, Office of the Fire Marshal, to add a \$50 fee for homestay inspections, and to adopt the existing fee schedule, as amended, by ordinance.
(Advertised in the Daily Progress on July 29 and August 5, 2019)

The Executive Summary forwarded to the Board states that In 2015, the Board of Supervisors adopted a schedule for fees that the Fire Marshal's Office may charge for its inspection services. The proposed amendment would add a fee of \$50.00 to inspect annually any location that qualifies as a "homestay."

Consideration of this ordinance should be made parallel to ZTA2017-01 ("Homestay Zoning Ordinance Amendments"), also to be considered by the Board on August 7.

The proposed \$50.00 homestay inspection fee correlates to the fee for an inspection/review program similar to this one. The fee would be utilized to off-set the cost of additional part- time staffing, overtime costs, or an FTE to help address the impact to staff capacity.

Staff recommends that the Board adopt the attached Ordinance (Attachment A).

(Note: Ms. Palmer left the meeting at 7:25 p.m.)

Mr. Kamptner stated that this Ordinance would establish a \$50 inspection fee to offset the County's cost to ensure that homestays are safe. He said the Zoning Ordinance the Board just adopted requires the applicant to comply with the requirements of fire officials, of which this inspection is part of the process. He noted that previously fees have been under a resolution, though State law recently changed and requires that they be contained in an ordinance. The ordinance is uncoded and would become codified once staff has finished their work updating Chapter 6 of the Code.

Ms. Mallek asked for confirmation that the Building Inspector and Fire Marshal would conduct inspections on the same day and with the same requirements. Mr. Svoboda responded that Michael Dellinger is already working with Fire/Rescue to achieve this goal.

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

Mr. Randolph **moved** that the Board adopt the proposed Ordinance to Amend the Albemarle County Fire and Rescue Office of the Fire Marshal Fee Schedule. The motion was **seconded** by Ms. Mallek.

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

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

ORDINANCE NO. 19-A(12)

AN ORDINANCE TO AMEND AND ADOPT
THE ALBEMARLE COUNTY FIRE RESCUE
OFFICE OF THE FIRE MARSHAL FEE SCHEDULE

WHEREAS, pursuant to Virginia Code § 27-97, the Board has adopted the Virginia Statewide Fire Prevention Code as set forth in § 6-200 of the Albemarle County Code; and

WHEREAS, the Board is authorized by Virginia Code § 27-98 to establish such procedures or requirements, including the imposition of fees to defray costs, as may be necessary for the administration and enforcement of the Virginia Statewide Fire Prevention Code.

NOW, THEREFORE, BE IT ORDAINED THAT the Albemarle County Board of Supervisors hereby adopts the Albemarle County Fire Rescue Office of the Fire Marshal Fee Schedule, as amended, attached hereto and incorporated herein.

This ordinance shall be effective immediately.



FEE SCHEDULE (Effective on May 15, 2015)

| DESCRIPTION | PERMIT REQUIRED (Yes or No) | PERMIT FEE | INSPECTION FEE |
|---|---|------------|--------------------------|
| Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight. | Yes (annual/per location) | \$200 | See inspection fee below |
| Amusement buildings. An operational permit is required to operate a special amusement building. | Yes (Fixed–Annual/location or mobile–30 days/location) | \$200 | See inspection fee below |
| Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes. | Yes (annual/per location) | \$200 | See inspection fee below |
| Carnivals and fairs. An operational permit is required to conduct a carnival or fair. | Yes (30 days/location) | \$200 | No |
| Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy. | Yes (annual/per location) | \$200 | See inspection fee below |
| Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2. | Yes (annual/per location) | \$200 | See inspection fee below |
| Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m ³). Exception: An operational permit is not required for agricultural storage. | Yes (annual/per location) | \$200 | See inspection fee below |

| <p>Compressed gas. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below.</p> <p>Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.</p> <p>PERMIT AMOUNTS FOR COMPRESSED GASES</p> <table><tr><th>TYPE OF GAS</th><th>AMOUNT (cubic feet at NTP)</th></tr><tr><td>Corrosive</td><td>200</td></tr><tr><td>Flammable (except cryogenic fluids and liquefied petroleum gases)</td><td>200</td></tr><tr><td>Highly toxic</td><td>Any amount</td></tr><tr><td>Inert and simple asphyxiant</td><td>6,000</td></tr><tr><td>Oxidizing (including oxygen)</td><td>504</td></tr><tr><td>Pyrophoric</td><td>Any amount</td></tr><tr><td>Toxic</td><td>Any amount</td></tr></table> <p>For SI: 1 cubic foot = 0.02832 m³.</p> | TYPE OF GAS | AMOUNT (cubic feet at NTP) | Corrosive | 200 | Flammable (except cryogenic fluids and liquefied petroleum gases) | 200 | Highly toxic | Any amount | Inert and simple asphyxiant | 6,000 | Oxidizing (including oxygen) | 504 | Pyrophoric | Any amount | Toxic | Any amount | Yes (annual/per location) | \$200 | See inspection fee below |
|--|---|---|--|-----------|---|-----|--------------|------------|-----------------------------|-----------------------------|------------------------------|-----|---|------------|------------|------------------------------|------------------------------|--------------------------|--------------------------|
| TYPE OF GAS | AMOUNT (cubic feet at NTP) | | | | | | | | | | | | | | | | | | |
| Corrosive | 200 | | | | | | | | | | | | | | | | | | |
| Flammable (except cryogenic fluids and liquefied petroleum gases) | 200 | | | | | | | | | | | | | | | | | | |
| Highly toxic | Any amount | | | | | | | | | | | | | | | | | | |
| Inert and simple asphyxiant | 6,000 | | | | | | | | | | | | | | | | | | |
| Oxidizing (including oxygen) | 504 | | | | | | | | | | | | | | | | | | |
| Pyrophoric | Any amount | | | | | | | | | | | | | | | | | | |
| Toxic | Any amount | | | | | | | | | | | | | | | | | | |
| <p>Covered and open mall buildings. An operational permit is required for:</p> <ol style="list-style-type: none">1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.2. The display of liquid-fired or gas-fired equipment in the mall.3. The use of open-flame or flame-producing equipment in the mall. | Yes (annual/per location) | \$200 | See inspection fee below | | | | | | | | | | | | | | | | |
| <p>Cryogenic fluids. An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below.</p> <p>Exception: Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.</p> <p>PERMIT AMOUNTS FOR CRYOGENIC FLUIDS</p> <table><tr><th>TYPE OF CRYOGENIC FLUID</th><th>INSIDE BUILDING (gallons)</th><th>OUTSIDE BUILDING (gallons)</th></tr><tr><td>Flammable</td><td>More than 1</td><td>60</td></tr><tr><td>Inert</td><td>60</td><td>500</td></tr><tr><td>Oxidizing (includes oxygen)</td><td>10</td><td>50</td></tr><tr><td>Physical or health hazard not indicated above</td><td>Any amount</td><td>Any amount</td></tr></table> <p>For SI: 1 gallon = 3.785 L.</p> | TYPE OF CRYOGENIC FLUID | INSIDE BUILDING (gallons) | OUTSIDE BUILDING (gallons) | Flammable | More than 1 | 60 | Inert | 60 | 500 | Oxidizing (includes oxygen) | 10 | 50 | Physical or health hazard not indicated above | Any amount | Any amount | Yes (annual/per location) | \$200 | See inspection fee below | |
| TYPE OF CRYOGENIC FLUID | INSIDE BUILDING (gallons) | OUTSIDE BUILDING (gallons) | | | | | | | | | | | | | | | | | |
| Flammable | More than 1 | 60 | | | | | | | | | | | | | | | | | |
| Inert | 60 | 500 | | | | | | | | | | | | | | | | | |
| Oxidizing (includes oxygen) | 10 | 50 | | | | | | | | | | | | | | | | | |
| Physical or health hazard not indicated above | Any amount | Any amount | | | | | | | | | | | | | | | | | |
| <p>Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.</p> | Yes (per event/location) | \$100 | No | | | | | | | | | | | | | | | | |
| <p>Dry cleaning plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning</p> | Yes (annual/per location) | \$200 | See inspection fee below | | | | | | | | | | | | | | | | |
| <p>Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.</p> | Yes (per event/location) | \$200 | See inspection fee below | | | | | | | | | | | | | | | | |
| <p>Explosives, fireworks, and pyrotechnics. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive materials, fireworks, pyrotechnic special effects, or pyrotechnic special effects material within the scope of Chapter 56.</p> <p>Exception: Storage in Group R-3 or R-5 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, exception numbers four and twelve.</p> <p>Note: <u>Manufacture, storage, handling, sale of explosives, explosive materials and pyrotechnics requires annual permit and facility inspection with associated fees.</u></p> <p><u>Use of explosives/blasting requires a use permit every 30 days with associated fees.</u></p> <p><u>Fireworks and Pyrotechnic special effects require either wholesale (60 days), retail (60 days) or use/display (per event 1 day)</u></p> | Fixed Facility: Yes: (annual/location) Site Storage: in addition to use (30 days) Use/ Blasting : Yes (per event – 30 days maximum/location) Wholesale (fireworks): <u>Yes (60 days/location)</u> Retail (fireworks): yes (60 days/location) Display/Use (fireworks): Yes (per event 1 day/location) | \$200 ----- \$200 ----- \$500 ----- \$500 ----- \$600 | See inspection fee below ----- No ----- No ----- See inspection fee below ----- No | | | | | | | | | | | | | | | | |

| | | | |
|--|--|--------------------------------|---------------------------------------|
| <p>Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.</p> <p>Exception: An operational permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.</p> | Yes (per event/location) | \$100 | No |
| <p>Flammable and combustible liquids. An operational permit is required:</p> <ol style="list-style-type: none">To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems.To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:<ol style="list-style-type: none">The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition.The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel- dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.To manufacture, process, blend or refine flammable or combustible liquids. | Yes (annual/per location) | \$200 | See inspection fee below |
| <p>Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.</p> | Yes (30 days/location) | \$75 | No |
| <p>Fruit and crop ripening. An operational permit is required to operate a fruit-ripening or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.</p> | Yes (annual/per location) | \$200 | See inspection fee below |
| <p>Fumigation, thermal and insecticidal fogging. An operational permit is required to operate a business of fumigation, thermal or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.</p> | Yes (annual for facility/ location) (per event/location) | \$200 (annual) \$75 (event) | Facility: See inspection fee below |

| | | | | |
|---|--|------------------------------|--------|--------------------------------|
| Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below. PERMIT AMOUNTS FOR HAZARDOUS MATERIALS TYPE OF MATERIAL Combustible liquids See flammable and combustible liquids Corrosive materials Gases See compressed gases Liquids 55 gallons Solids 1000 pounds Explosive materials See explosives Flammable materials Gases See compressed gases Liquids See flammable and combustible liquids Solids 100 pounds Highly toxic materials Gases See compressed gases Liquids Any amount Solids Any amount Oxidizing materials Gases See compressed gases Liquids Class 4 Any amount Class 3 1 gallon ^a Class 2 10 gallons Class 1 55 gallons Solids Class 4 Any amount Class 3 10 pounds ^b Class 2 100 pounds Class 1 500 pounds Organic peroxides Liquids Class I Any amount Class II Any amount Class III 1 gallon Class IV 2 gallons Class V No permit required Class I Any amount Class II Any amount Class III 10 pounds Class IV 20 pounds Class V No permit required Pyrophoric materials Gases See compressed gases Liquids Any amount Solids Any amount Toxic materials Gases See compressed gases Liquids 10 gallons Solids 100 pounds Unstable (reactive) materials Liquids Class 4 Any amount Class 3 Any amount Class 2 5 gallons Class 1 10 gallons Solids Class 4 Any amount Class 3 Any amount Class 2 50 pounds Class 1 100 pounds Water reactive materials Liquids Class 3 Any amount Class 2 5 gallons Class 1 55 gallons Solids Class 3 Any amount Class 2 50 pounds Class 1 500 pounds See Note on following page | | | | |
| For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg. a. Twenty gallons when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less. b. Twenty pounds when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less. | | Yes (annual/per location) | \$ 200 | See inspection fee below |
| HPM facilities. An operational permit is required to store, handle or use hazardous production materials. | | Yes (annual/per location) | \$ 200 | See inspection fee below |

| | | | |
|---|---|---|--|
| High piled storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m ²). | Yes (annual/per location) | \$ 200 | See inspection fee below |
| Hot work operations. An operational permit is required for hot work including, but not limited to: 1. Public exhibitions and demonstrations where hot work is conducted. 2. Use of portable hot work equipment inside a structure. Exception: Work that is conducted under a construction permit. 3. Fixed-site hot work equipment such as welding booths. 4. Hot work conducted within a hazardous fire area. 5. Application of roof coverings with the use of an open-flame device. 6. When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision. | Facility: Yes (annual/location) ----- Fixed Site: Yes (annual/location) ----- Other: per event/location Yes (30 day/location) | \$200 ----- \$200 ----- \$100 | See inspection fee below See inspection fee below No |
| Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30. | Yes (annual/per location) | \$200 | See inspection fee below |
| Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft ³) (236 m ³). | Yes (annual/per location) | \$200 | See inspection fee below |
| Liquid-fueled or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid-fueled or gas-fueled vehicles or equipment in assembly buildings. | Yes (per event 30 days/location) | \$200 | See inspection fee below |
| LP-gas. An operational permit is required for: 1. Storage and use of LP-gas. Exception: An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3. Operation of cargo tankers that transport LP-gas. | Yes (annual/per location) | \$200 | See inspection fee below |
| Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium. | Yes (annual/per location) | \$200 | See inspection fee below |
| Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m ³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material. | Yes (annual/per location) | \$200 | See inspection fee below |
| Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Exception: Recreational fires. | Yes (Land Clearing Operations Only – 60 days/location) | \$500 | See inspection fee below |
| Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments. | Yes (annual/per location) | \$200 (annual if sole permit) \$100 (if ancillary to another permit) | See inspection fee below |
| Open flames and torches. An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area. | Yes (per event-30 days/location) | \$100 | See inspection fee below |
| Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day. | Yes (annual/per location) | \$200 | See inspection fee below |
| Places of assembly. An operational permit is required to operate a place of assembly (greater than 50 persons) | Yes (annual/per location) | \$200 | See inspection fee below |
| Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants. Exception: An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants. | Yes (annual/per location) | \$200 | See inspection fee below |
| Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material. | Yes (per event–1 day/location) | \$200 | See inspection fee below |
| Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics. | Yes (annual/per location) | \$200 | See inspection fee below |
| Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6. | Yes (annual/per location) | \$200 | See inspection fee below |
| Repair garages and service stations. An operational permit is required for operation of repair garages and automotive, marine and fleet service stations. Note: (If in conjunction with Flammable/Combustible Liquid permit than no fee for this permit) | Yes (annual/per location) | \$200 | See inspection fee below |
| Rooftop heliports. An operational permit is required for the operation of a rooftop heliport. | Yes (annual/per location) | \$200 | See inspection fee below |

| | | | |
|---|---|--|--------------------------|
| Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 24. | Yes (annual/location) Yes (per event /30 days /location) | \$200 (fixed facility) \$100 (per event) | See inspection fee below |
| Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m ³) of total volume of scrap tires and for indoor storage of tires and tire byproducts. | Yes (annual/per location) | \$200 | See inspection fee below |
| Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure or a tent. Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet (84 m ²) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons. Note: (permit good for 30 days with a maximum of 5 renewals (total of 180 days within a 12 month period allowed before tent must come down)) | Yes (per event – good for 30 days/location) | \$100 if application received 30 days before event \$150 if application received 15-29 days before event \$200 if application received 8–15 days before event \$300 if application received 7 days or less before event | No |
| Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant. | Yes (annual/per location) | \$200 | See inspection fee below |
| Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities. | Yes (annual/per location) | \$200 | See inspection fee below |
| Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m ³). | Yes (annual/per location) | \$200 | See inspection fee below |



ALBEMARLE COUNTY FIRE RESCUE /OFFICE OF THE FIRE MARSHAL
ADDITIONAL/MISCELLANEOUS FIRE PREVENTION FEE SCHEDULE

| PURPOSE | DESCRIPTION | FEE |
|--|---|--|
| Facility Inspection Fees (in any fixed facility requiring a permit in Table 107. 2 of the Fire Prevention Code) | Inspection Fee | First two hours no charge \$100/hr thereafter |
| Required Fire Inspection for Social Service License (Ex: Day care/Adult Care etc) | 1 – 8 persons 9 – 20 persons 21 – 50 persons 51 – 100 persons 101 – 150 persons 151 – 200 persons 201 or more persons | \$25 \$50 \$100 \$200 \$300 \$400 \$500 plus \$50 for every 100 persons over 201 |
| Re-inspection Fee | After initial inspection, if all violations are corrected, no charge. If not, then each re-inspection incurs a fee until an agreement on remediation is reached or all violations are corrected. | \$0 (violations corrected) \$100 (per inspection) |
| Albemarle Fire Rescue Plan Review Fee | Site Plans Special Use Permit All Other | \$100 (per set of plans) \$50 (per application) \$75 (per event) |
| Request for Fire Code Variance/ Modification and Albemarle County Fire Code Board of Appeals Request | Similar to the Zoning Variance and Appeals Process to offset Cost of the Fire Board of Appeals Operations | \$350 (application fee) |

| | | |
|--|--|-------------|
| <u>Homestay Registry Inspection Fee</u> | <u>After initial inspection, annual inspections due by the inspection anniversary date</u> | <u>\$50</u> |
|--|--|-------------|

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

(Note: Ms. Palmer returned at 7:28 p.m.)

Mr. Gallaway commented that the Board took up this item earlier in the meeting, and asked if there were any other reports.

Mr. Gallaway added that the letter crafted by the Board regarding the Zan Road bridge, was part on the MPO's agenda and discussed.

Agenda Item No. 26. Adjourn to August 21, 2019, 1:00 p.m., Lane Auditorium.

At 7:29 p.m., Mr. Gallaway adjourned the Board to August 21, 2019, 1:00 p.m., Lane Auditorium.

Chairman

| |
|-------------------|
| Approved by Board |
| Date 02/19/2020 |
| Initials CKB |