

A regular day meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 2, 2019, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The night portion of the meeting was held at 6:00 p.m.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, Deputy County Executive, Doug Walker, Assistant County Executive, Trevor Henry, Deputy County Attorney, Andy Herrick, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

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

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

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway asked if any items needed to be pulled to the consent agenda.

Ms. McKeel requested to pull Item 8.3, FY 2020 Appropriations. She specifically referenced Appropriation #2020023, Scope Adjustment, and said she could make a motion to approve everything except for that item, or to proceed however the Board wished.

Mr. Gallaway asked if it was appropriate to pull that item from the consent agenda, with the other appropriations going through. Mr. Kamptner said that when the consent agenda is approved, it would need to be made clear that the resolution that accompanies that particular action excludes that appropriation.

Mr. Gallaway asked if the Board should address this item immediately after approving the agenda. Ms. McKeel responded that she would be glad to discuss it then, or later. Mr. Gallaway said the Board would approve the consent agenda, then address the item immediately after.

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

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

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

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**Introductions.** Mr. Randolph introduced the presiding security officers, Officer Brian Miller and Sgt. Maeve Overton.

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

Mr. Dill announced that he would need to leave the meeting at the time of recess for personal reasons.

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Mr. Randolph said he would like talk at the end of the meeting about seeking General Assembly approval for broadband authorities in counties and cities in Virginia to develop their own net neutrality rules subject to the approval of their elected boards. This would be designed, based on the Supreme Court decision made yesterday, to prevent the major ISPs from blocking and slowing down web access to content, or charging services, such as Netflix and Hulu, for faster delivery of their shows. Yesterday the Supreme Court permitted, at a federal level, for net neutrality to be abandoned, but did leave the door open that states and localities could address it. He said he would like for the Board to discuss it, as County's voters and citizens deserve the right to have unfettered access to information without having it go through the fulcrum and filter of a major corporate ISP determining what people know and do not know.

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Mr. Randolph said that at the end of the Constitutional Convention in Philadelphia, Benjamin Franklin was asked what kind of government they have. He said Franklin responded, "It is a republic, if you can keep it." Mr. Randolph said that in every generation, the obligation has existed to understand that the people's role is to maintain and preserve the republic. He said subsequent generations of Americans have and tried to do that, and he can attest that his family, personally, has paid the price of defending this republic in both foreign and domestic wars. Mr. Randolph continued that America has been a nation focused on laws, and increasingly democratic norms, all centered on a Constitution that everyone –

especially elected officials – are sworn to affirm. He said that today, the laws – which everyone elected to public office are sworn to uphold – along with the Constitution, are under siege by a president determined to substitute futile concepts of fealty to the ruler of personality and ego and of protected imperatives. He likened this to what King George II did prior to 1776, which launched the American Revolution.

Mr. Randolph urged the Board to, at the end of the meeting, support discussing a resolution to be added to the agenda of the October 16 meeting expressing the Board's support for a fair and thorough investigation by the U.S. House of Representatives of the abuse of power by the President of the United States, noting that this is being followed by members of his administration, which appear to qualify under the Constitutional terms of high crimes and misdemeanors. Mr. Randolph said he would hope that if the Board does agree to such a resolution, any candidate for public office in Albemarle County – whether that candidate be for the Commonwealth's Attorney position, Board of Supervisors, or School Board – will be asked by voters if they support the Board's resolution defending the Constitution of the United States and democratic norms of procedure. He acknowledged that his statements sounded political, but said they it is not. Mr. Randolph said he was especially conscious because December would mark the 75<sup>th</sup> anniversary of the Battle of the Bulge, where his father nearly died and was awarded a Bronze medal. He said his father was overrun by the German army there. He said he felt lucky he was born, and he feels a personal obligation to raise the resolution, explaining that Albemarle County could take the leadership nationally of indicating its support for a fair and impartial investigation of what appear to be high crimes and misdemeanors.

Mr. Gallaway said the Board would take the matter up later for further conversation.

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Ms. Mallek announced that the CTC5k, the annual fundraiser for the Crozet Trails Crew, who has built over 7 miles of trails in the Crozet growth area, would take place October 12 at Claudius Crozet Park. She said the children's race would begin at 8:00 am and the adult's race at 8:30 am.

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Ms. Mallek announced that later that day, on October 12, as well as October 13, the 37<sup>th</sup> Annual Crozet Arts and Crafts Festival would take place, with over 120 exhibitors. She said it was in the top 100 of longtime arts and crafts festivals across the country. She expressed hope that people would come out and that it would not rain.

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Ms. Mallek announced that on October 28, people would be able to get apple butter beginning at 4:00 a.m., at the corner of Browns Gap Turnpike and Garth Road via the White Hall Ruritan Club. She said the money will go to the scholarship program as well as towards keeping up their 100-year-old building.

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Ms. Mallek announced that on October 1, the Charlottesville-Albemarle MPO and the Staunton-Augusta-Waynesboro MPO held its annual joint meeting at the Crozet Library. She said there were wonderful presentations, with one being about the forward movement of the Afton Express, which is a commuter line coming from the western side of the mountain over to Charlottesville. A second presentation by Phil Sparks' son, Grant, with DRTP, discussed expanding the Virginia Breeze, which is the inner city, state-funded bus that currently goes from Blacksburg to Washington, connecting to New York with Mega Bus. She said they are proposing another bus that would come from Danville to Lynchburg to Charlottesville, and on to D.C. next year, with another possible route to the east. Mr. Allen Hale also gave a presentation about the Crozet Tunnel update, and that Phase III began October 1, which was the work on the western portal down to Route 250 on the Waynesboro side. She said it was originally planned for May, but hopefully by June, the old trail will be open and be able to have hikers and bikers enjoying the unique place on Afton Mountain. The final presentation was from Paul Perone, who discussed the Tony and the Avenue Shuttle, with the great success they were having. She said people were able to ride it if they chose and were shown around the shop.

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Ms. Mallek announced that the Local Government Advisory Committee for the Chesapeake Bay program was hosting the Wandering Virginia's Waterways Bus Tour on October 24-25, 2019. She said if anyone was interested in participating, she would send the information on to them.

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Ms. McKeel announced that the NAACP held its annual dinner last Friday evening, with a full house. She said that various candidates for election and elected officials attended and it was a great event. She said Marcus Martin, who was retired from UVA, was the keynote speaker and it was great to see him.

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Ms. McKeel mentioned the Hydrant Art on Fire project. She said last week, there was a group of community members who met and chose the design for the five hydrants. She said the hydrants with art designs would begin to pop up along Georgetown Road, Hydraulic Road, Whitewood Road, and

Commonwealth Drive. She said Gary O'Connell, of ACSA, will have one going in near his office at Pantops. She said the project was planned so that if a neighborhood wants to participate, they can contact either herself or Mr. O'Connell at the Service Authority.

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Ms. Palmer announced that the Batesville Apple Butter Days would be October 19-20, 2019. She said help was always needed with preparing the apple butter. The apple butter can be purchased the next day or in the Batesville Store thereafter. She said the Cove Garden Apple Butter Festival would be November 2-3, 2019, with opportunities to help prepare the apple butter the night before.

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Ms. Palmer announced that the Great Pumpkin Smash would be held on November 2, 2019, at McIntire Recycling Center to compost leftover pumpkins. She said kids from the community can have fun smashing their pumpkins there.

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Ms. Palmer announced that the signup for e-waste collection at Ivy was held through October 1, 2019. She said if anyone wanted to participate, they can look at the RSWA website today to see if any spots are still available, or email RSWA. She noted a few spots may still be left. She said it came out in the mail and was on the County website as well. She said they were afraid they would get too much, so the signup period was instated. She apologized for not having the exact information.

Ms. McKeel said that the signup worked well for her. She said she received a receipt confirmation but did not know what time she was assigned to. She asked Ms. Palmer if she knew, at what point, RSWA would get back to citizens that have signed up. Ms. Palmer responded that she believes it was anytime on October 26 between 9:00 am and 3:00 pm.

Ms. McKeel said there was an assigned time and she was wondering when she would be notified about it. Ms. Palmer said she did not know. Ms. McKeel said that she selected a time, and then if the time was full, it would be moved down to the next time, and so forth. Ms. Palmer said she would try to find out by the end of the meeting. Ms. McKeel noted that it might be good for people to know how long they would be there.

Ms. Palmer said this was a new program that was started the year before in response to many citizens wanting to figure out how to get rid of their e-waste and the program was successful.

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#### Agenda Item No. 6. Proclamations and Recognition.

There were none at this time.

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

Ms. Courtney Cacatian, Executive Director, Charlottesville Albemarle Convention and Visitors Bureau (CACVB) addressed the Board. She said she recently moved to the area from Bristol, TN, with her family. She said she was enjoying exploring Albemarle County, where there was a wealth of things to do and things for her to promote, which is why she wanted to take the position. Ms. Cacatian said the CACVB was hiring three County positions and she hopes to get the team up and running at a higher level. She said she appreciates the opportunity to introduce herself and that she was happy to answer questions or speak to the Supervisors.

Ms. McKeel clarified that the CACVB follows Albemarle County Human Resources, with the County serving as the fiscal agent. She said this is the reason the positions are County ones.

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Ms. Marta Keane, of the Jefferson Area Board for Aging (JABA), said she was present to remind everyone that next week would mark the beginning of the Medicare Part D prescription signup, and it was important that people consider it. She said people's needs can change and the plans can change, urging people not to assume that they are on the plan that was best for their lives. Last year, JABA was able to save people \$1.2 million, meaning people were able to fill their prescriptions. In 2018, they had 45 volunteers and helped 2,200 people. JABA has expanded for 2019, with many mobile sites all over the County, as well as continued counseling at Hillsdale and an additional site at Allied Street. She said they will have 75 volunteers and hope to be able to help an additional 1,700 people.

Ms. Keane said JABA also has an Adult Care Center where people can come who need supervision during the day, with a 6:1 ratio. She said it includes activities, field trips, and socialization. She said when getting caught up in the numbers, the people are often lost. She said a gentleman wrote in a note to JABA after they had conducted a survey asking about general satisfaction with the Adult Care Center. The note read: "Even when my wife does not want to get out of bed to go to JABA, when I come to pick her up, it takes her a little while, but she tells me what has happened the best that she can. Today, on her way home, out of the blue, she told me about the group that comes in and plays music and how much fun it is to sit and sing along, and one of the women, I guess, knows Tom Lehrer music. The biggest thing is that JABA offers her the companionship and relationships that she has formed. There is

hardly a day that does not go by when she is not asking the next time she is going, or brings up the name of the manager and something she is supposed to bring to you. She loves the field trips, when the animals visit, when the kids come over from our Shining Star, and especially root beer floats. The best thing I can say is that she loves coming. Thanks, A Very Tired Husband.”

Ms. Keane said this was a reminder of why it is important to keep the residents knowing that the service is available because it may not be a time when they need, but situations change. She said she likes being able to share this personal touch.

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Dr. Charles Battig, a resident of the Scottsville District, said the Board has heard many problems and hysteria regarding the climate. He said he would try to provide reassurance with some facts. The hysteria goes back to a time from the past that include witch burnings and the failure of crops in Europe, documented in “Extraordinary Popular Delusions and the Madness of Crowds” in 1841. They hear a lot about the U.N. being quoted. He asked what the U.N. officials involved with climate change actually said. He said one has to free oneself from the illusion that international climate policy is environmental policy – it has almost nothing to do with environmental policy. They distribute the fact of the world’s wealth by climate policy, and there was talk about social and economic systems, with nothing about climate. It is often heard that there was a problem or crisis. He presented a diagram, indicating to a red line that represented the average of 102 different international climate change models. The green and blue lines represent reality, and measuring over that time period, the U.N. was predicting three times what actually has been happening. He said the U.N. is creating a panic.

Mr. Battig said he has talked with a number of people from the C3 Coalition. He asked them what the most potent greenhouse gas was; it was not carbon dioxide, but water vapor. He said Britannica by Michael Mann, of UVA, said that water vapor is the most potent gas in the earth’s atmosphere. There was much talk from kids about carbon dioxide and not a word about water vapor. Greta Thunberg was from a family of actors and she puts on a good show. The New York Times noted how much she is backed by large financial interests. Mr. Battig said it was 90 degrees in Charlottesville and there was three to four feet of snow up north in Minnesota, with Sweden having an early snow fall. Climate change is normal and always has been. There were tearful mothers at the last Board meeting talking about their children not being there in 2050. He asked about the kids in Africa digging out rare earth minerals with their hands and dying. He said Amnesty International has a few things to say about this. Wind turbines are slaughtering birds and the Autobahn Society stated that 140,000-300,000 birds perish a year. As a doctor, he can say that bats are very important, as they kill mosquitos If bats are killed, mosquitos proliferate. Mr. Battig said that with total elimination of Virginia carbon dioxide, they would save 0.0016 degrees Celsius.

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Mr. Sean Tubbs, of the Piedmont Environmental Council, said that his comments are of regional importance and that he hopes what he would say would spark public discussion. The Planning and Coordination Council was created in 1986 as a way for Albemarle, Charlottesville, and the University of Virginia to discuss regional growth matters in a public setting. This was an outcome of the Three Party Agreement, which was signed in an era of tension between the three entities. Perhaps they are in that time now, and they have seen some great regional cooperation. He saluted the County, City, and UVA for this, including transit. While non-binding, the creation of this forum provided a place for land use issues to be aired and for members of the community to hear what is being said. He said that in his own career as a reporter covering the community, PACC was instrumental in understanding how everything fits together. He said at a meeting in April 2017, the public learned that UVA contributes nearly \$5 billion a year to the local economy, including \$200 million in local taxes, the entire Thomas Jefferson Planning District Commission. He said this helps explain why the region is growing and it was information that people need to know. PEC was alarmed that on October 3, the PACC will meet to vote itself out of existence, and the public advisory body will be replaced with a closed-door meeting system that the public will have no access to until after these meetings have been held. These will happen without any public input and without any public discussion. He said he has not heard either the Board of Supervisors or the City Council discuss this in public so far, and he would like to hear a conversation about how this should work. Mr. Tubbs said that in the words of the proposal on tomorrow’s agenda, the sharing of land use plans is, “a function better served by technical professionals who are developing those plans and can work together to ensure cooperation and collaboration.” PEC feels this is a recipe for distrust because if these plans are to be developed and presented to the public after the fact, that will happen without input, and there will potentially be suspicion. He said he hopes this was not the case.

Mr. Tubbs said the work of the new body will not be subject to open meetings laws. People will not be able to verify the minutes after the fact, see agendas in advance, or participate in any meaningful way. He pointed out that the word “public” was not mentioned once in the entire text of the proposed redefinition, unless the Department of Public Works was counted as one of the people who would be invited. The public is the one that has to contend with and understand the changes that a growing community face. PEC feels this is the wrong direction for the community, especially at a time when the University and its real estate foundation are the two major drivers of growth in the region. He said this move is not consistent with the general spirit of President Ryan’s desire to connect the community with the region, as embodied in the new Strategic Plan. Mr. Tubbs urged the Board to have a public discussion about this today and to direct its representatives. He stated that perhaps this was a good thing and that they could try it out, but a public discussion should be held first.

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Ms. McKeel **moved** that the Board approve the Consent Agenda, as amended, with the removal of Appropriation #2020023 – Scope Adjustment. The motion **was** seconded by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:  
AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway and Ms. Mallek.  
NAYS: None.

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Item No. 8.1. Approval of Minutes: November 14, 2018.

Ms. Palmer had read the minutes of November 14, 2018, and found them to be in order.

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

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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 (\$34,645.28). A budget amendment public hearing is not required because the amount of the cumulative appropriations do 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.

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<b>Appropriation #2019098</b>	<b>\$0.00</b>
Source: School CIP Fund*	\$ 63,243.85

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

This request is to reconcile the Facilities and Environmental Services' Project Management Division (PMD) Internal Service Fund's FY 19 appropriated sources of revenues with the expenses incurred in FY 19.

PMD provides project management support for School, Stormwater, and General Government capital projects and for General Government projects that fall outside of the Capital budget, such as the Belvedere and Lewis and Clark projects or other administrative, non-designated CIP activities. PMD charges an hourly-based project management fee for its services to individual projects. An internal service fund was established for PMD in FY 13 to account for these expenditures and fees.

The FY 19 Adopted budget represented an initial estimate based on a projection of project management support and activities. In order to properly account for the FY 19 charges per activity and fund, this appropriation request is to reduce the currently appropriated project management services funds from projects within the School CIP Fund and equally increase project management services in the General Fund and the General Government CIP Fund by \$63,243.85.

<b>Appropriation #2019099</b>	<b>\$(34,645.28)</b>
Source: Local Rent Revenue	\$ 59.45
Federal Revenue	\$ 850.00
Capital Fund fund balances	\$ (35,554.73)
General Fund Transfer to School Debt Service Fund	\$ (22,463.14)
General Fund Transfer to School CIP Fund	\$ 22,463.14
General Fund Transfer to General Government Debt Service Fund	\$ (13,091.59)
General Fund Transfer to General Government CIP Fund	\$ 13,091.59

This request is to reconcile the FY 19 Debt Service funds and to also reconcile the General Fund transfers to Debt Service funds and Capital Improvement Program (CIP) funds for a net decrease of \$34,645.28 by:

- Increasing the appropriation of local rent revenue by \$59.45 and Federal revenue by \$850.00 to reflect the actual revenue received; and decreasing the General Fund transfer revenue to School CIP Debt Service Fund by \$22,463.14 to reflect actual expenditures; and
- Decreasing the appropriated expenditure budget and associated General Fund transfer revenue by \$13,091.59 for the General Government CIP Debt Service Fund to reflect actual expenditures.

**By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2019098 and #2019099 for local government and school division projects, as set out:**

**RESOLUTION TO APPROVE  
ADDITIONAL FY 19 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2019098 and #2019099 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2019.

**COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2019098	4-1000-43100-443100-312366-1004	47,049.11	SA2019098 FY 19 ISF Reconciliation
2019098	3-1000-51000-351000-512031-9999	47,049.11	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-12200-412200-312366-1160	13,207.46	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-21009-421005-312366-2180	-37,490.31	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-31010-431010-312366-3110	7,853.08	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-32018-432010-312366-3140	2,161.58	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-32028-432020-312366-3140	6,068.29	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-41020-441200-312366-9999	-29,692.23	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-41350-441200-312366-9999	-22,402.86	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-43100-443200-312366-9999	26,775.69	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-71020-471020-312366-7100	-8,773.73	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-91046-443100-312366-9999	-38,823.00	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-41020-443310-312366-6114	13,822.22	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-41020-443310-312366-9999	951.89	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-41020-443320-312366-9999	12,572.86	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-41020-443340-312366-9999	9,261.08	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-41020-443350-312366-9999	15,686.33	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-41020-443360-312366-9999	14,932.75	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-71018-443330-312366-9999	19,850.84	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-71018-443370-312366-9999	10,232.80	SA2019098 FY 19 ISF Reconciliation
2019098	4-9010-93010-493010-930009-9999	47,049.11	SA2019098 FY 19 ISF Reconciliation
2019098	3-9010-51000-351000-510100-9999	63,243.85	SA2019098 FY 19 ISF Reconciliation
2019098	4-9100-82040-482050-312366-1309	-11,310.00	SA2019098 FY 19 ISF Reconciliation
2019098	4-9100-82040-482060-312366-1301	-227.75	SA2019098 FY 19 ISF Reconciliation
2019098	4-9100-82040-482060-312366-1305	13,847.57	SA2019098 FY 19 ISF Reconciliation
2019098	4-9100-82040-482060-312366-1307	-458.26	SA2019098 FY 19 ISF Reconciliation
2019098	4-9100-82040-482070-312366-1304	-1,851.56	SA2019098 FY 19 ISF Reconciliation
2019098	4-9000-69000-464600-312366-6599	-35,982.00	SA2019098 FY 19 ISF Reconciliation
2019098	4-9000-69980-466730-312366-6599	65,493.80	SA2019098 FY 19 ISF Reconciliation
2019098	4-9000-69983-466730-312366-6112	12,002.04	SA2019098 FY 19 ISF Reconciliation
2019098	4-9000-69983-466730-312366-6302	6,315.81	SA2019098 FY 19 ISF Reconciliation
2019098	4-9000-69983-466731-312366-6599	-28,168.54	SA2019098 FY 19 ISF Reconciliation
2019098	4-9000-69983-466732-312366-6599	-41,454.36	SA2019098 FY 19 ISF Reconciliation
2019098	4-9000-69985-466500-312366-6109	-12,732.14	SA2019098 FY 19 ISF Reconciliation
2019098	4-9000-69985-466500-312366-6307	-13,818.61	SA2019098 FY 19 ISF Reconciliation
2019098	4-9000-69985-466500-312366-6599	-13,697.61	SA2019098 FY 19 ISF Reconciliation
2019098	4-9000-69985-466730-312366-6109	-1,202.24	SA2019098 FY 19 ISF Reconciliation
2019098	3-9000-69000-351000-510100-6599	-63,243.85	SA2019098 FY 19 ISF Reconciliation
2019099	4-9910-95000-495000-580000-9999	-13,091.59	SA2019099 FY 19 Debt Service Reconciliation
2019099	3-9910-51000-351000-512004-9999	-13,091.59	SA2019099 FY 19 Debt Service Reconciliation
2019099	4-1000-93010-493010-930011-9999	-13,091.59	SA2019099 Decrease 1000 - 9910
2019099	4-1000-93010-493010-930010-9999	13,091.59	SA2019099 Increase 1000 to 9010
2019099	3-9010-51000-351000-512004-9999	13,091.59	SA2019099 Increase trans from 1000 to 9010
2019099	3-9010-51000-351000-510100-9999	-13,091.59	SA2019099 decrease 9010 use of fb
2019099	3-9900-15000-315000-150253-9999	59.45	SA2019099 FY 19 Debt Service Reconciliation
2019099	3-9900-33900-333900-330063-1006	850.00	SA2019099 FY 19 Debt Service Reconciliation
2019099	3-9900-51000-351000-512004-9999	-22,463.14	SA2019099 FY 19 Debt Service Reconciliation
2019099	4-9900-95000-495000-580000-9999	-21,553.69	SA2019099 FY 19 Debt Service Reconciliation
2019099	4-1000-93010-493010-930003-9999	-22,463.14	SA2019099 Decrease 1000 to 9900
2019099	4-1000-93010-493010-930004-9999	22,463.14	SA2019099 Increase 1000 to 9000
2019099	3-9000-51000-351000-512004-9999	22,463.14	SA2019099 Increase trans from 1000 to 9000
2019099	3-9000-69000-351000-510100-6599	-22,463.14	SA2019099 Decrease 9000 use of fb
TOTAL		24,807.66	

Item No. 8.3. FY 2020 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 20 budget due to the appropriations itemized in Attachment A is \$3,424,060.47. 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 consider the project scope change that is requested by the School Board as described in #2020023 in Attachment A and, if it meets the Board's approval, adopt the attached Resolution (Attachment B) to approve the appropriations for local government and school projects and programs as described in Attachment A.

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**Appropriation #2020023 – Scope Adjustment\*** **\$0.00**

\*This request adjusts the scope of the current appropriation and does not increase or decrease the total County budget.

Pursuant to the School Board's approval on August 22, 2019, this request is to adjust the scope of the Western Albemarle High School (WAHS) Science Lab Addition and Modernization 2016 Referendum project (also known as the WAHS Environmental Studies Academy Phase 2) to utilize \$400,000.00 of the projected available balance to design and construct 55 parking spaces at WAHS. The current scope of the project is substantially complete. This request would adjust the scope to add the replacement of 32 parking spaces lost to build the Science Lab Addition and add 23 new parking spaces.

The adjusted scope would include design and construction consisting of grading, asphalt, curbing, lighting, and stormwater management. The additional spaces work towards meeting the Virginia Department of Education (VDOE) Facility Guidelines and operational needs of a school experiencing growth. Over the last ten years, WAHS enrollment increased by 200 students, and the associated staff to support the increased student body.

This project scope adjustment does not increase the total County budget, and does not require a change in the total amount of borrowed funds.

**Appropriation #2020024** **\$1,228.14**

Source: Special Revenue Fund fund balance \$ 1,228.14

The Emergency Communications Center (ECC) requests that the County, acting as fiscal agent for the ECC, reappropriate \$1,228.14 in fund balance from FY 19 Radiological Emergency Preparedness Program (REPP) funds to be used for training for Office of Emergency Management staff and to develop another public outreach campaign to promote the CodeRED Emergency Alert system.

The REPP funds were originally received from Dominion Radiological Emergency Preparedness Funds.

**Appropriation #2020025** **\$301,748.00**

Source: State Revenue \$ 301,748.00

This request is to appropriate \$301,748.00 in grant funds received by the Albemarle Broadband Authority (ABBA) from the Virginia Department of Housing and Community Development (DHCD). These grant proceeds from DHCD were awarded to ABBA and Central Virginia Electric Cooperative (CVEC) to extend the broadband coverage to the unserved areas in Midway as a part of the Virginia Telecommunications Initiative (VATI).

**Appropriation #2020026** **\$1,566,488.80**

Source: General Fund fund balance \$ 1,566,488.80

The following requests are to re-appropriate FY 19 General Fund fund balance to FY 20 to complete projects that were started but not completed in FY 19, to provide funding for purchase orders initiated in FY 19 but delivered in FY 20, and to move FY 19 funding forward to meet ongoing or anticipated expenditures in FY 20. These requests are planned to be one-time expenditures.

The 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 uses in the future.

County Executive's Office

- Requests the re-appropriation of \$30,961.11 in purchase orders initiated in FY 19 for consulting services.

Finance

- Requests the re-appropriation of \$33,000.00 to outsource the animal licenses program; and Requests the re-appropriation of \$7,035.00 for two Innovation Fund projects that are underway but not yet completed;
- FY 20 Appropriations Attachment A - Descriptions

#### Human Resources

- Requests the re-appropriation of \$39,650.00 to purchase ClickLearn software. ClickLearn is a cloud-based software application that teaches end users how to successfully navigate and perform computer-based business processes.

#### Information Technology

- Requests the re-appropriation of \$75,807.50 in purchase orders initiated in FY 19 for the LaserFiche Forms Workflow Project and for consulting services to assist with the migration toward more modern technologies; and
- Requests the appropriation of \$460.00 in Total Rewards funding that was not initially submitted in the original FY 20 budget.

#### Voter Registration and Elections

- Requests the re-appropriation of \$2,000.00 to mail new voter cards due to change in voting address and location; and
- Requests the re-appropriation of \$1,500.00 for "Vote Here" signs.

#### Clerk of the Circuit Court

- Requests the re-appropriation of \$34,000.00 to provide overtime for staff to accomplish scanning of their substantial backlog of land and civil records.

#### Sheriff

- Requests the re-appropriation of \$15,382.93 which is the balance remaining in collected fingerprinting fees at the end of FY 19, to purchase volunteer reserves' uniforms and equipment, and for other miscellaneous expenses; and
- Requests the re-appropriation of \$89.12 of unused volunteer reserve donations.

#### Police

- Requests the re-appropriation of \$67,496.15 for the electronic summons system from the net program revenues. These revenues are intended to only fund the electronic summons system operations and are not for general local government operations;
- Requests the re-appropriation of \$14,950.80 for traffic safety programs from the net revenues received in prior years related to the PhotoSafe Program. These revenues are intended to only fund traffic safety programs/operations and are not for general local government operations;
- Requests the re-appropriation of \$159,369.64 in purchase orders initiated in FY19 for equipment and two vehicles; and
- Requests the appropriation of \$142,712.10 in vehicle equipment funding that was not initially submitted in the original FY 20 budget.

#### Fire Rescue

- Requests the appropriation of \$7,100.00 in funding for volunteer stations that was not initially submitted in the original FY 20 budget;
- Requests the re-appropriation of \$255,880.19 in purchase orders initiated in FY 19 for equipment and supplies;
- Requests the re-appropriation of \$55,466.19 for vehicle repairs funded by insurance received in FY 19;
- Requests the re-appropriation of \$13,521.49 in donations;
- Requests the re-appropriation of \$44,000.00 for the EAC approved project to provide in-vehicle routers to first responders, allowing them to access public safety systems and information from locations where it was previously not possible;
- Requests the re-appropriation of \$17,000.00 to replace modems needed to transmit EKG's from the field that will no longer be operable after December 31, 2019; and
- Requests the re-appropriation of \$20,000.00 to complete a policy manual update.

#### Facilities and Environmental Services

- Requests the re-appropriation of \$150,000.00 for the Space Needs Study;
- Requests the re-appropriation of \$85,000.00 for an Innovation Fund project that is underway but not yet completed; and
- Requests the re-appropriation of \$15,000.00 for a project to install a wildflower meadow in the vicinity of CATEC.

#### Social Services

- Requests the re-appropriation of \$11,574.38 to continue the efforts of three Innovation Fund projects that are underway but not yet completed; and
- Requests the re-appropriation of \$28,435.00 to continue office renovations/modifications that are underway but not yet completed.

#### Parks & Recreation



- Requests the re-appropriation of \$84,090.25 in purchase orders initiated in FY 19 for Hedgerow Property Environmental Study, Riverside Village Park Master Plan, and one pickup truck; and
- Requests the re-appropriation of \$21,928.00 for testing and treatment of Mint Springs Lake for three months (August to October 2019) due to harmful algae bloom in August 2019.

Community Development

- Requests the re-appropriation of \$24,900.00 in purchase orders initiated in FY 19 for contract services to continue Community Development Plan Review;
- Requests the re-appropriation of \$89,450.00 in carryforward for contract services for the Community Field Survey Phase 2 and Rivanna River Corridor Phase 2; and
- Requests the re-appropriation of \$18,728.95 in carryforward for development area studies for the Pantops Master Plan, Crozet Master Plan, and Rio 29.

<b>Appropriation #2020027</b>		<b>\$1,347,664.03</b>
Source: Local Revenue	\$ 6,102.37	
Special Revenue Funds' fund balances	\$ 1,341,561.66	

This request is to appropriate and re-appropriate funding associated with Special Revenue Funds not expended in FY 19 and anticipated to occur in FY 20.

- This request is to appropriate \$55,716.78 for expenses related to the Old Crozet Elementary School by reappropriating unexpended rental revenue (fund balance) received in prior years and appropriating additional anticipated rental revenue for FY 20. This will provide for an anticipated increase in one-time maintenance costs in FY 20.
- This request is to re-appropriate \$325,000.00 from the Housing Fund to support Piedmont Housing Alliance's (PHA) purchase and renovation of the Park's Edge Apartments. The project is still in the planning phase and PHA has not yet requested to draw down any of the funds.
- This request is to re-appropriate \$700,000.00 in the Housing Fund Contingency to make it available for upcoming FY 20 housing projects.
- This request is to re-appropriate \$245,733.45 from the Vehicle Replacement Fund for use in FY 20 for Police Department vehicle replacements.
- This request is to re-appropriate \$21,213.80 in a purchase order for the purchase of a Social Services replacement vehicle that was initiated in FY 19 and received in FY 20.

<b>Appropriation #2020028</b>		<b>\$206,931.50</b>
Source: Capital Fund fund balance \$ 206,931.50		

This request is to appropriate \$206,931.50 that was received at the end of FY 19 from the Virginia Department of Agriculture and Consumer Services' Office of Farmland Preservation to reimburse the County for fifty percent of the cost incurred for the acquisition of the Dollard and Ruddock conservation easements, and for the appraisals and the title insurance. The purchase, through the County's Acquisition of Conservation Easements (ACE) program, totals \$413,863.

**By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2020024; #2020025; #2020026; #2020027; and #2020028 # for local government and school division projects, as set out:**

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2020 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2020024; #2020025; #2020026; #2020027; and #2020028 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, 2020.

**COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY**

APP#	ACCOUNT	DESCRIPTION	AMOUNT
2020024	3-4130-51000-351000-510100-9999	SA2020024 - re-approp. FY 19 Radiological Emergency Preparedness Program (REPP) funds APP2019068	\$1,228.14
2020024	4-4130-93010-493010-930000-9999	SA2020024 - Transfer to ECC Oper. for REEP Activities APP2019068	\$1,228.14
2020024	3-4100-51000-351000-512006-9999	SA2020024 - Transfer of REPP re-approp. funds	\$1,228.14
2020024	4-4100-31045-435600-360000-1003	SA2020024 - Re-approp. CodeRED Advertising APP2019068	\$776.00
2020024	4-4100-31045-435600-550100-1003	SA2020024 - Re-approp. Training for radiological or complex event APP2019068	\$452.14

2020025	3-4300-24000-324000-240820-9999	SA2020025-VATI Midway Project	\$301,748.00
2020025	4-4300-91097-491097-950030-9999	SA2020025-VATI Midway Project	\$301,748.00
2020026	4-1000-12013-412010-312700-1001	SA2020026-Reapp-CAPE Strategic Plan	\$7,550.00
2020026	4-1000-12010-412010-580500-1001	SA2020026-Reapp-Retreat Consultant	\$23,411.11
2020026	4-1000-43201-443200-310000-1004	SA2020026-Reapp-Space Needs Study	\$150,000.00
2020026	4-1000-43202-443200-800100-1004	SA2020026-Reapp-Innovation Fund 5th St Ionization	\$85,000.00
2020026	4-1000-43206-443200-301200-1004	SA2020026-Reapp-CATEC Wildflowers	\$15,000.00
2020026	4-1000-12142-412140-540305-1001	SA2020026-Reapp-Animal Licensing Outsourcing	\$33,000.00
2020026	4-1000-12142-412140-317000-1001	SA2020026-Reapp-Innovation Funds	\$7,035.00
2020026	4-1000-32020-432020-560800-1003	SA2020026-Reapp-Correct Vol Spreadsheet Error	\$2,000.00
2020026	4-1000-32020-432020-561200-1003	SA2020026-Reapp-Correct Vol Spreadsheet Error	\$5,100.00
2020026	4-1000-32015-432010-601104-1003	SA2020026-Reapp-Blue Ridge Rescue Suppliers	\$212,895.50
2020026	4-1000-32015-432010-601100-1003	SA2020026-Reapp-Fire and Safety Equipment	\$42,428.75
2020026	4-1000-32011-432010-332900-1003	SA2020026-Reapp-Kronos PO	\$555.94
2020026	4-1000-32014-432010-600900-1003	SA2020026-Reapp-Insurance Recovery	\$55,466.19
2020026	4-1000-32016-432010-580015-1003	SA2020026-Reapp-Volunteer Donations	\$13,521.49
2020026	4-1000-32014-432010-800100-1003	SA2020026-Reapp-Expansion of Cradlepoints	\$44,000.00
2020026	4-1000-32011-432010-312210-1003	SA2020026-Reapp-Policy Manual Update	\$20,000.00
2020026	4-1000-32015-432010-800100-1003	SA2020026-Reapp-Modems	\$17,000.00
2020026	4-1000-12200-412200-312701-1001	SA2020026-Reapp-MCCI PO	\$31,160.00
2020026	4-1000-12200-412200-800718-1001	SA2020026-Reapp-Planet Technologies PO	\$44,647.50
2020026	4-1000-12030-412030-800710-1001	SA2020026-Reapp-ClickLearn	\$39,650.00
2020026	4-1000-12200-412200-382040-1001	SA2020026-Correct Orig Budget Omission	\$460.00
2020026	4-1000-21060-421060-120000-1002	SA2020026-Reapp-Clerk of Ct-OT for scanning	\$34,000.00
2020026	4-1000-81021-481020-312210-1008	SA2020026-Reapp-CDD-\$24,900 WW Assocs. PO/\$45,450 Commty Field Survey Phase 2/\$44K Rivanna River Corridor Phase 2	\$114,350.00
2020026	4-1000-81021-481020-312342-1008	SA2020026-Reapp-CDD-Studies-Pantops/Crozet/Rio29	\$18,728.95
2020026	4-1000-71011-471010-950526-7100	SA2020026-Reapp-P&R-Hedgerow PO	\$13,383.00
2020026	4-1000-71011-471010-950527-7100	SA2020026-Reapp-P&R-Riverside PO	\$29,954.00
2020026	4-1000-71012-471010-390000-1007	SA2020026-Reapp-P&R-Solidtude Mint Springs lake	\$21,928.00
2020026	4-1000-71012-471010-800500-1007	SA2020026-Reapp-P&R-Trail Tech Pickup Truck	\$40,753.25
2020026	4-1000-31013-431010-690020-1003	SA2020026-Reapp-PD-Electronic Summons	\$67,496.15
2020026	4-1000-31013-431010-690010-1003	SA2020026-Reapp-PD-Photo Red	\$14,950.80
2020026	4-1000-31013-431010-601011-1003	SA2020026-Reapp-PD-Gunshop Ammunition PO	\$97,494.64
2020026	4-1000-31013-431010-800101-1003	SA2020026-Reapp-PD-Atlantic Tactical Vests PO	\$10,849.00
2020026	4-1000-31013-431010-800500-1003	SA2020026-Reapp-PD-2 Charger Vehicles PO	\$51,026.00
2020026	4-1000-31013-431010-800502-1003	SA2020026-Reapp-PD-FY20 Budget Correction-Vehicle Equip	\$142,712.10
2020026	4-1000-13020-413020-520100-1001	SA2020026-Reapp-Registrar-Branchlands voter card mailing	\$2,000.00
2020026	4-1000-13020-413020-390000-1001	SA2020026-Reapp-Registrar-Vote Here Signs	\$1,500.00
2020026	4-1000-21070-421070-301235-1002	SA2020026-Reapp-Sheriff-Fingerprinting Funds	\$15,382.93
2020026	4-1000-21070-421070-301230-1002	SA2020026-Reapp-Sheriff-Unused Reserve Donations	\$89.12
2020026	4-1000-53010-453010-130000-1005	SA2020026-Reapp-DSS-Unused Innov Funds-Jurisdiction Wide	\$6,896.63
2020026	4-1000-53010-453010-210000-1005	SA2020026-Reapp-DSS-Unused Innov Funds-Jurisdiction Wide	\$571.30
2020026	4-1000-53010-453010-312210-1005	SA2020026-Reapp-DSS-Unused Innov Funds-Staff Mental Health	\$1,276.50
2020026	4-1000-53010-453010-600100-1005	SA2020026-Reapp-DSS-Unused Innov Funds-MCOMT	\$2,829.95
2020026	4-1000-53010-453010-800610-1005	SA2020026-Reapp-DSS-Unused Construct/Renov Funds	\$28,435.00

2020026	3-1000-51000-351000-510100-9999	SA2020026-Routine Reappropriations	\$1,566,488.80
2020027	4-8610-91081-496010-331000-9999	SA2020027-Reappropriation	\$6,322.00
2020027	4-8610-91081-496010-331200-9999	SA2020027-Reappropriation	\$1,985.00
2020027	4-8610-91081-496010-510121-9999	SA2020027-Reappropriation	\$336.00
2020027	4-8610-91081-496010-510210-9999	SA2020027-Reappropriation	\$988.00
2020027	4-8610-91081-496010-800949-9999	SA2020027-Reappropriation	\$46,085.78
2020027	3-8610-15000-315000-150262-9999	SA2020027-Reappropriation	\$6,102.37
2020027	3-8610-51000-351000-510100-9999	SA2020027-Reappropriation	\$49,614.41
2020027	3-1200-51000-351000-512004-9999	SA2020027-Reappropriation	\$1,025,000.00
2020027	4-1200-89000-489000-563130-1008	SA2020027-Reappr-CDD-PHA Park's Edge Apts	\$325,000.00
2020027	4-1200-99900-499000-999999-1008	SA2020027-Reappr-CDD-Contingency Housing Fund	\$700,000.00
2020027	4-9200-31013-412560-800500-9999	SA2020027-Reappr-Police-Surplus Vehicle Rplcmnt Fund	\$245,733.45
2020027	4-9200-53010-412560-800500-9999	SA2020027-Reappr-DSS-Vehicle Rplcmnt	\$21,213.80
2020027	3-9200-51000-351000-510100-9999	SA2020027-Reappr-PD Surplus Veh Rplc Fund and DSS Veh Replc	\$266,947.25
2020028	3-9010-51000-351000-510100-9999	SA2020028 - ACE-Use of Fund Bal from VADCS FY19 reimbursement	\$206,931.50
2020028	4-9010-81010-481020-580409-1240	SA2020023 - VDACS Office of Farmland Preservation reimbursement for Conservation Easements	\$206,931.50

Item No. 8.4. Dominion Energy's Request for Easement - Parcel 093B0-01-0A-000D0.

The Executive Summary forwarded to the Board states that Dominion Energy has requested an underground easement (Attachment A) on County owned property, parcel 093B0-01-0A-000D0, to further its Strategic Underground Program. The goal of this program is to improve electrical service reliability by undergrounding certain overhead electric lines. The program is voluntary, and if the requisite easements are not obtained, the project will be placed on hold indefinitely. Dominion Energy will not utilize eminent domain to further the project.

Virginia Code § 15.2 - 1800(B) requires a public hearing for this proposed disposal of County property.

This 0.17-acre parcel is in the Rivanna Village subdivision and was conveyed to the County for use as a public access trail and greenway. There is an existing underground utility easement on the property. Staff from Albemarle County Parks and Recreation, Community Development, Office of Economic Development, Albemarle County Public Schools, Albemarle County Police Department, and Albemarle County Fire Rescue have reviewed this easement request and have no issues or concerns with it.

There are no budget impacts associated with this request.

Staff recommends that the Board schedule a public hearing to receive comments from the public regarding Dominion Energy's request for an underground easement on County owned property (TMP 093B0-01-0A-000D0).

**By the above-recorded vote, the Board scheduled a public hearing to receive comments from the public regarding Dominion Energy's request for an underground easement on County owned property (TMP 093B0-01-0A-000D0).**

Item No. 8.5. Dominion Energy's Request for Easement - Parcel 093A1-00-00-00200.

The Executive Summary forwarded to the Board states that Dominion Energy has requested an underground easement (Attachment A) on County owned property, parcel 093A1-00-00-00200, to further its Strategic Underground Program. The goal of this program is to improve electrical service reliability by undergrounding certain overhead electric lines. The program is voluntary, and if the requisite easements are not obtained, the project will be placed on hold indefinitely. Dominion Energy will not utilize eminent domain to further the project.

Virginia Code § 15.2 - 1800(B) requires a public hearing for this proposed disposal of County property.

This 6-acre parcel is in the Glenmore subdivision and is the site of the East Rivanna Fire Station. The property is co-owned by the County and the East Rivanna Volunteer Fire Company. There are two existing underground utility easements on the property, one of which would be abandoned if this request were approved. Staff from Albemarle County Parks and Recreation, Community Development,

Office of Economic Development, Albemarle County Public Schools, Albemarle County Police Department, and Albemarle County Fire Rescue have reviewed this easement request and have no issues or concerns with it.

Additionally, the East Rivanna Volunteer Fire Company has reviewed the request and has no issue with granting the easement.

There are no budget impacts associated with this request.

Staff recommends that the Board schedule a public hearing to receive comments from the public regarding Dominion Energy's request for an underground easement on County owned property (TMP 093A1-00-00-00200).

**By the above-recorded vote, the Board scheduled a public hearing to receive comments from the public regarding Dominion Energy's request for an underground easement on County owned property (TMP 093A1-00-00-00200).**

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Item No. 8.6. Dominion Energy's Request for Easement - Parcel 031B0-00-00-000B0.

The Executive Summary forwarded to the Board states that Dominion Energy has requested an underground easement (Attachment A) on County owned property, parcel 031B0-00-00-000B0, to further its Strategic Underground Program. The goal of this program is to improve electrical service reliability by undergrounding certain overhead electric lines. The program is voluntary, and if the requisite easements are not obtained, the project will be placed on hold indefinitely. Dominion Energy will not utilize eminent domain to further the project.

Virginia Code § 15.2 - 1800(B) requires a public hearing for this proposed disposal of County property.

This 8.56-acre parcel is in the Earlysville Forest subdivision and was donated to the County as a condition of a rezoning approval for the Earlysville Forest Planned Unit Development, and at one time was considered as a possible park site. An existing overhead utility easement crosses the property. Dominion Energy currently provides overhead service to Comcast, who is renting space on Dominion Energy's poles within the existing overhead easement. Approval of this easement would eliminate the overhead service to Comcast. Staff from Albemarle County Parks and Recreation, Community Development, Office of Economic Development, Albemarle County Public Schools, Albemarle County Police Department, and Albemarle County Fire Rescue have reviewed this easement request and have no issues or concerns with it.

There are no budget impacts associated with this request.

Staff recommends that the Board schedule a public hearing to receive comments from the public regarding Dominion Energy's request for an underground easement on County owned property (TMP 031B0-00-00-000B0).

**By the above-recorded vote, the Board scheduled a public hearing to receive comments from the public regarding Dominion Energy's request for an underground easement on County owned property (TMP 031B0-00-00-000B0).**

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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 applications submitted and the awards received during this time period.

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

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

GRANT REPORT ACTIVITY – July 19, 2019 through September 12, 2019

Application made during this time.

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Virginia Department of Criminal Justice Services	Edward Byrne JAG Program FY 2019 – Supporting Community Policing Efforts 2019	Federal	\$12,090	\$0	N/A	Police	This grant will provide funding to support additional community policing projects and activities that the Police Department's Community Support Services Division Commander will develop, grant-funded overtime projects and activities involving problem solving, crime prevention, community relationship building and safety enhancement.

Awards received during this time.

Granting Entity	Grant Project	Type	Amount Awarded	Match Required	Match Source	Department	Purpose
Virginia Department of Criminal Justice Services	Community Corrections and Pretrial Services	State	\$21,224 increase in Total Grant Award (Revised Total Grant Award: \$1,198,477)	NA	NA	Offender Aid and Restoration (OAR)	These additional state funds provide for a 3.0% salary increase for full time state funded local employees of the Comprehensive Community Corrections Act (CCCA) and Pretrial Services Act (PSA) who provide pretrial services in the rural counties serving the Central Virginia Regional Jail.
Virginia Department of Agriculture and Consumer Services' (VDACS) Office of Farmland Preservation	Local Purchase of Development Rights Program	State	\$206,931.50	\$206,931.50	Acquisition of Conservation Easements (ACE) Program	Community Development	These funds reimburse the County for 50% of the cost incurred for the acquisition of the Dollard and Ruddock conservation easements through the County's Acquisition of Conservation Easements (ACE) program.
Virginia Department of Agriculture and Consumer Services' (VDACS) Office of Farmland Preservation	Governor's Agricultural & Forestry Industries Development Fund (AFID Grant)	State	\$50,000	\$50,000	\$30,000 (Opportunity Fund) \$20,000 (Economic Development Authority)	Economic Development Office	These funds are granted through a performance agreement between the County of Albemarle, Potter's Craft Cider and the Economic Development Authority of the County of Albemarle to induce Potter's Craft Cider to construct and improve its processing facilities to process and add value to Virginia grown apples as well as to create new jobs.

Comprehensive Look at Potential Five Year Financial Plan Grant Impacts:

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

Granting Entity	Grant Name	Grant Project	Expected Grant End Date	FY 20	FY 21	FY 22	FY 23	FY 24
Charlottesville Area Community Foundation	2019 Strengthening Systems Grant	Yancey School Community Center (YSCC)	6/30/2022					
		Grant Funds		\$100,000	\$100,000	\$100,000		
		County Funding*					\$100,000	\$100,000
Funds a dedicated full-time Program Coordinator, infrastructure for a community garden, and support for community programming for rural Southern Albemarle								

*\* In the third year of the grant, if the program proves successful based on the performance criteria, staff expects to request the permanent addition of the YSCC Program Coordinator position through the County's annual budget cycle.*

Item No. 8.8. Rio29 Form Based Code Planning Commission Work Session Summary 8-20-2019, **was received for information.**

The Executive Summary forwarded to the Board states that the Board of Supervisors adopted the Rio29 Small Area Plan on December 12, 2018. The Plan establishes a vision and recommendations for transforming Rio29 into a connected, multimodal hub with a “vibrant, mixed-use community” enhanced through conservation and public amenities. In March 2019, the Board directed staff to begin work on drafting a form-based code consistent with the Plan’s vision. Staff has scheduled four work sessions with the Planning Commission to discuss a series of topics that may be incorporated into a form-based code. Staff will bring a summary of recommendations to the Board for discussion and consideration in December.

Staff presented background information, research and recommendations for form-based code regulations on building standards and uses in Rio29. Staff brought five questions to the Planning Commission:

1.
- Is light industrial an appropriate use in the Rio29 area? If so, should there be supplemental regulations for light industrial uses to mitigate impacts?
2.
- Should vertical mixed use with “active uses” on the ground-floor be required within any areas of Rio29? If so, what uses, or qualities, would qualify as an active use? t
3.
- Should larger blocks be permitted in areas of Rio29 if “pedestrian passages” are provided at specified intervals?
4.
- Is six stories an appropriate height in the Core and Urban Core areas of Rio29? If so, should six stories be allowed by-right, by special exception or only as a “bonus” for

developments providing certain features such as affordable housing or green building design?

5. Should views of the mountains be preserved in the Rio29 area? If so, which views from which vantage points should be preserved?

The Planning Commission:

1. Supported staff's recommendation to develop a refined light industrial definition that allows uses with small manufacturing or fabrication components, using the City of Nashville's Artisan Manufacturing zoning district as a precedent.
2. Supported staff's recommendation that ground-level floors in the Urban Core and along key streets in the Core are required to meet design standards, such as ground-level ceiling heights and transparency, to allow for future conversion to "active, ground-floor uses" if not feasible at the time of construction.
3. Supported staff's recommendation to permit larger block sizes if pedestrian passages are provided at specified intervals. The Commission recommended providing a range in setbacks and stepbacks to allow for variation along streets.
4. Modified staff's height recommendations to allow 4 stories by-right in Urban Core and Core areas, up to 5 stories for bonus factors and 6 stories by special exception.
5. Requested that staff conduct viewshed analysis and consider the "foreground, middle ground and vistas" in the form-based code and identify specific areas where vistas should be prioritized.

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Item No. 8.9. Albemarle Broadband Authority Quarterly Report, ***was received for information.***

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Item No. 8.10. Albemarle County Service Authority (ACSA) Quarterly Report, ***was received for information.***

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Item No. 8.11. Board-to-Board, September 2019, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, ***was received for information.***

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**Discussion: FY 2020 Appropriation #2020023 – Scope Adjustment.**

Ms. McKeel said that this is an appropriation of \$400,000 of projected, available balance that resulted from the bond referendum. She said her understanding was that there was \$400,000 left over from the work that was done at Western Albemarle High School on the Environmental Academy. This adjustment moves the \$400,000 to constructing 55 additional parking spaces at Western Albemarle High School. The description states that the request would adjust the scope to add the replacement of 32 parking spaces lost to the Science Academy addition, as well as adding 23 new parking spaces. She said she would like the Board to have a chance to discuss this, as she was very concerned about taking \$400,000 from what the voters approved through the bond referendum and using it for additional parking spaces. The appropriation stated that grading, asphalt, curbing, lighting, and storm water management would amount to \$400,000. She again expressed her concern, explaining that the bond referendum was not to address parking at one of the high schools. The Board could review the bond referendum language, noting that parking was not a part of the language.

Ms. McKeel said she has several concerns. She said she was concerned if the Board comes back to the voters to float another bond referendum for other projects, they would likely have people in the audience questioning the fact that the Board took money during this current bond referendum cycle and used it for something that they were not expecting. Even if this was legal, adding that it was likely checked out, but the perception was very concerning, as the voters of the bond referendum were not expecting to have \$400,000 spent on an additional parking lot. She added that her other concern was that, putting aside the environmental concerns about adding more parking and asphalt at one of the high schools, she questions the need for the parking at present time. She noted that the School Board, in its discussion, did not approve this project unanimously, with two School Board members voting against it. She said looking at Western Albemarle parking at present time, per capita, they already have more parking than Monticello High School or Albemarle High School. This project would give them an even greater per capita ratio of parking. Ms. McKeel recalled that at one point in 2016, Albemarle High School lost close to 100 parking spaces – many more spaces than what was being discussed to be added at Western Albemarle. At one time Albemarle High School was renting parking spaces from the church across the road to completely fill their parking lot each school day, and students were using this parking. She said the church changed their mind and stopped allowing students to park in their lot, so that parking was lost as well as spaces lost due to the construction of the Environmental Academy. At that time, the School Division found \$30,000 in its operational funding and added a parking area behind Albemarle High School that was graveled. She said they did not spend \$400,000, but \$30,000. Ms. McKeel questioned the scope of the project. She said that, aside from the bond referendum component, she was questioning the scope and necessity to spend \$400,000. She said she was also questioning the environmental concern, asking if the Board really wants to encourage even more students to be driving to school. She said that she acknowledges concerns about Parent Night, the students that crew, and other issues, but those are no different than issues the County has at the other two high schools. If some of the School Board members are concerned about the lack of parking on Parent Night or Open House, they could look at the other high schools and see the same problem. She noted that Henley Middle School was right

across the road, and it would be very easy and much more affordable to run a school bus back and forth for overflow parking. Ms. McKeel invited other Board members to provide their thoughts, stating again that she was very concerned about approving the appropriation for a myriad of reasons.

Mr. Dill said he wants to be clear about the legality of it first.

Mr. Kamptner said the question voted on by the voters was very broadly written to allow the proceeds to be used to finance the cost of improvements to Albemarle County public schools, including designing, building, expanding, and renovating school properties. He said this included new buildings, additions, renovations, and improvements, etc. When he looked at the proposed project, he determined it falls within the scope of the bond referendum. He reminded the Board that there were four categories that were described to the voters that the proceeds were expected to be applied to, noting that the categories were not binding. He said that for Western Albemarle High School, there was approximately \$6.0 million for adding an estimated three laboratories and modernizing approximately seven existing laboratories, and allowing the new Environmental Studies Academy at the school to operate at full capacity.

Ms. McKeel recalled the discussion, noting that Woodbrook was a part of it. She said while she understands the fact that this was legal and may be within the scope, she has multiple concerns with the appropriation. She said that she hopes, at some point, the Board would be able to float another bond referendum to pay for more school projects and County projects, but she does not want voters to express their discontent about how the money was used on the last referendum.

Ms. Mallek said the School Board member with whom she discussed the appropriation was not present, but she hopes to hear input from some of the School Board members who are present.

Ms. McKeel stated again that the School Board was divided on the issue.

Ms. Palmer recognized that the high school uses Henley's parking lot often and do not know what the opportunities are to use Henley's lot more. She acknowledged that the more rural students a school has, the more cars they end up having. She added that all the high schools have rural students but she does not know what the percentages are. Ms. Palmer said that she often disagrees with the School Board and she feels uncomfortable making these types of decisions. She said it has been stated many times that the School Board has the right to make the decisions they make. In fact, Ms. McKeel has told her many times that the Supervisors should not be involved in the School Board's decisions. She said she has consigned herself to stay out of their business. She added that she agrees with Ms. McKeel on many of her points. She said her concern was that the public's understanding of how the money would be spent was different than a parking lot, and this would be her reasoning for trying to change the School Board's decision. She said she does believe that the School Board has to have autonomy and if the Supervisors are going to address overriding their decision, she would like to hear more justification from the School Board for their 4-2 decision.

Ms. McKeel said this was her main concern, noting that she does not normally fight the School Board's appropriations. She said this was a bond referendum that the Supervisors supported and worked on as a team and, therefore, the credibility of how the money is used was very important.

Mr. Randolph said he voted against the bond referendum in 2016. He said what the Supervisors are struggling with was the authorization and he agrees that the Supervisors try to stay out of the School Board's issues. He said this was a fiscal and financial matter before the Supervisors and agrees that it sets a dangerous precedent and places an obligation on future boards to be absolutely clear in the resolution before the voters as to what the money would be used for. Mr. Randolph said the money was to be set aside for modernization, science classrooms, and improvements to Woodbrook. The \$400,000 existed because Blake Abplanalp and his staff worked energetically for the project to come in under budget. He asked if the parking was the highest and best use that the School Board could come up with. He said the County has two underperforming elementary schools, and Murray High School as well. He said he was not suggesting that the money could be used for those, but there are other things that are more pressing and important than a parking lot, especially because there was an opportunity for coordination with adjacent space, with the elementary and middle schools across the street. If the parking was critical infrastructure, as he had voted against the original bond request as he did not see it all as bricks and mortar that was critical to furthering the educational mission of the schools. He said he voted against it because several of the items were in the FY 17, 18, and 19 CIPs. The County ended up advance paying the items through the bond issue. The parking was not something that was in the CIP and it would not stand the test of comparative analysis in the CIP to be worthy of being funded, versus other uses of \$400,000 elsewhere. He urged the School Board to come up with a more creative way to use the money that would further the mission of the direct education of students than spending it on a parking lot.

Ms. McKeel said she was uncomfortable with being asked to nuance the intent of the bond referendum. She said she was not suggesting that the Supervisors, or County government, take the \$400,000 back. She suggested the School Board revisit and determine how they could best use the money under the stated intent of the bond referendum so that there is not a level of discomfort from the Supervisors. She said she wants to be able to say that the next time they put a bond referendum forward, they can state what the money will be used for and what it was actually used for.

Ms. Mallek said this would be a bricks and mortar classroom.

Mr. Gallaway said he had asked questions to Mr. Kamptner around this item, expressing that if something comes back to the Supervisors, they can determine what falls under the scope. He asked Mr. Kamptner if he could speak to his mention of the bond counsel and not wanting to put things at risk. Mr. Kamptner responded that first, if there are any questions as to whether the project falls within the scope of the ballot question, the bond counsel can be asked to confirm this. He said secondly, the Supervisors do not want to do anything that might jeopardize the tax exempt status of the bonds. He said thirdly, thinking long-term, the Supervisors do not want to do anything that will create distrust with the voters. He said this was the first bond referendum that went forward in 42 years, and it was quite successful. In order for the County to remain successful, the Board needs to be certain that the trust in the voters is maintained.

Mr. Gallaway asked if Mr. Kamptner believed the Supervisors need to obtain the bond counsel's opinion. Mr. Kamptner responded that he would suggest doing so as an extra precautionary step. He said the scope of the question was clear, but to be absolutely certain, they should consult a person with expertise. He noted that even if the bond counsel concludes that the project was within the scope of the ballot question, the Supervisors would also need to address the trust issue with the voters because it would ultimately not change.

Ms. McKeel agreed, adding that she suggested months before that the Western Albemarle administration send the question to the Environmental Academy as to what the best solution for the parking would be, through an environmental lens. She said this could be a great challenge for the academy students, rather than just adding more parking and paving. She noted, however, that if there was really a need for more parking, Western Albemarle could look at what Albemarle High School did a few years ago – that for \$30,000, they provided an additional 30 graveled spaces. She added that \$400,000 for parking, or \$1,000 for each, was extraneous.

Ms. Palmer noted that a significant amount of the money would be for stormwater management. Ms. McKeel acknowledged that this may be, but that it was another issue. Ms. Palmer said that perhaps stormwater management was not needed at Albemarle High School, but this was unknown. She said she would like to hear from Ms. Mallek, the District's representative.

Ms. Mallek said she already reached out to School Board member David Oberg. She said that his view regarded people coming in for Parents Night to be able to park close enough to the school. When she attended Albemarle High School, only the second-semester seniors were able to drive to school, which solved many problems. She said since having gone public with that, she has received correspondence from parents explaining that their kids are involved in special activities and have special arrangements. She said she has been trying hard to reduce the school traffic at the traffic light because of the impacts it has on the community as a whole at arrival and dismissal times. She said she understands completely, and would be very protective of, the borrowing ability and the larger issue at hand. She said she would be more inclined to ask the School Board to put the money towards one of the many other things on their list, adding that whatever they decide would also have to be checked out ahead of time to ensure it was compliant with the referendum. Ms. Mallek said she was horrified at the amount of money at the beginning. She said she hopes that the two boards can further discuss this.

Mr. Dill addressed Mr. Gallaway, stating that before the Supervisors make a "yes" or "no" decision, they should hear the School Board express their rationale. He said he was sure the School Board thought it was a lot of money as well, and they cannot make a final decision without hearing their comments. He said he was unsure of what the process would be to move it forward.

Ms. McKeel said she was not interested in moving the project forward.

Mr. Gallaway asked Mr. Kamptner if he would be going to bond counsel and if he needed action from the Supervisors to do this.

Ms. Palmer and Ms. McKeel both said this would not necessarily solve the problem.

Ms. Mallek said if the Supervisors would entertain giving the School Board Chair, or a member of the School Board, to be able to address the issue, they could determine if they want to go forward. She said she does not want to bother the bond counsel if it does not have four votes to go forward.

Mr. Gallaway said they are getting ready to bring up the School Board for the next agenda item and the conversation can continue then.

Ms. McKeel said she would like to see the School Board use the money in a different way, and if they then still feel as if they need parking at Western Albemarle, that would be their decision. She said the School Board needs to come up with the money for the parking in a different way instead of paying for it through the bond referendum.

Mr. Dill said he agree with Ms. McKeel, but he feels there was an obligation to hear the other side, because perhaps there are safety reasons involved. Ms. McKeel said she was happy to do this.

Mr. Gallaway again said he wants to have all the Supervisors comment first before taking a break, and then the School Board would come forward later.

Ms. McKeel again said that asking the bond counsel would not solve the problem.



Mr. Gallaway commented that one of his last meetings as the School Board Chair was coming to the Board of Supervisors to encourage it to decide to go forward with the bond referendum. He said he also did so as a private citizen because the official boards were not allowed to “sell” it. He said as a private citizen who was “selling” the bond referendum and giving presentations to PTOs as to why it was a good idea, he had expressed that if all the money was not spent, it cannot be “willy nilly” spent on other projects. Mr. Gallaway said that as someone who was engaged and invested in supporting the “yes” vote, he would be remiss in not bringing this up about ensuring that any dollars unspent were allotted in the spirit of the four categories. He acknowledged that the parking falls within the scope, but the four categories were used to sell the bond referendum to the public.

Ms. McKeel said the Auditorium could be filled with some people who would be very upset if another bond referendum was trying to be promoted.

Mr. Gallaway announced there would be a brief recess. He said that after the recess, once the School Board was officially called to order, they would proceed with the conversation before transitioning into the next item.

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**Non-Agenda Item. E-Waste Collection.** Ms. Palmer announced that she has new information about the E-Waste collection. She said the final time confirmations will be sent out as soon as the time slots were full, explaining that they are not full yet.

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**Recess.** The Board recessed at 1:58 p.m., and reconvened at 2:02 p.m., to allow School Board members to join the dais for discussion on next agenda item.

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SCHOOL BOARD MEMBERS PRESENT: Ms. Kate Acuff, Mr. Jonathan Alcaro, Ms. Katrina Callsen, Mr. Stephen Koleszar and Mr. Graham Paige.

ABSENT: Mr. David Oberg.

At 2:03 p.m., Mr. Alcaro, Chairman, called the County School Board meeting to order.

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**Continued Discussion: FY 2020 Appropriation #2020023 – Scope Adjustment.**

Mr. Alcaro said he would ask Ms. Rosalyn Schmitt to come forward to address the issue. He assured that there was no “willy nilly” spending on behalf of the School Board, stating that they are good stewards of money. He said the School Board was open to the conversation.

Ms. Schmitt, Chief Operating Officer with the School Division, clarified that Western Albemarle High School does not have more parking spaces per capita. She said a good comparison was Monticello High School, which has 1,200 students, same as Western. She said Monticello has 585 spaces, while Western has 406 and, therefore, there was a big difference in the total number of spaces. She noted that the difference was the amount of student permits that are issued, and Western issues more student passes per their population compared to the other two schools. She said this was an important operational decision versus a facility decision. Ms. Schmitt said she also wanted to clarify that the reason the project was brought up in connection with the bond referendum is because Western’s science addition eliminated parking spaces due to the location, stormwater requirements, and the citing of that. She said this was the only reason the School Board was bringing this up as part of the conversation, and it was important for the community to know that the parking lot and science addition are not as disconnected as they may seem.

Mr. Gallaway asked why the parking was not part of the original project scope. Ms. Schmitt noted that there were many decisions from the full design team to keep costs down, from the shape of the building to interior decisions. In an ideal world, the lost spaces would have been added as part of the original science addition scope, but there were budget concerns resulting in the priority being the addition.

Ms. McKeel thanked Ms. Schmitt for the clarification that there are more student drivers at Western Albemarle.

Mr. Gallaway asked if Ms. Mallek wanted to ask the School Board any questions, and asked Mr. Alcaro how they should proceed.

Mr. Alcaro responded that the School Board would open up the meeting to the Board of Supervisors for any specific questions. He noted that Mr. Oberg was not present, but he can voice a couple of his points of view. He asked if there were specific questions from the supervisors.

Mr. Gallaway asked if the vote from the School Board had been a split vote. Mr. Alcaro responded it was a split vote (5-2).

Mr. Gallaway asked if the Jack Jouett District and Rio District representatives were the dissenting votes. He said he has not listened to the conversation and he could go back and do this, noting that they do not need to engage in a long conversation that evening. He asked if the School Board was open to

considering different uses for the bond referendum money, explaining that this conversation would likely influence whether or not the Supervisors would take action today on the item.

Ms. McKeel asked the School Board if it wanted to go back and take a look at the \$400,000 amount to determine if there was some way to spend it that was closer to what the bond referendum intended. Mr. Alcaro responded that if the Supervisors prefer to hold the funding conditionally, the School Board would do this. He said the School Board had a solid vote in favor of the appropriation. The issue was not about the students. He said Ms. Schmitt just provided the numbers of parking spaces and student passes. He recalled Ms. McKeel's mention of the crew team and the spaces needed there. One of the things Mr. Oberg had commented on was that this was about families and parents, because as much as there is a certain convenience, or inconvenience, of parking at Henley, which happens for graduation, football and basketball games, and other functions, there is not enough room. He added that rain was one of the driving forces. Mr. Alcaro said he would leave it to the Supervisors and the School Board would look into the money again, if directed to do so. He said this would not have been done, however, if it was not a high priority and there had been a solid 5-2 vote.

Ms. McKeel commented that the parking in those situations are exactly why Monticello and Albemarle have their graduations now at John Paul Jones. She said that one of her concerns was, in talking about students crewing and driving, there are many children, especially in the urban ring districts, who have barriers against participating in all these activities because they do not have parents who can afford to give them cars, and they do not have the ability to get themselves to their internships that are necessary for their careers and life work. She said she was interested in trying to break down those barriers, expressing her hope that at some point, there could be a discussion with the School Board about transit, transportation, and how to break down the barriers instead of creating environmental concerns. She reiterated that she was not in favor of using the \$400,000 of bond money for more parking, and encouraged the Boards to figure out the problem in another way.

Mr. Alcaro said he would welcome a conversation about transit.

Ms. McKeel said there are many school buses, as well as the Regional Transit Partnership and Jim Foley to work with. She urged the School Board to see if they can solve the problem in a different way. She clarified that she was not trying to take the \$400,000 to the County government, but she was very uncomfortable with this use of the bond money.

Mr. Gallaway said it seems that the Supervisors either needed to make a vote on the appropriation itself and let the vote stand, or ask the School Board to reconsider the decision they have made, with which it would come back to the Supervisors for another vote. He asked if the Supervisors wished to request the School Board to revisit the matter, or act and vote as-is, which would force a reconsideration if it was voted "no".

Ms. Mallek commented that the School Board has clearly heard the Supervisors' concerns, suggesting that the Supervisors should give them a chance to reconsider.

Mr. Gallaway asked if the Supervisors were comfortable with having the matter come back. Hearing from the Supervisors, he said they would let the School Board reconsider, and the matter may or may not come back before the Supervisors. He noted it could come back in some other way, but it would come back to the Supervisors for that approval.

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Agenda Item No. 9. **Work Session:** Annual Update on Employee Compensation, Health Insurance and Other Benefits.

The Executive Summary forwarded to the Board states that in October of each year, the Board of Supervisors and School Board meet to gain an understanding of the Human Resources Department's annual compensation market analysis and ongoing compensation projects, updates on the current state of and future changes to the County's benefits program, and wellness initiatives.

The purpose of the joint work session of the Board of Supervisors and School Board is for Board members to receive information on the following: 1) Compensation market analysis, based on Board adopted strategies for classified staff and teachers; 2) Compensation initiatives, to include discussion around options to increase minimum salary for full time employees and address compression; and 3) Health Insurance updates for the upcoming plan year, effective January 1, 2020, and projections for FY21.

Staff is presenting this information to the Boards to inform the upcoming FY21 budget process.

The purpose of the joint work session of the Board of Supervisors and School Board is to provide information on annual salary increase and health insurance, as well as to consider various options regarding increasing the current minimum salary amount based on staff research and analysis. While staff will not be providing recommendations at this time, staff will be seeking guidance from the Boards as to the preference and timing of options presented to address increasing the minimum salary.

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Ms. Dana Robb, Program Manager of Compensation and Rewards, addressed the Boards. She said she would provide the Boards with the annual update and information, as they move forward in the

budget process for the next fiscal year, on benefits and compensation. Ms. Robb said Claudine Cloutier, Program Manager for Benefits, would begin the presentation with an overview of the plan, the long-term outlook, and the different initiatives undertaken over the past year. She said she would then come forward again to discuss compensation, the Board-adopted process, market survey analysis, and World at Work projections for salary increases for the upcoming year. She said Brooke Conover, Senior Human Resources Analyst, would then come forward to discuss an important initiative that the department conducted much research on over the summer regarding increasing the minimum salary.

Ms. Cloutier said she would be speaking about health insurance. She said health insurance was obviously a very important benefit to County employees. There are goals as to how health insurance was structured, for both quality of the plan as well as the cost. She said it must be a quality program and something that people can count on and value. She said taking the emotion out of health insurance, it was a part of financial planning and it should help people protect their assets. She said it needs to be affordable, and people need to have options in terms of how they want to spend their health care dollars.

Ms. Cloutier said the department wants to meet its adopted target, which was slightly above market. She said they look at the market every year, both nationally and locally, to determine where competitors have their benefits targeted, and they try to be in line, and slightly above, that market. She said the insurance needs to be compliant with federal and state regulations. She said the ACA is still in place and they must ensure they comply with it. Health insurance also needs to be sustainable. She said the health plan is self-insured and the County does not pay the insurance company to take the risk for them, but they take the risk for each other. She said employee premiums and employer contributions go into the health care fund, and those funds are used to pay the claims. When someone sees their doctor, fills a prescription, or is in the hospital, the costs are paid for directly out of the health care fund. The County also pays administrative fees to have Anthem administer the health insurance program. She said they also must pay stop loss premiums, reminding the Board that stop loss insurance is what keeps the fund from being bankrupted. There is a \$200,000 threshold, and when there are high-cost claimants and the threshold is hit, the County stops paying from the fund and the insurance company pays for them.

Ms. Cloutier said the County also pays for any wellness programs offered to the employees out of that fund. If they are fortunate and have done good planning, they will have leftover dollars that will go into a health care reserve. The health care reserve is the County's "rainy day fund" so that, when they have a bad year during which they are not taking in as much in premiums as they actually paid out during claims, the fund is there to help the County meet its obligations.

Ms. Cloutier said that the County offers one PPO (Point of Service) plan, which is the traditional health insurance model. It has co-pays for doctor visits and drugs, and there is a deductible as well as an 80/20 plan for higher-ticket items such as ER visits, high-dollar tests, etc. There is also a high-deductible health plan with a Health Savings Account (HSA), explaining that this was a different way of looking at health care costs. She said there is a higher deductible, but they also offer an HSA that the County pays into for each employee on the plan. Currently, they provide \$1,104 to employees to help them meet the higher deductible cost on the plan. Both plans offer the same level of coverage, covering exactly the same things, so that there was no concern about making a mistake regarding which plan the employee chooses. She said it was really about how the employees want to spend their health care dollars. She said one scenario was to spend more in premiums so that when there are unexpected health care costs, there are fewer, lower out-of-pocket costs. She said the other scenario was spending lower monthly premium rates, knowing that there would be higher out-of-pocket costs when seeking services. Ms. Cloutier said that choice was something that the department values, and the employees value it as well. She said after doing some quick math today, about 20% of insured employees are on the higher deductible plan, noting that this was remarkable. She recalled that during initial rollout, there was the expectation that there would only be about 4-8% participation. She noted there was 11% the first year and it continues to grow. She said that though there is some movement across the plans, people are enjoying having health care choices.

Ms. Cloutier said the County has been with Anthem since October 2016 and are finishing their third year. Anthem has offered the County extremely favorable renewal rates in terms of both administration of the health plan and pharmacy. Anthem has instituted themselves as their own pharmacy benefit manager, which enables them to better control costs. She said the department has projected savings from staying with Anthem, and those savings could potentially amount to \$2 million between the renewal savings and pharmacy savings they would see with the program. The department has indicated to Anthem that they will be staying with them through Plan Year 21, which would give the County some stability and not have to make changes for employees for some time. She said overall, the partnership with Anthem has been positive.

Ms. Cloutier gave an overview of wellness programs that are offered throughout the year. She said there was the Farm-to-Workplace Fresh Pharmacy through which food comes through the local food hub once a week, and employees can choose what they would like to have delivered from local farms. She said she was very happy to participate in this program. The flu vaccine clinics would be expanded that year, and in addition to flu and TDAP shots, they would also offer vaccines for Shingles and MMR, as well as pneumonia vaccines for those over the age of 65. She said it was exciting to have these clinics on site as it saves people time as well as makes them more compliant due to the convenience of having them at work. There were activity tracker promotions and challenges throughout the year, Weight Watchers Rewards, and periodic biometric screening and health assessments.

Ms. Cloutier said that claims data is monitored throughout the year to keep an eye on how funds are spent. She said the reserve balance, "rainy day fund", is monitored to ensure it is adequate to meet

obligations. She recalled that the County was currently in the middle of a 15-month transition year. She explained that the health care year used to run October through September, and they have been working their way towards a calendar-based plan year. She said there are many good reasons for doing this, with one being that it lines up pre-tax programs, such as HSAs and FSAs, with the tax year, making it much easier to communicate information about annual contributions, etc. She said this also puts Open Enrollment at a great time, for the School Division, particularly, in November rather than having it in the summer. She said the transition year was almost complete, and they would start their new plan year in January 2020.

Ms. Cloutier said there has been ongoing talk about reallocation of employer contributions. She presented the employer contribution strategy for how the health plan is funded. Currently, there is one flat contribution for full-time employees, regardless of how many people are being insured on a plan. They are working towards a more actuarially sound way of setting premiums, explaining that if there is one person on the plan, it will likely cost differently than having five people on the plan, and so contributions should be set according to how many people are sitting on a plan. This new strategy would begin in January 2020. After projecting 5% increases for Plan Year 20, she was happy to report that they have had another excellent Plan Year and they will not need to increase employee premiums or employer contributions for Plan Year 20.

Mr. Dill asked if this was dollar or percent increases. Ms. Cloutier responded that they had been projecting a 5% increase on premiums for Plan Year 20, but now this was not necessary. She said that for the next year, they are projecting a 7% increase, but that she was hoping for another good Plan Year.

Ms. Cloutier said there are a few things that the Boards may hear from Benefits, as they move into the budget cycle. She said that for HSAs, they are looking at making contribution strategy changes. She said one was potentially allowing a greater HSA contribution for people on the dependent tiers, explaining that one of the things that might keep people from using high-deductible health plans is that they have children on the plan who incur costs. She said the \$1,104 the County provides at the individual level may not be enough to incentivize someone to feel comfortable with the plan. Ms. Cloutier said that she and her own family are on the high-deductible plan, noting that it was a great way to save for future retirement savings costs and she would like to see more people take advantage of it. She said this strategy would be one way that they would be able to do this. They would also like to move to monthly HSA contributions. She said currently, contributions are being done twice a year, half at a time. She explained that moving to monthly HSA contributions would result in administrative savings because they could set everyone up as they come onto the plan, and they would get their \$92 every month. She said currently, it was more cumbersome and manual process.

Ms. Cloutier recalled that a full-time employee premium band was instituted last year. She explained the ACA states that if one is working 30 hours or more a week, they are considered a full-time employee. The County has not been doing this and were charging premiums based on the way they calculate part-time premiums. She said a band was instituted so that everyone working at 0.7 FTE and above pays full-time premiums rates. Ms. Cloutier said that changing allocation of employer funding by tier creates a few problems, with one of the problems being with part-time employees. She said currently the way the County calculates part-time employee rates is by basing it on part FTE. She explained that if someone is 50% part-time, they get half of the Board contribution, then they must make up the other half while still paying the employee premium. She said that in a reallocation scenario, much more contribution is put towards the family tier, as more money is needed there to fund it. She said when doing this for a part-time employee, the employee is being cost out and they will not be able to afford family coverage. A work-around has been developed to address this problem, but another, simpler and more administratively efficient way to do this would be to institute a part-time band for the 0.5-0.69 employees. She said there was the hope that this would be cost-neutral because, when considering reallocating tier premiums, there may be enough cost savings from lowering the individual contribution to help pay for the part-time tier. Benefits was still pulling data and crunching numbers to see if this was feasible, and administratively, it was a smart thing to do. She said it could also help with recruitment and retention of some hard-to-fill and hard-to-keep staff and support services for the schools.

Ms. Mallek said that making the HSA contributions monthly would also help the employees because it was a big hit when it was twice a year and having it monthly would be an easier adjustment. Ms. Cloutier added that they surveyed the members to see how they felt about this, and the negativity rate in general was very low. She said the response was either neutral or positive. She said she does not have any concerns about implementing this, if they do decide to do this.

Mr. Alcaro asked if the \$2 million in savings was cumulative through 2016, or if it was at that point through the rest of the plan. Ms. Cloutier responded that it was a combination of the renewal savings over 2019, \$1.4 million in savings, and negotiations with moving into the more financially beneficial pharmacy platform earlier. She said rather than waiting until January 2020, Anthem allowed the County to come on in October 2019. This resulted in an additional nearly \$350,000 in savings, based on utilization.

Ms. McKeel said the 7% looks great, because she remembers when the increases were 14-16%. She said many of the programs that Benefits have worked hard on to put in place have helped to bring the increase down. She recalled that employees all used to receive a pay slip. Ms. Cloutier said Ms. McKeel was referring to benefit statements that used to be issued. Ms. McKeel said that people could see on those statements how much the plans were costing them. She said it was important for people to understand what the organization is supporting. She said they do not have these statements anymore as everyone has direct deposit. She asked if Benefits sends out a statement to employees each year that outlines the costs and money received. Ms. Cloutier responded that during Open Enrollment, the Board

contribution toward medical and dental is noted so that people can see, as the Board was funding most of the costs of the coverage. She said there was also the retirement piece, which is hard to quantify as it is idiosyncratic. She said sending this kind of statement available to employees once a year would help them see what they truly receive, not just in terms of salary, but in terms of benefits and the department could work on this. Ms. McKeel said it would be valuable for people to understand what the amount is.

Ms. Mallek asked if the majority of employees go to their electronic statements monthly, as the information is there. Ms. Cloutier responded that she wished more people would check their paystubs and they are encouraged to do this. She said there would be some increased security around paystubs so there would have to be extra steps taken to keep them secure. She said it was difficult because if people have the money coming into their bank accounts, they do not necessarily check. She said working in Benefits, they tell people to check each month, especially if they have made a change, in order to catch errors.

Mr. Gallaway mentioned the website reconfiguration, with an entire backend that is employee-based with employee logins. He said there must be an HR component of this in the design, and the consultants should be able to address this. Ms. Cloutier said that with Greenshades, the hosting site for paystubs, there are ways of knowing who has and has not been checking in. She said that with resources the way they are, hounding people was likely not a high priority. She acknowledged that seeing the information was an important thing for people to do, and perhaps something automatic could be worked in.

Mr. Randolph requested that if, in fact, levels of redundancy are being added for security, that they not require everyone to have to change their passwords every three months. He said it was exceedingly challenging and confusing, with everything that rotates, such as payroll and medical benefits, to keep track of the password. He suggested having symmetry between the two systems, allowing the same means of access and passcode. He said otherwise, it adds to frustration for employees. Ms. Cloutier agreed that it was frustrating and it was a common complaint with Greenshades. She said she would pass those comments along to her colleagues in the Finance department.

Ms. Dana Robb transitioned the presentation to the compensation process, explaining that she would start with the joint Board-adopted process. Every July, her department surveys the joint Board-approved adopted market to see what the local school divisions and governments have done for salary increases over the past year. She said they then analyze the data to determine whether or not they are meeting their targets. They also obtain their World at Work projections. World at Work is a well-renowned, international compensation organization and has determined to be the best source as far as projecting salary increase data. Human Resources then comes before the Boards to review the information they gathered and what they propose to do for the next budget year.

Ms. Robb said she would review classified employees first. In the past year, targets were met, and there was a 2.3% salary increase for all classified staff, including staff on the Public Safety pay scale. For those not on the Public Safety pay scale, including Pay for Performance, the total budget was 3%. She said for the Public Safety pay scale, it was a 2.3% step in scale, along with funding their lump sum performance bonuses. She then presented a slide on how the Merit Matrix works in regard to Pay for Performance. She indicated to an outline of where the market increase was, and what the County gives for people who are above and below mid-point. For example, if an employee is above or at mid-point of their current pay grade, and they get a "Successfully Meets," they receive a 2.3% increase. If an employee is below mid-point and receives the same performance score, they would receive a 3.3% increase. The reason for this is to accelerate those employees who are below mid-point faster to mid-point. Ms. Robb said she would discuss the teacher scale. She recalled that in 2018, there was much effort put into the teacher scale and it ended up moving from a "4" anchor point to a "2" anchor point, resulting in allowing the County to give equal percentages across the scale to all its teachers. In 2019, the teacher scale was adjusted by 3% so that all teachers on the teacher scale, up to T31, received a 3% increase. She then presented a slide demonstrating how the past year is compared to the adopted market. She explained the lines on the graph, with the blue line being Albemarle County and the green dotted line being the 75<sup>th</sup> percentile of the adopted market. She said the County was above the adopted market at all areas, stages, or steps of the teacher scale. The numbers at Steps 0, 15, and 30 show how many school divisions were below or above Albemarle. She said at Step 0, there were 4 localities above Albemarle and 23 that were below. She said at Step 15, there were 3 localities above and 23 below; and at Step 30, there were 5 above and 21 below. The localities that were most often seen above Albemarle were Prince William, Loudon County, and the City of Charlottesville.

Ms. Robb said she would talk about the joint Board-adopted process and what is being proposed for the coming year, including what World at Work is projecting for the coming year and what the results were from the survey that was conducted. In July, the adopted market was surveyed, and it was determined that they did a 3% increase overall. She said her department therefore made an overall 3% budget, meeting its targets for both classified staff and teachers. World at Work was projecting a 3% increase for 2019. She presented a graph demonstrating what World at Work has done over the past many years compared to what the County's adopted market actually did. She said historically, World at Work's projections have been high. In 2018, World at Work was slightly higher than what the market did, and 2019 was slightly different. She recalled that in 2018, the state approved additional funding for schools. Since all the school divisions received the funding, that increased what they could give for their increases. As a result, World at Work's projections were low compared to the adopted market. She said this was not believed to be a trend, but it was a one-time circumstance. She said with World at Work's projections being 3%, her department would be proposing a number slightly lower than this.

Ms. Robb presented a slide listing the other compensation initiatives and ongoing projects that Human Resources works on throughout the year. She said they have a rotating schedule for classification reviews for different departments. She said this includes a 2018-2019 review of child nutrition, local government Information Technology, Parks and Recreation, School Information Technology, as there were positions in School Information Technology that had not been up for review yet, directors in both local governments and schools, and principals and assistant principals. In 2020, they would be reviewing the County Attorney's Office, County Executive Office, including Office of Management and Budget, Office of Equity and Inclusion, Project Management Office, Communications and Engagement, Community Development, and Teaching Assistants. She added that they are in the third and final year of the School Division Broadband Program pilot, and are concurrently conducting analysis on this and would be bringing it back to the School Board for review. The Public Safety pay scale was implemented in January 2019 and was well-received by all those departments. She said she spoke with Chief Lance and Chief Eggleston to get more information about how it was going. She said the Chiefs had interesting information to share about retention as well as staffing. One of the Chief Lance's perspective was that multiple senior officers that were up for retirement said that, due to the pay scale implementation, they would stay for at least three additional years. She noted that this was positive, as senior officers are a wealth of knowledge and experience and are critical when bringing in new recruits and training those individuals. She said she was also told that out of the four positions they are currently down, there are six candidates in the pipeline that were certified. She said that while other departments the Chief spoke to in the state were down 18-25 positions, and he felt that the pay scale implementation has been very helpful to the County. Ms. Robb said Chief Eggleston said that he felt the program was great, as it allowed for the most successful recruiting of diverse candidates. She said he mentioned that there was a recruit who is an experienced firefighter paramedic from Miami-Dade and Albemarle was able to get that person there because of its pay scale. She said recruits can see exactly where they will be placed, based on their experience, and what they could potentially earn over the coming years. She said Chief Eggleston felt that this was strongly encouraging for the Fire Department and that the pay scale greatly helped with this.

Ms. McKeel asked Ms. Robb if she had had a chance to talk to Sheriff Harding. Ms. Robb responded, "no". Ms. McKeel added that it was interesting that some of the largest increases in salaries were in the Sheriff's Department, remarking that it was great to see how their pay had bumped up. Ms. Robb said she would speak to Sheriff Harding and let her know. Ms. McKeel noted that some of the salary increases went into double-digits and were impressive. Ms. Palmer remarked that their issue had been recruitment. Ms. McKeel agreed. Ms. Palmer said she was curious about this as well. Ms. Robb said she would follow up with them.

Ms. McKeel said that ECC was impacted by the pay scale as well. Ms. Robb confirmed this.

Ms. Robb said Human Resources was also working on developing strategies regarding hard-to-fill positions, with some of those positions including the EDP Teacher position. She said there are some project manager positions and custodians as well. She said it was evident to the Recruitment team that they could hire the custodians, but they cannot seem to retain them. She said they would be working on addressing strategies for those hard-to-fill needs, as well as some select Teacher Assistant positions, Behavioral Assistants, and Autism Assistants. She said they would see if they could work through the compensation lens to work on this.

Ms. McKeel noted that the School Division has their custodians under the School Division. Ms. Robb responded, "yes". Ms. McKeel asked if there was still an outside agency that the County contracts with for custodians. Ms. Robb responded that there are a couple custodians that work at the County Office Building, and one at the ECC. She said the contract service comes in after hours. Ms. McKeel asked if they were having trouble with custodians on the County government side. Ms. Robb clarified that she meant the school side. Ms. McKeel said that the County government's custodians were long term.

Ms. Robb said she would they discuss the minimum salary pay rate. She said Ms. Conover would talk in great length about this, and the information would be informational only in order to get the Board's feedback. She encouraged the Boards to ask questions, as it was a very important initiative and she wants to be sure the Boards have all the information they need as they move forward into the next budget cycle.

Ms. Conover, Analyst with Human Resources, said that in terms of regular compensation, market targets are being met. She said for 2020, they are looking at a 2.7% increase – less than what World at Work projected, 3%, reminding the Board that World at Work's projections have historically been high. She said they would fund Pay for Performance again, and to scale, they fund over maximum of the pay grade lump sums, as they do every year. There would be an increase in the Public Safety pay scale of 2.7%, with step and scale getting the performance lump sums. She said there would be the same increase for teachers, with longevity lump sums similar to what was done in 2019.

Ms. Conover said there are things that were happening in compensation that are not typical. She said the department looks at the joint adopted market, the governments and school divisions nearby and around the state, but also in the adopted market was UVA. She said UVA is making some compensation changes that the Board needs to be aware of, and the Boards would be provided with context as they move forward in the budget project. Ms. Conover recognized that the Boards do not have all the budget information and priorities at that time and therefore, they are not asking the Board to make any decisions that day. She said she hopes to get the Boards feedback, that budget staff was beginning to build their budgets, and there was a meeting on November 13 where the Boards would discuss this. She reminded the Board that the presentation was informational and that she would try to answer any questions.

Ms. Conover said UVA announced a move to \$15/hour in March, 2019. She said Phase I of this move was to ensure that UVA's full-time, benefitted positions are making at least \$15/hour. She said Phase II, which she did not have a time frame for at that time, would include part-time regular employees and temps, as well as contractors. There was an option for UVA employees to stay on the state compensation plan and the pay increase would not affect those employees. She said there were about 1,400 employees, or about 8% of UVA's workforce, who would experience a pay increase to \$15/hour. She noted that the current minimum is \$12.75/hour. Ms. Conover said that there would be more employees who receive increases, and UVA has not yet published a number about how many more employees would get increases. She said that UVA would be doing compression adjustments going up to \$16.25/hour. She said it was unknown as to if this would mean several hundred more employees, or thousands more, but they do know it would impact quite a few people in the local economy and levels of positions where they pay rates would go significantly up.

Ms. Palmer asked about the different phases of the pay increase. Ms. Conover responded that UVA's President Ryan stated in March that Phase I would be bringing their full-time, benefitted employees to at least \$15/hour and do the decompression. She said Phase II would be trying to get some of the other employee groups, e.g. part-timers, temps, and outside contractors, to also get to that same rate. She said there are no concrete plans published yet about Phase II.

Ms. Palmer asked if the first phase was decompression for those making \$15-16.25. Ms. Conover responded that Phase I would bring everyone that is at \$12.75, the lowest rate, up to at least \$15 and then they would decompress along the range from there. Ms. Palmer asked about the pay scale going all the way up. Ms. Conover said it would go up to \$16.25. She said she does not know how far up the pay scale goes and does not suspect that \$16.25 was the top of it. She said that UVA has said publicly that they are going up to \$16.25 and that they would be sending letters to affected employees in November. She said when HR reached out to UVA, they did not have many concrete details to share at that time.

Ms. Conover said that, as a comparison point, slightly over one-third of the County's classified employees are below the \$16.25 mark, typically people at pay grades 10 and below. She said this was a third of the County's employees who would have a similar group in the nearby environment where the rates would significantly increase. They wanted to get an idea of what impact UVA's announcement may have, so they looked into the other large employers in the area. She said C-Ville Weekly had put out an article in 2018 providing the 50 largest employers in the area. Ms. Conover indicated to a slide, noting that not all of the 50 largest employers were listed, but that it showed the top 10. She said numbers 1, 2, and 6 were all UVA or parts of UVA. The County, local government and schools combined, was number 3 on the list. She said, however, Charlottesville was also on the list, but they are broken out into the City of Charlottesville local government, at number 5, and City Schools, at number 8. She said the City was also at the \$15 mark and has been there for a while. She said it was really UVA's announcement that was changing the environment. They were also able to obtain data from Martha Jefferson Hospital, noting that their hiring rate starts at \$12.75. She said another large employer, State Farm, starts at \$13.33 as their lowest full-time rate. She said the County's lowest full-time rate currently, at the minimum of a pay grade 4, was \$10.20, remarking that this does look different from the other large employers.

Ms. McKeel said this would explain the ability to hire and retain, to some degree. Ms. Conover agreed that this was true, to some degree, although pay grade 4 does not have many people and positions in it. She said that it was still the starting of their scale. Ms. McKeel said she was looking at schools. Ms. Conover said she does not know if there were any local government positions in pay grade 4.

Ms. Conover continued that Human Resources worked on getting more starting wages from local businesses. She said they were able to obtain some, but not everyone has to be transparent about pay like the County does, and so the data listed on the slide was from organizations who were willing to share their numbers. She noted that the list was very unofficial and was not the adopted market. She said the businesses were in alphabetical order, with no meaning to the ranking. She said the intent was to determine if other employers were starting to react to UVA's move to \$15. She said Human Resources determined that there was nothing there that strongly indicated that anyone else has jumped to \$15 yet.

Mr. Dill asked if the data on the list were from local store locations, e.g. Walmart. Ms. Conover responded that the data was not from the corporate website, but HR called around to local locations.

Ms. Conover continued that the County has a robust benefits package, and some of the businesses on the list may also have nice benefits packages but this was not a guarantee, and some may not be offering much in terms of benefits at all. She said the list represents what HR was seeing in the local environment. Ms. Conover presented the joint board-adopted market. She indicated on the slide to the local governments and corresponding school districts that HR looks at to determine if the County was keeping up with the market. She said HR reached out to those localities and asked what their lowest full-time rate was. She said that most of them responded, and the median of them all together was \$10.70. She noted that this was not far off at all from Albemarle being at \$10.20 and based on this data, Albemarle was not out of line with where the adopted market was. Ms. Conover said she had mentioned that \$10.20 was for full-time, noting that this was the County's VRS Eligible Scale. She said this was not the take-home pay and that there were taxes, just like with any organization. The County's full-time scale was also subject to a 5% mandatory employee contribution being taken out as pre-tax. She said that most localities in the adopted market were also in VRS or something like it, so it was a fairly close comparison.

Ms. Conover said that after looking at the competitive environment – both official and unofficial – HR wanted to provide three options for the Boards to consider. She said there was one other option not

listed in the presentation, which was to not do anything out of the ordinary and keep things the same as far as the normal procedure with pay scale, with it perhaps going up 1-1.5%. She said this would mean they would move to \$10.20 to perhaps \$10.30 or \$10.35 as the lowest pay grade 4 rate. From a market competitiveness standpoint, HR was not recommending this option. She said perhaps the adopted market was not moving very much, but HR feels that there was a need to do more than the typical and therefore were deviating from their typical strategy. Ms. Conover said she would talk about the three rate options before the Boards. She said that \$15 provides the best competitiveness, but she was unsure if this was where the County would end up going. She said she would talk about costing as well, noting that it was quite a lift to bring their lowest rate of \$10.20 all the way up to \$15. She said if it was raised to something other than \$15, there are ideas from HR as to where it would position the County. All three rate options would position the County either above, or far above, the adopted official market median. She said at \$12.75, the County would be less than some of the local employers in the immediate vicinity, and certainly not on par with UVA and the City of Charlottesville, but they would be competitive with some of the private sector businesses. At \$13.50, the County would be even more competitive, and this would put them more in line with Martha Jefferson and State Farm. She said at \$15, the County would be competitive with City Schools and UVA. Ms. Conover reiterated that everything she was discussing was for classified employees only and it did not include teachers, who are on a separate pay scale. She said that everyone who went on the new Public Safety step scale also are not part of this, noting that there are Public Safety employees who are classified. She said the classified employees total about 1,700.

Ms. Acuff asked how many employees across schools and the County are at the lowest pay level. Ms. Conover said there are only 19 people at pay grade 4. She said that any rate that was suggested was many pay grades into where they already are.

Ms. McKeel asked if the 1,700 employees include both schools and government. Ms. Conover responded, "yes".

Ms. Palmer said that when more numbers and information are obtained, the Boards would see how the data compares with the salaries of teachers and Public Safety, even though they are not involved in this. She said she would like to see how their pay scales compare. Ms. Conover said that they are all well above the \$15/hour mark. She said this information can be brought back to the Board. Ms. Palmer said she would like to see it from a compression standpoint and comparing the different scales.

Mr. Dill added that since there are only 19 people in pay grade 4, that data was almost meaningless to him. He asked why they are not looking at a different pay grade. Ms. Conover responded that they are definitely not looking at only pay grade 4. She said the scale has to start somewhere and pay grade 4 was where it happens to start. The main effects of the initiative go throughout the entire scale.

Ms. Callsen recalled that it was a big jump to pay grade 5 and asked how many were at this grade. Ms. Conover responded that she does not have that number, but she does have a slide showing bands of pay grades with how many employees in each of those bands, which could be helpful. She said she could bring back to the Boards exactly how many are in each pay grade.

Ms. Conover said that regarding timing, there are options as far as what new minimum rate could be targeted, as well as options around when this might be done. She said Charlottesville government and schools have been at the \$15 rate for a while, but it was UVA's announcement that really created urgency around this. She said HR knows that there would be market pressure of those known 1,400 UVA employees that would move up, as well as unknown ones and ones who would get their compression increase. She said this all would happen in just under three months. Currently, the County has turnover ratios, as any organization might. She said this was not happening in any one pay grade but was happening across the scale. She said there are areas and pockets of hard-to-fill positions, but those are in various pay grades and not necessarily just in the lower ones. She said it was known that pressure would come to those lower pay grades because of UVA's action. Ms. Conover recommended that, whatever is done, the County not wait nine months, until July 2020, to do it. She said she was unsure if this was a possibility, as they may end up with unfilled positions in the springtime, especially on the school side. She said people typically make decisions in the spring about whether they will stay or go, so this was a critical window of time. If possible, HR would like to make a move in the present fiscal year, perhaps in April, and wanted to put the idea forth.

Ms. McKeel said the Board usually receives a Human Resources report with information about retention. She said she was trying to marry that report with the present one and asked when the Board would be receiving the former report. Ms. Conover responded that the 2018-2019 school report was already out, and the government report was in the works. Ms. McKeel said she would like to see the school report. Ms. Conover said the school report was already online for 2018-2019. Ms. McKeel said they are usually in the same document. Ms. Conover said they were on the same place on the website but are two different PDFs.

Ms. Palmer asked if UVA's cafeteria workers are employed by UVA. Ms. Conover responded they are employed by Aramark and they would not be subject to UVA's \$15 action now, but could be in Phase II.

Ms. Palmer asked what percentage of, or how many, employees UVA are contracted. Ms. Conover responded that she could try to get this information. Ms. Palmer expressed her curiosity about if the new \$15/hour policy would push UVA to have more part-time employees. She acknowledged that this was unknown.



Ms. McKeel said that from her experience, UVA would be hard pressed to do this because unless there was a change, there were many people who have moved to part-time status at the point in which the ACA kicked in.

Ms. Palmer noted there would be a lot of financial pressure to go up to \$15, and she wondered what the impacts would be.

Ms. Acuff asked when Ms. Conover obtained the data on other area employers, if she received any reactions from them about the UVA \$15/hour proposal. She said she assumes that many other entities would be looking at this carefully also. She said, for instance, Wegman's salary was low but that when they came to town, the County lost some of its Childhood Nutrition people to them because the salary was better. She expressed doubt that it was only the City, UVA, and now the County considering the wage increase and that many other employers would have to have a strategy as well. Ms. Conover said she spoke to many of the people in the local market and no one was really talking about it yet. She said perhaps the County was being slightly more proactive and the other employers would be more reactive. She said when she was speaking to some of the adopted market entities, who were not as local, about the move to \$15, they were only curious about what Albemarle would do and were not taking action themselves on it yet.

Ms. McKeel noted that UVA was the driver for the County and has always been the driver for salaries in Albemarle as they are such a large employer.

Mr. Paige asked if HR holds exit interviews when employees leave the areas where the County is having trouble retaining them. Ms. Conover responded that HR offers exit interviews, and it is voluntary as to whether or not they participate. She said this information is included in their annual reports.

Ms. Conover described what it would be like to change the pay scale and presented the proposed plan. She said currently, the pay scale goes from pay grade 4 to pay grade 28. In the past, the County had pay grades 1-3, but there are no longer any classified positions there. She reiterated that \$10.20 was the minimum rate for pay grade 4, noting again that there are not many positions at pay grade 4, and therefore pay grade 4 would be eliminated, with the pay scale starting at pay grade 5. She said pay grade 5's minimum was not much more, however – either just slightly below, or right at, \$11. She said it was still not a high number and still not near any of the targets. Ms. Conover said that whatever target rate is selected, all the minimums and maximums would be adjusted upward. She said working up the scale, they would increase each minimum and maximum going upward, but this would be done by a less amount every step they go up. She said, for example, if they end up raising the lowest rate by \$3/hour, by the time the top of the scale is reached, the pay grade is raised by \$0.03, noting that this is minimal. She said a question would be as to why they would go all the way up the pay scale, and she said the answer is that they do this to keep the integrity of the pay scale and to avoid compression. Ms. Conover said consideration was made to choosing an arbitrary point in the pay scales and deciding to go up to a point, decompress to there, and then stop. She said the problem is deciding what the right place is to stop. She said no matter what place is selected, compression is created at that point and a break in the pay scale occurs. HR did not want to do this but rather, wanted to do something that keeps the pay scale mathematically sound. With a new pay scale, with a pay grade eliminated and everything increased, the question would be what to do with the employees. She said, for instance, if someone was at the midpoint of pay grade 8 currently, they would be placed at the new rate for the midpoint of pay grade 8. She said everyone stays where they are and depending on where they are in the scale, that determines the amount of increase they get. Ms. Conover said that by keeping everyone in relation to each other, this prevents compression from being a problem created by the new scale, noting that compression was detrimental. For instance, if someone has been working for the County for a decade and is now making \$15/hour, they may have a co-worker in the same position who was hired that year at \$11/hour. She said if everyone was simply brought to \$15 and the County does nothing else, the 10-year employee's time spent with the County would be eroded. She said it is a huge dissatisfier and it is even worse when three months later, someone new again gets hired in the same position, and they have to be brought in at \$15. She said this makes longer-tenure employees feel devalued. Ms. Conover said that whatever target rate the Boards select, it was important to not create compression issues. She said everyone has to shift, clarifying that they do not all shift at the same amounts, but everyone has to shift and keep equity with each other.

Ms. Conover presented a slide showing estimated numbers of employees at each pay grade. She said rightfully, the Boards would be questioning making increases all the way up to the top of the scale. She clarified that this was not intended for people at the top of the scale, but HR considered this and they did not want to compress to an arbitrary pay grade because wherever this is done, compression problems are created. There are 1,700 classified employees that this increase would impact. She presented a slide explaining what pay grades these employees are in, noting that there are many employees in pay grades 4-6. She presented a short list of the types of employees in pay grades 4-6, which include TAs, custodians, food service associates, transportation assistants, EDP assistants. Pay grades 7-9 include special education, autism and behavioral assistants, social services, specialists I-III, Community Development Intake Support Specialists, and ground facilities maintenance workers. Pay grades 10-12 include bus drivers and lead bus drivers, automotive mechanics, social services eligibility workers, and tax clerks. Pay grades 13-15 include school nurses, social services, bright stars, foster care adoption, adult protective and child protective workers, and Technology Service Specialists for schools. Pay grades 16-18 include senior appraisers, senior planners, civil engineers, service desk and network engineers. Pay grades 19-21 include senior project managers, and elementary and middle school assistant principals. Pay grades 20-24 include elementary and middle school principals, and deputy chiefs in public safety. Pay grades 25-28 include high school principals, as well as individual chief and director roles. She

said there are hundreds of different positions, but the list highlights the job descriptions in which there are many incumbents.

Ms. Conover presented a table, explaining that takeaway from it was that, whatever model is considered, the top percentage shown was the average increase in what people may actually experience in each pay grade. She said in the middle of the ranges, for pay grades 13-15 and 16-18, the increase was down to 1% or less. She said by the time the scale runs to the top of the pay grades, the increase was nearly zero. Ms. Conover then presented the same numbers in a different way. She noted that on this chart, the largest average increases that employees would experience are in the lowest pay grades. In fact, the only kind of meaningful increases are in the first third of the scale. She said by the time the scale reaches the middle third, the increases are in very low percentages. She added that by the time the scale reaches the outer thirds, it was practically decimals. She explained this is how HR wants to keep the integrity of the scale and avoid compression without choosing an arbitrary stop point. The idea is not to give increases to the top pay grades, but to keep all the scale robust without compression. Ms. Conover then presented preliminary cost estimates. She said they are costed out using regular employees and data from about 1.5 months prior. She said especially on the school side, much has already changed, and the estimates can be redone now that the changes are finally submitted for September. She said the costs does include benefits costs, explaining that whenever someone's salary is increased, benefits costs go up as a part of this. She said medical and dental are not a function of this, but retirement, FICA, and other things to go up. She said additional money was programmed in to cover those benefits costs. Costs does not include vacancy dollars, nor any overtime. She said if someone is exempt, they would not be affected, but if the pay rate is raised for someone who is non-exempt and they run overtime, the costs does not account for this yet. The rates also do not include temps. She said in terms of how temp rates are done, there was more looseness around this on the local government side, but that Parks and Recreation was likely the department that has the largest temp budget. She said HR asked Parks and Rec if they were to pay their employees at least \$15, noting that this was regarding temps, which were usually summer hires, what kind of impact would this have on their budget. She said Parks and Rec provided an estimate, which was about an additional \$280,000 of costs annually, with another 8% added for FICA, making it slightly under \$300,000. She said this was for \$15, and if choosing a different target, the numbers would change. Ms. Conover reiterated that on the school side, the pay increase would not affect teachers, and it also would not impact what the County pays substitute teachers. She said this was much of what drives temp dollars on the school side, but for substitute OAs, TAs, nurses, and bus drivers, those rates are tied to the pay scales, and anything done to the pay scales would increase the rates the County pays to those other support types of substitutes and temps on the school side. Ms. Conover acknowledged that the estimates are rough, but stressed they are still meaningful as they provide an idea of the impact. She said the numbers are not being driven by the top third of the pay scale, but they are primarily being driven by the increases to the lowest third of pay grades, noting that there are many employees and incumbents in those lower pay grades and that they would be getting the highest increases.

Ms. McKeel remarked that the increases are being driven by the people who cannot afford to live in the community.

Ms. Conover reiterated that HR would like to make these changes in the spring, if feasible, as it would be an optimal time with UVA making their move to \$15 in January. She presented a slide, noting that the top boxes show the cost would be for an April effective date, which was three months in the present fiscal year that has not been budgeted. She said if they made the change at any point in the present fiscal year, it would have an effect of what the costs would be going into the merit budget because if raising the base salaries of what the July 1 merit is based on, the July 1 number goes up. Ms. Conover added that there could also be some desirable compounding. For instance, there is an employee who has been with the County for a while and who makes \$12/hour, and \$13.50 was selected as a target, resulting in the employee getting exactly to \$13.50. She said at the end of March, that employee would be making \$12/hour, and on April 1, they would move to \$13.50. She said the employee then successfully meets their review and get a "3" rating, and are below their paygrade midpoint. She said if the recommended percentage increases are used, they would receive 3.7% increase and then be moved to \$14 on July 1. Ms. Conover said this compounding would happen if the changes were made before the end of the fiscal year and was something for the Boards to consider. She noted that this may not be feasible, and so the numbers at the bottom of the slide talk about an annualized cost. She said if the effective date was July 1, or after, into the next fiscal year, the basis for the numbers would be slightly greater, as they would be implementing the changes after the July 1 increases, and then employees would be placed on the scale. Ms. Conover said they would have to be careful about determining what comes first, which was a reason why the County would not want to do anything that creates compression because there was no point in doing performance increases if the relative standings and salary relationships to each other are eroded by bringing everyone to one uniform rate without taking any other action. Ms. Conover reiterated that the annual amounts are likely to vary, especially since they are trying to predict something that would happen after a major compensation event that was many months down the road. She said the employee population could change during that time, and additionally if the County had not taken any action yet, the UVA move would have been six months old at that point, and the County's vacancies and turnovers are unknown.

Ms. Conover concluded that HR's main goal was to be market competitive. She said this was not a typical presentation from HR – they typically look at World at Work's numbers and make their educated guess around this, resulting in the County being correct much of the time. She said the UVA move changes this because if one entity in the adopted market takes an action, the one data point typically does not have an impact, but the UVA change was big and they have not yet seen, or know, what the impacts would be. She said HR wants to be proactive.

Mr. Gallaway asked if there are clarifying questions.

Mr. Koleszar said that when the item comes back for action, he would like to see how much the dollars are for each pay grades, rather than simply noting that the increases for the top pay grades were relatively minor. Ms. Conover said she could provide this.

Mr. Koleszar added that he would like to have a listing of what the pay grades are and what the positions are, with the ones the County has trouble filling or has a large number of vacancies being highlighted. He said that he would like to see how many employees are at each rate and in each job. Ms. Conover said she could provide everything he requested. Mr. Koleszar said this would be helpful information for the Boards to have when they make their final decision.

Ms. McKeel agreed and said this is why she had asked for the HR report, as it informs exactly what Mr. Koleszar was asking for. Mr. Koleszar commented that the School Board's HR report does not contain this level of detail.

Ms. Acuff asked to be refreshed on UVA's plan, saying she heard that it was to move to \$15 as of January 2020 and that they were not phasing this in. Ms. Conover responded that this was Phase I. Ms. Acuff said that Phase II has not specified the dates, but it seems to her that the County should follow this closely. Ms. Conover said they do not know much about Phase II, but UVA was working hard to begin to implement Phase I. She said UVA may take some time to see what the implications of this will be. She said UVA has expressed their intention about Phase II, but nothing beyond that.

Mr. Gallaway asked to go back to the slide that shows the estimated costs. He asked what the costs for the 2.7% increase would be. Ms. Conover responded that she does not have the costs for the 2.7% increase yet. She did note that in 2018, they did a 2.3% increase plus performance, and the total cost for schools and government overall was about \$5.6 million. She said of that, \$1.65 million was government, and \$2.6 million was teachers.

Mr. Gallaway asked, if they did a 2.7% increase, they would add the cost for this on top of the numbers at the bottom of the slide for the full compensation increase year over year. Ms. Conover responded that this was a rough way to estimate it, noting again that it still does not include the temps. Mr. Gallaway said he understood, and asked about the 2.7% increase factoring in. Ms. Conover clarified the numbers Mr. Gallaway indicated to did not yet include the 2.7% increase. Mr. Gallaway said he would like to see what the numbers would be if they did a 2.7% increase, expressing that the costs should be clearly outlined and that they should begin projecting what the actual costs would be based on what the projected budget items would be.

Ms. Palmer asked, if the County was giving everyone a raise through this model, why they would do a 2.7% increase on top of that. Ms. Conover responded that the two things are related, but separate. She explained that the 2.7% increase would be for all employees. Ms. Palmer asked if this goes back to the pay scale where the higher pay grade employees wouldn't be receiving as much. Ms. Conover responded, "yes". She said the only people who would see much movement based on whatever the target rate will be are the people in the lowest pay grades. She said if pay for performance is not done, nothing would be done for the rest of the employees. She said the economy was still robust and that HR recommended doing an annual increase.

Ms. McKeel said their salaries would stagnate. Ms. Conover confirmed this was true if nothing else was done. She said the move to a minimum rate does not touch anyone meaningfully in the top two thirds of pay grades. Ms. McKeel said they would then be getting further behind and a higher turnover. Ms. Conover said the County does have turnover, but it was across the Board with some pockets. She said they are not currently only having turnover in the lower pay grades, but that with UVA making the move, this could change.

Ms. Palmer pointed out that if the one-third of the lower pay grades are increased to the new target, and then they get 2.7% on top of that, they would be over the \$15 mark. Ms. Conover said this was true if they set the target at \$15, and if it was done prior to the beginning of the fiscal year. She said the compounding between the minimum rate change and the merit would only occur if they changed the minimum rate prior to the beginning of the fiscal year. She said, for example, they would go to \$15 and someone got a 3.7% increase, it would put them above \$15.

Ms. Palmer said the Board was having discussions about the rest of the budget and what they are looking at with a tax increase. She said she would want to see what the tax increase would be that would be required to implement one of the models, along with everything else in the budget. Ms. Conover reminded the Boards that HR simply wanted to provide the information today.

Ms. McKeel asked if they would receive a report and recommendation ahead of time for the Board members to review.

Mr. Randolph said that while Ms. Conover was giving the report, Wall Street went down 1.8%, the CAC in France went down over 3%, the DAX was down 2.8% in Germany, and the FTSE lost over 3%. He said there are signals that the world was entering into a recession and it was important for the County to be taking a look at the 2.7% increase, as it may be very ambitious if thing go a negative way. He expressed his appreciation for the extensive documentation from HR but said ultimately, the decision will have to rest with the Board, who would be wrestling with the implications of a tax increase if they are, in fact, sliding negative territory for economic growth.

Ms. McKeel asked if there was assurance for gender equality – that the County's female employees are not receiving less money for the same work as males. Ms. Robb said that the County closely follows hiring processes to ensure that they are hiring equitably based on years of experience and education. She said if there is any deviation from that, it has to be justified by experience, certification, training, or something that the candidate is bringing above and beyond. They are also ensuring that they maintain their internal equity with current employees. She said they do not want to leapfrog employees who have the same, or more, experience and education. When they hire, they have a hiring range that they use to place them appropriately.

Ms. McKeel said she was asking because her neighborhood held its annual meeting and the question had come up. Ms. Conover said that what Ms. Robb was referring to was the open range for regular, classified employees. She said that teachers and public safety have a step scale. Ms. McKeel said she understood this and that it was more straightforward. Ms. Conover said there was no wiggle room for deviation there.

Mr. Alcaro said as the decision process goes forward, he would be interested to see what the costs going forward would be. He said he would like to see those numbers for Years 2 and 3 and what that would start to look like.

Mr. Dill said it stuck him how much the issue was much more about public relations, image, and competing with the other entities in town. In the past, it was always much more of a mathematical comparison with comparable entities. He said the \$15/hour was not only because of UVA, but it was more of a national movement. It definitely affects small businesses differently from UVA types of operations.

Ms. Mallek commented that it makes the County feel like a small business as opposed to a big one. Mr. Koleszar added that the County is not a small business because they are the third largest business in Central Virginia. Ms. Mallek said that compared to a business that has 30,000 employees, they feel small, and UVA may have the capability to do something that the County may not.

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**Recess.** The Board recessed at 3:39 p.m., and reconvened at 3:55 p.m. Mr. Alcaro adjourned the School Board.

**Note:** Mr. Dill left the meeting at this time and did not return.

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Agenda Item No. 10. **Presentation:** Transportation Planning Quarterly Report.

Mr. Kevin McDermott, Transportation Planner, presented along with his colleague Mr. Dan Butch, Senior Planner. He said the quarterly report goes into detail about what they have been working on over the past three months and what was coming up. He said he would cover the highlights and then take questions.

Mr. McDermott said the biggest item they have been working on was transportation priorities, as grant applications were due to the state on October 1 for revenue sharing and transportation alternatives projects. For this round, the County submitted three applications – Berkmar Drive Extension to Airport Road, including a roundabout at Airport Road; Old Lynchburg Road/Moore's Creek Greenway Bike-Ped Improvements, including a shared use path along Moore's Creek from Sunset Avenue to Old Lynchburg Road, and sidewalks along Old Lynchburg, connecting to Azalea Park in the City; and a sidewalk project on Tabor Street and High Street in Crozet, extending work that was done on the Streetscape Project there and connecting people to Crozet Park. The other project that had been discussed was going to be a grant application submission for Eastern Avenue South Extension in Crozet that would have taken the existing Eastern Avenue from the Westhall area, where it currently ends, down to connect to Cory Farms and Route 250. He referenced an email that stated that staff had been working off an older cost estimate that was done about a decade ago and had been increasing the costs for inflation. He said staff wanted to have a better opinion on that cost estimate, so it was sent on to VDOT. Mr. McDermott said the grant application was going to be for what they assumed would be a \$9 million project, but when VDOT reviewed it and updated the costs, noting that VDOT had been asked to administer the project for the County, they came back with a cost estimate of approximately \$17 million – almost double what staff had thought it was going to be. He said VDOT found a few issues with the cost estimate, such as Cory Farms Road needing to be reconstructed to handle additional traffic, and minor problems such as having to change the length of the bridge. Staff then pulled back the application, but because it was still a high-priority project for the County, they propose to hire an on-call consultant to conduct a local study, environmental work, and preliminary engineering to answer lingering questions about the best location for the bridge and the real cost of the entire project to provide a better idea of what the project would look like. Mr. McDermott pointed out that the CIP line item for the Transportation Leveraging Fund does describe that the money can be used to do preliminary work on projects such as this one and he, therefore, wants an on-call consultant to provide a scope of work and what it would cost. He said staff would then come back to the Board in early 2020 to describe what the consultant told them and to request an appropriation to move forward with the preliminary engineering study.

Mr. McDermott said that Smart Scale grants are coming up in 2020 and staff was already looking at what they would do with this, as they would have to start doing studies now to determine what they might be applying for. He said the presentation includes a list of some of the projects that staff looked at possibly applying for Smart Scale in 2020. This includes the Hydraulic/29 intersection improvements, noting that staff has been in discussions with the Charlottesville-Albemarle MPO, as they would like to

apply for it and staff is trying to determine what their best options are for making that application successful.

Mr. McDermott pointed out that in the presentation, the numbers listed by the projects are from the priority list. He said the Route 250 East Access Management and Continuous Right-Turn Lane was through the Pantops area and would finish the 6-laning of the road with the continuous right-turn lane. He said the Fontaine Avenue/29 Bypass Diverging Diamond was a resubmission from a project that did not make it in the last round of Smart Scale. Old Lynchburg Road/5<sup>th</sup> Street Extended County Office Building Intersection Improvements was being evaluated through a VDOT Star study that was looking at the corridor, but it was known that the intersection was a problem with much of the development happening in that area, and this could be a competitive Smart Scale grant. The Route 20/Route 53 Intersection Improvements, by Monticello, would be a resubmission from the last round for a project that was not selected for funding. The Belvedere/Rio Road Intersection Improvements includes an R-cut because VDOT was looking at the potential for an R-cut as a solution for that intersection to address concerns about congestion and turning movements. He said multiple meetings have been held with stakeholders about this over the past half-year or so, noting that Mr. Gallaway has been involved in some of those meetings. The US-29 Shared Use Path, just south of the Rivanna River, and the Frays Mill/Burnley Station/29 Intersection Improvements are both resubmissions from the last year.

Mr. McDermott moved on to major planning projects that staff has been working on over the past quarter. He said they are nearing completion of the Avon Street Corridor Plan and presented draft recommendations to the CAC in September. He said this would be coming to the Planning Commission and the Board of Supervisors in late 2019 and early 2020. He said there have been a lot of great input from the CAC and Planning Commissioners as well as Board members and staff was looking forward to presenting results and recommendations on this. transportation staff was involved with Biscuit Run Park because they are seeking funds for a phased opening through VDOT. He said they are discussing the proposed entrance off Route 20. There was a 5<sup>th</sup> Street Extended Stars Study that was ongoing. He explained that Stars is a VDOT-led corridor study process where they look at congestion and safety issues in a corridor and come up with recommendations and implementation strategies. He said Mr. Butch was a representative on that team. He said they expect this to be completed in spring 2020. Mr. McDermott said that transportation staff has also been very active in the Climate Action Plan. He said with community mobility was an important part of the strategy, as transportation is a major contributor to greenhouse gases in the region. Mr. McDermott said there are also the two long-range plans from the MPO and TJPDC and that staff went to the Planning Commission for Comprehensive Plan amendments to have the plans adopted into the Comprehensive Plan. He said staff would be coming to the Board on those in November. He also mentioned that work was being done on the Rio-29 form-based code.

Mr. McDermott moved on in his presentation to transit, bike, and pedestrian activities. He said there are CAT bus stop improvements, including Sense of Place Project. He said Ms. McKeel has been leading this project which ties into bus stop improvements, and it was a program that artists are being brought into to design and upgrade some bus stops. He said the Regional Transit Partnership was also underway. Mr. McDermott said that SMI, Inc. was the subsidiary that the County formed with JAUNT for the Autonomous Shuttle Pilot they have with Perrone. Mr. McDermott said he was on this Board, and they have been working on the pilot that has been going on in Crozet for several months, noting that the pilot would be ending in a week. He said SMI would be looking at what the County would be doing after this. Staff has been working with JAUNT on the Crozet Connect Transit Service. He said they began service in August and they are doing very well with ridership.

Mr. McDermott said that in terms of bike and pedestrian activities, staff was making applications for two quality of life pedestrian projects in the current grant round. Another project was a piece on the Avon Corridor Study that they are seeking a recommendation for. The Berkmar Shared Use Path was another quality of life project discussed and was kicking off design, as this was being added to an existing project on Berkmar. Staff was working with VDOT on a couple projects related to the Jefferson Area Bicycle and Pedestrian Plan implementation. He said VDOT was conducting studies on a Rivanna River crossing in the area of Riverview Park and Woolen Mills, crossing to Pantops, and staff was trying to find a good location for a crossing in that area. Staff was also looking at bike-ped connectivity on Route 20 in the City to get out to Monticello, noting that it was another project that VDOT was evaluating for the County. He said staff was also continuing their bike-ped facilities mapping, which they hope to roll out into their mapping program and make some publicly available maps of resources in the area.

Mr. McDermott presented a list of large development projects staff has been reviewing, noting that the Board has already been involved with and seen some of the projects, such as Southwood and 999 Rio Road. He said there are many more coming up such as Breezy Hill, Royal Fern, and Parkway Place and they are working on these both internally and with the applicants to try to address issues on to prepare for discussion with the Board.

Mr. McDermott said that he has a piece of good news related to reported transportation issues. He said in terms of the Miller School Road/Owensville Road Through-Trucks Restrictions Study, which staff had done and submitted to VDOT; they heard back on Miller School Road, which was approved. He said staff was now working with VDOT on how signing will work for the Miller School Road through-truck restriction. He said Owensville Road has not been approved at that time, as there were some questions at the VDOT Central Office that staff was working through. He said he was not exactly sure on the timeline for this.

Ms. Mallek said the wording and use should be the same for both and it was something to consider. She said the agricultural people need to use Miller School Road just as they do for Owensville Road. Mr. McDermott said they could discuss this.

Mr. McDermott said there are speeding concerns in the Key West neighborhood that staff was trying to address with them. He said they would likely have a traffic calming plan in that area. He said there was currently a traffic calming plan being done on Hillsdale Drive near Greenbrier. He said staff was also working on Earlysville Road speeding and safety issues, and Mr. Butch has been the representative trying to obtain new speed radar signs in that area.

Ms. Palmer said that in the Board packet, it said, "Miller School Road and Owensville Through-Truck Restrictions: The Board of Supervisors previously approved resolutions restricting/requesting the Commonwealth Transportation Board institute through-truck restrictions on these roads. The request has now been approved by the Commissioner of Highways, and staff is working with VDOT on the signing plan." She asked if Mr. McDermott was saying that Owensville has not been approved yet by the Commissioner of Highways, or if he was saying that they approved it, but has additional information they were requesting before moving forward with signage. Mr. McDermott said this was a problem in his report and apologized for the confusion. He said that only the through-tractor trailer restriction for Miller School has been approved and this was what they are working on the signage for. He said Owensville Road had not been approved yet.

Mr. Randolph complimented Mr. McDermott for the way he presented the information to the Board.

Ms. Mallek said that neighbors are loving the SMI pilot and are taking the shuttle from the Old Trail area to Downtown Crozet. She asked Mr. Butch if he could provide an update for the timeframes coming up for the different elements coming up in the Earlysville Road/Reas Ford crossing. Mr. Butch responded that staff has been in collaboration with VDOT on a County initiative to implement two permanent radar devices at the Earlysville/Reas Ford intersection. He said they are in the RFQ process and they still have some specifics to iron out. He said they would be meeting with VDOT and Dominion to get the RFQ out over the next couple weeks and conduct a cost assessment from that. He said it would be going to the Board on a consent agenda item in late November.

Mr. Gallaway said to be clear, there are other elements of that intersection being looked at.

Ms. Palmer said that during the 999 Rio Road discussion and afterwards, there was talk about some of the County's traffic information being out of date, and more corridor studies are needed. She said she wants better understanding of if there are different kinds of corridor studies and what their objectives are. She said her understanding was that there was a corridor study that would allow the County to take into consideration everything on a road and not just the individual project that the Board would be considering at that time. Mr. McDermott responded that a "corridor study" was a general term that could mean many different things, and this was defined by what staff was looking for. He said, for instance, the primary concerns staff wanted to address with the Avon Corridor Study related to bike-ped facilities and aesthetic issues, but not necessarily major traffic concerns. With 999 Rio, this was a different question. The Board had a brief discussion, prior to starting the Avon Corridor Study, about using that template for a corridor study and move it to other areas such as Rio. The Planning Commission then followed up and requested that staff move forward with a corridor study on Rio, which would have to come to the Board if they were going to move forward. He said with Rio, the questions are much different than on Avon, and they would be looking at intersection operations, congestion, and safety issues throughout the whole corridor, from the City line to the Small Area Plan boundary.

Ms. Palmer asked if there was a difference between a VDOT-centered corridor study and the corridor study that the County does. She asked if the study done for Avon was not a VDOT corridor study. Mr. McDermott said that it was not. Ms. Palmer mentioned that getting to 1,000 cars triggers a corridor study by VDOT. Mr. McDermott said there was a slight difference in terms. He said Ms. Palmer was referring to a Traffic Impact Analysis, which is what staff and the State requests when developments come in that will impact public roads. He said during the 999 Rio hearing, the Board discussed that the State has a threshold of development projects that would result in up to 5,000 new vehicle trips per day on a public road. He noted that this was a very high bar and the County does not have many projects that reach this VDOT threshold. He said the County used to use this VDOT threshold but over the past few years, because of transportation issues becoming a priority, the County lowered the threshold to require an analysis if 1,000 new vehicle trips will be added to a public road. He said 999 Rio still did not reach that threshold.

Ms. Palmer said she wants to get an idea of how the County does a study that takes into consideration everything on the road. She said "death by a thousand cuts" was discussed during the 999 Rio hearing as well as how to address it, not just on an individual construction basis. Mr. McDermott responded that this is what they would be looking at if they were to do a corridor study on Rio Road. He said staff would look at all the ongoing development and applications that would impact Rio Road, and they would also try to consider what future developments may come in. He said they could get estimates of how many trips this would generate on the road and at different intersections, and then a consultant would run models on how the corridor would be impacted by this traffic. Mr. McDermott explained that the study would be doing what is done in a TIA (Transportation Impact Analysis), but instead of just doing it at one or two particular intersections, staff would look at all the major intersections on the corridor and evaluate the current levels of service, the future levels of service with ongoing development, and develop recommendations as to how the impacts can be addressed.

Ms. Palmer asked if this study was going to happen. Mr. McDermott responded that staff has not yet come back to the Board for a request for an allocation, noting that specific funding was not identified for that. He said they are looking at options and considering how this would fit in with the Community Development Department work plan. He said he would first like to finish the Avon Corridor Study and then they could look at it.

Ms. Palmer asked if the Stars study being done on Old Lynchburg Road would give the Board that level of information. Mr. McDermott responded, “no”, explaining that Stars usually does not do the full model of intersections. He noted that the Stars study is a VDOT-led study and is completely separate. He said they will look at congestion and safety issues and will come up with some recommendations, but the results are more general. He said for 999 Rio, staff would be looking for much more detailed recommendations.

Ms. Mallek asked if there were different criteria that they could be asking for, for a TIA for an applicant. She said that last year Mr. McDermott had said that the County could have a higher expectation for what it demands of the TIA for the application in order to get better information, but the County simply does not do it. She asked if staff could consider if there are other things the County could expect when an application comes in. Mr. McDermott said they could look into this. He said staff asks for what will give them a fairly good assessment of potential impacts, but they could ask for more detailed information on potential solutions and perhaps extend the area. He said often, one to two intersections are analyzed that would be most impacted by development, but staff could ask for additional ones further out.

Ms. Mallek said the County has authority to do this, and it would give them a better picture. Mr. McDermott agreed that they have the authority to ask for the TIAs and the Planning Director can ask this for any legislative development application that comes in. He cautioned that though staff wants to know the impacts, but if the project is achieving what is recommended in the Comprehensive Plan, the fear is if too much is asked and people are overburdened, they will start having people not doing what they are asking in the Comprehensive Plan and would be getting a lot of by-right development that may not be exactly what the County wants. Ms. Mallek said that it is a balance.

Mr. Gallaway said the Board provided approval for the Trinity Church project at Pantops and had mentioned that if it was approved, people would be coming around and out on the road where the crossover is by Starbucks and Jimmy Johns. He said his concern that night was a similar situation that exists at Hollymead Town Center around the Starbucks and intersection with Kohl’s – people crossing over at Giant will be coming up a hill, cresting, and going over. He said if there is more traffic coming out of there, it could create a potential issue or safety concern. He said he hopes they could be ahead of this versus waiting to see what happens. Relative to the R-cut, he was reluctant to say that he does not want to see them exploring solutions to the Belvedere/Rio piece. He pointed out that there also seem to be issues with the Rio/John Warner Parkway intersection there as well, and if one is designed without considering the design elements or fixes for the other, he becomes concerned about what they are left with. He said the solution for that piece of the corridor has to be taken into consideration with the other, and he was possibly saying this at the risk of delaying a solution for Belvedere/Rio. Mr. Gallaway said they cannot put something in place that fixes one thing and not have it relate or be optimal. He said a corridor study would hopefully help the County get at this. He said that because Belvedere/Rio is getting attention, how the whole corridor ends up working must be tantamount to make it all work, once it is all re-designed down the road. Mr. Gallaway added that he would talk offline to Mr. McDermott about the Hillsdale traffic calming items to get a better understanding of this, as his CAC was interested.

Ms. Mallek said that in 2002 at CTACH, there was a roundabout design for Rio, Old Rio, the Parkway, Belvedere, and the church. She said it was shaped like a navy bean, but it worked. She said the temporary roundabout that was there during construction worked well, and they still have all the land. She said she does not want the R-cut to send people the wrong way and have them be even more fearful when there was a good, open solution that would keep people moving slowly and going where they need to go. She urged staff to look at this plan to see if it meets any of today's issues.

Ms. McKeel asked what about the R-cut design makes people take an actual U-turn instead of going straight across into another neighborhood and make a very big “U” around two blocks. She said many people resist U-turns and she was trying to figure out how they would work in the R-cut. She said the design must be one that people will feel comfortable with.

Mr. Gallaway thanked Mr. McDermott for his report.

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Agenda Item No. 11. **Presentation:** Virginia Department of Transportation (VDOT) Quarterly Report.

Mr. Joel DeNunzio first addressed the R-cut question, stating that R-cuts are the “roundabout of the future.”

Ms. McKeel said she likes the idea roundabout. She asked if Mr. DeNunzio could understand what she was asking. Mr. DeNunzio said he understands. He said R-cuts, in general, have many options as far as how they work. He said they could be partially signalized, fully signalized, or have no signal at all, depending on what the needs are. He said people are sometimes not comfortable making U-turns because it is too tight, they might hit the curb on the side of the road, or they do not feel like they have enough time because of opposing traffic. He said the way the R-cut deals with this is that the U-turn could

be signalized, or for larger vehicles, such as buses, the other road would be bumped out so that they can safely make the U-turn. Mr. DeNunzio said there would soon be an R-Cut under construction at Lewis and Clark Drive, as well as a few in the North Point area and one in Madison County on Route 29. He said R-cuts have tremendous safety and efficiency benefits to traditional intersections and reduce crashes by 40-70%, especially severe crashes. He said many states have them, including North Carolina, who has 95 of them, and have seen tremendous impacts to the safety of the roadways because of them.

Ms. McKeel said this was helpful information because she had not understood that they could have a signal. Mr. DeNunzio added that the reason they work well with signals is because northbound and southbound traffic do not have to stop at the same time – only one direction stops, and green bands can work much better together along the corridor for traffic.

Ms. McKeel asked if an R-cut was put in on a road that did not have a signal there, would a signal be added there, depending on the road. Mr. DeNunzio responded that it was based on the needs of the road.

Ms. Mallek said this may give Belvedere residents to get out as a cohort instead of only one car at a time. Mr. DeNunzio noted that they do not know what Belvedere would look like at that point.

Ms. McKeel said that R-cuts have been discussed as far as putting them in other areas of the County. She said she does not want to put in an R-cut that uses a U that would create an unfavorable situation on the other side of the road. Mr. DeNunzio agreed. He said he has given a number of presentations on innovative intersections for Greene and Madison Counties, and specifically for Ashcroft. He said he could do this for the Board of Supervisors as well. Ms. McKeel said she would love to have this presentation.

Ms. Palmer asked if an R-cut was being put in Greene County below the light on Route 33/29. Mr. DeNunzio said it was not at Route 33, but at Route 607, Matthew Mill Road.

Ms. McKeel said they would have to know how much time they could schedule the presentation for. Ms. Palmer agreed.

Mr. DeNunzio then presented his quarterly report. He said he would first provide an update on the design build package, which included the six projects. He said that today, the first monthly progress meeting was held on the six projects he listed in the presentation, noting that they are also in the monthly report given to the Board. He said he would share the construction timelines on each project.

Mr. DeNunzio said that all the projects would be complete by January 2023. He said previously, it was said that they would be all completed in 2023, but now, there was more detail about how they expect the projects to come along in the next few years. He said construction would start sometime in summer 2020 for the Connector Road project at Berkmar and roundabouts at the I-64, 118 exit. One of the largest projects was the 124 exit diverging diamond interchange project, which would start sometime September 2020 to July 2021. He said there were public hearings in 2019 on both the Route 240/250 Roundabout and Route 240 Bridge. He said those projects are still on schedule, with ad dates of November 2020 for the roundabout and 2022 for the bridge. He said the roundabout was planned to be in place prior to the bridge construction and shut-down of Crozet Avenue to one lane to help with congestion issues there.

Ms. Mallek expressed her concerns that the community was panicking about having Crozet Avenue stopped for eight months, and she was hopeful that all of the other pieces would fall into place. She said she hopes the Eastern Avenue Bridge could be done first because otherwise, there was no way for emergency vehicles or school traffic to get through there. She said it was not Mr. DeNunzio's fault, but it was the reality that there are 8,000 people that all have to use one road.

Mr. DeNunzio provided an update on the Rural Rustic Road Program. He said Keswick Road was recently finished, and the next three on the agenda are Patterson and North Garden, both coming up this month, and Dick Woods Road, which was nearly complete, with the surfacing completing this month. He said after this, they would be moving on to Patterson Mill Lane and getting the pipes and stone added there in the Yancey Mill area. He added that North Garden was on the same kind of schedule, and both projects would happen this fall, with the surface on both of those completing in spring 2020. With regard to North Garden Lane, two-tenths of a mile was rural rustic, but four-tenths of a mile completes the road out to Route 29, noting that the pavement was in bad condition. He said they would put a plant mix pavement on the entire road once complete to get the road in better shape.

Ms. Palmer asked about the kind of pavement. Mr. DeNunzio said this was what is considered regular asphalt. He explained that four-tenths of the mile was already patched asphalt, and two-tenths was rural rustic. He said having a consistent surface on the road was the best way to deal with it.

Mr. DeNunzio said that the 606 Dickerson Road bridge project was the third project VDOT has done on the bridge there. He said the truss system would be replaced by the end of the year and once it was, it will be a full legal load bridge and emergency vehicles will be able to go across it.

Ms. Mallek asked if this was the short bridge or the long bridge. Mr. DeNunzio responded that this was the northmost, long truss bridge.

Mr. DeNunzio said the I-64 work at the Route 20 exit was going on again this weekend and it would impact traffic, with a one-lane operation as it was the previous weekend. He said this had



intentionally been scheduled to be on non-football weekends to try to minimize impacts, and although there was a bit of a backup in the afternoons, this weekend should be the final one. With Dick Roads Road, Rural Rustic would be done that month. Regarding County Safety Improvements and Operations, there was work going on to make three lanes in the Hollymead area go southbound on Route 29 to help flow in the morning. He said this was expected to be in place by mid-October and VDOT would be doing public outreach to make people aware of the traffic pattern changes. The Route 29/Hydraulic Intersection Operation Improvements had been put off in order to see what would happen with the Smart Scale funding for that project. He said that coming out of the City on Hillsdale, there will be a continuous flow right turn onto Route 29 North and the traffic would be properly shifted on Route 29 going northbound to get into the three leftmost lanes, which would leave a lane for the continuous flow. He noted that this would help the operations of the intersection and hopefully better serve the side streets. Regarding traffic engineering studies, because of the construction happening near Polo Grounds Road due to Brook Hill, the speed would be reduced for the urban area down to 35 miles per hour. The Route 22/250 traffic study was something that he requested, as VDOT is receiving complaints from left-turning vehicles from Route 250 over to the Route 22/231 intersection into the gas station. He said that even though the sign says, "No Left Turn," they would be physically restricting that movement with the project. There are two speed studies being done on Town Center and Berkmar. He said the Polo Grounds Road truck restriction was a temporary one that the police requested as they keep backing tractor trailers out from under the railroad bridge. He explained that instead of having trucks not recommended on Route 29 in those areas, they would actually have a restriction with black and white signs that would show up on the drivers' GPS. The Keswick Drive project was about the speed limit, because once a rural rustic road is done, they have to post a speed limit sign of 35 mph since it is no longer statutory. The Rio Road Sign Review came from a request from Peter Thompson with The Senior Center that the speed zones were not the same going in both directions, and so VDOT was fixing the inaccuracy on Rio Road there. There would be a "No U-Turn" restriction on Monticello Avenue, as there was no left-turn lane there. At the last Batesville meeting, people said there were not enough speed limit signs between Route 29 and Batesville on Plank Road. He said he found the community to be correct, and so when leaving a side street to get onto Plank Road, there will be a speed limit sign there. Pantops Mountain Road and the Route 29 South Hollymead studies are due to requests for left-turning yellow flashing areas, and these studies are currently under review. He said the Ortman Road speed study was also under review. He said the study for Woodlands Road regarded a request for center line rumble strips.

Ms. Palmer asked if rumble strips could be put on Woodlands Road because she thought it would make it too loud for a residential area. Mr. DeNunzio responded that they do not know yet. Ms. Mallek said that those are old rules, noting that the rumble strips have been on Garth Road for a long time. Ms. Palmer acknowledged that these were the central strips. Mr. DeNunzio said that people are not supposed to hit those. He said VDOT does get some complaints about those. Ms. Palmer said she had been thinking across the road.

Mr. DeNunzio continued his report. He said there are changes to Airport Road to get three southbound lanes there. Regarding the Earlysville/Reas Ford intersection study, in addition to putting permanent radar speeds sign there, he had requested that VDOT conduct a study to look at all possible safety improvements to the intersection. He said he received the study yesterday, and it has not been reviewed by the District Traffic Engineer. He said he does not know if they would ask for revisions because the study was done by a third-party consultant. This would be reviewed and includes a range of improvements, from low-cost improvements to the mini-roundabout that has been discussed. He noted that both roads, Earlysville and Reas Ford Roads, are on prescriptive easements, and part of the planning level estimate was assuming that right-of-way must be purchased from the center line of the road all the way out. He said because it was a planning level estimate, it was very high, and they can look at this more closely. There are other possible solutions to look into such as curb and gutter, stormwater management, and others to see if they can get a mini-roundabout there at a reasonable and affordable price.

Ms. Mallek recalled that Mr. DeNunzio previously mentioned other options that he now has for working with the two landowners there. Mr. DeNunzio said it would be great if VDOT could work with the landowners outside of a six-year plan project.

Mr. DeNunzio said in early November, VDOT would be working on slope stabilization on Route 53 because they do not want the road to fall off the side of the mountain there. He said some guard rail installation work was completed this week and they would be soil nailing on the low side of Route 53, noting that VDOT has been working closely with Monticello to ensure they are not impacting their functions. VDOT wants the paving on Route 53 to stay in good shape and keep the guard rail from sloughing off, so they would be doing permanent fixes there in November. Mr. DeNunzio said he has been promising the County more temporary radar signs. He said he finally got them and talked to the police earlier noting that he has obtained four additional signs that completes the police's requests for six total sets of signs. He said he just got the asset tags on those and would deliver them to the police soon to be able to place in the neighborhoods.

Mr. Randolph asked when paving would begin for Coles Rolling Road. Mr. DeNunzio responded that this would be split into two phases and they would start putting stone on it, ditching, and replacing the culverts this fall. He said work would likely continue throughout the winter and have the surface on in the spring. Mr. Randolph asked if it would be later this month that the work would start. Mr. DeNunzio responded that he expects work to begin in late October to November.

Ms. Palmer asked if Mr. DeNunzio could tell the Board about the reclassification of the bridge tonnage and what Board members can do to talk with the Volunteer Fire Department to see if they can go

across the bridge. Mr. DeNunzio explained that VDOT is required by a new federal requirement for bridge postings to use a new design vehicle. He said it was a dump truck that has multiple axles on the back, but sometimes up to two axles are lifted unless they have a load on them, and then they are lowered using the axles. He said for those dump trucks, the distance between a front wheel and the first rear axle is less than what VDOT used to rate bridges on. The new design vehicle is making it so that tonnage is lowered for bridges that are currently posted at a certain tonnage. He said this has happened most recently on Proffit Road and VDOT received concerns about difficulty on the bridges with emergency vehicles. However, VDOT has already met with Fire and Rescue and they can get permits to do a structural study and have the fire trucks continue going over the structures. He said that where Fire and Rescue sees problems with response times, the structural assessments will be done and make sure the response times remain the best possible.

Ms. Palmer commented that, for instance, Fire and Rescue did not think they could over the bridge before the downgrading or lowering of the tonnage. She asked if they might be able to get over some of the short bridges but that they just did not know it. Mr. DeNunzio responded that the structural analysis could be done for any bridge. He said that specifically to Proffit Road, VDOT already told Fire and Rescue that they could likely get a permit easily.

Mr. Gallaway asked what a good timeframe for the Board would be to begin discussing the Earlysville/Reas Ford study. Mr. DeNunzio responded that he needs to first determine if revisions would be requested. He said the contractor gave the study to VDOT in two phases, with the first being the small roundabout study and the second being a complete study. If no revisions are required, he expects the studies to be ready for discussion within a week or so. He said if revisions are required, he would have to determine how long those would take. When the District Traffic Engineer reviews it and either signs off on it or requests revisions, he would have a better idea. Mr. Gallaway asked if they could then possibly be discussing this in November. Mr. DeNunzio responded that they could begin discussing it as soon as they see when the revisions would be, noting that he hopes none would be required. He said the study includes positive components.

Mr. Gallaway thanked Mr. DeNunzio for his presentation.

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Agenda Item No. 12. Closed Meeting.

At 4:47 p.m., Ms. Palmer **moved** that the go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1)
  1. to discuss and consider the annual performance of the County Executive,
  2. to discuss and consider appointments to the Albemarle Conservation Easement Authority, and one County Advisory Committee;
- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to probable litigation regarding a decision of the Board of Zoning Appeals; and
- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice related to historical artifacts on County-owned property.

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

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

NAYS: None.

ABSENT: Mr. Dill.

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Agenda Item No. 13. Certify Closed Meeting.

At 6:00 p.m., Mr. Randolph **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: Ms. McKeel, Mr. Randolph, Mr. Gallaway and Ms. Mallek.

NAYS: None.

ABSENT: Ms. Palmer and Mr. Dill.

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Agenda Item No. 14a. Boards and Commissions: Vacancies and Appointments.

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

- **Appointed** Mr. Brent C. Knoll to the 5<sup>th</sup> and Avon Community Advisory Committee, to fill an expired term ending on September 30, 2020.

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

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

NAYS: None.

ABSENT: Ms. Palmer and Mr. Dill.

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**(Note:** Ms. Palmer returned at 6:02 p.m.)

Agenda Item No. 15a. Proclamations and Recognitions: Proclamation Recognizing October as Wine Month.

Ms. Mallek read and **moved** adoption of the following Proclamation:

### **Virginia Wine Month**

**WHEREAS**, from modest beginnings in colonial times, Virginia has become a nationwide leader in the wine industry, now 6th in the nation in wine grape production, with 8,500 tons harvested and more than 2 million visits to Virginia wineries annually; and

**WHEREAS**, wines from the Commonwealth, including those from Albemarle County, are winning national and international awards and recognition for their elegant qualities, imparted by skilled vintners and Virginia's terroir; with King Family and Virginia Wineworks wineries being featured in the 2019 Governor's Case; and

**WHEREAS**, many of Albemarle's 36 vineyards, most with wineries on site, are run by families as strong agricultural enterprises that can be passed on to future generations, providing economic benefit for winery owners and employees and for other Albemarle ventures supported by the patronage and purchasing power of winery visitors, including farming of heritage and heirloom crops, restaurant cuisine committed to selling local where possible, and tourism focused on sustaining the land and the local culture; and

**WHEREAS**, Albemarle County values our wineries' stewardship, keeping their land producing and protected in agricultural uses, preserving scenic vistas, historic sites and other amenities which make Albemarle wineries ideal places of entertainment, culture, enjoyment and social engagement that enrich Albemarle County's quality of life and culture of hospitality.

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Albemarle County Board of Supervisors, do hereby recognize Albemarle County wineries and their contribution to the Virginia wine industry's success and encourage County residents and visitors to visit a winery or purchase local wines through local restaurants and shops during October 2019, Virginia Wine Month.

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

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

NAYS: None.

ABSENT: Mr. Dill.

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Agenda Item No. 16. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Dr. Charles Battig said that according to UVA Climatologist Dr. Mann, most of the earth's atmosphere was water vapor, with carbon dioxide in a distant second or third. He said children in Africa are mining for rare earth minerals at the cost of their lives, and wind turbines are killing off wildlife. He said the chief of the United Nations World Meteorological Organization was castigating climate alarmists, at which there are many, and the media in the country are driving people to irrational thoughts and actions. He said that nothing done in Virginia will affect climate temperature, and nothing done in the U.S. would change it, either. Mr. Battig presented a chart showing the incidents of tropical storms and hurricanes over a period from 1971 to 2018. He said there was no trend. He said there was much talk about ocean levels and sea rise changes. The ocean rise rate of sea level was 7-10" over 100 years with no spikes. Forest fires are not getting worse, and they were much worse in the 1920s than at present time. He said hurricanes and tornadoes have not changed from 1954 to 2017, up and down from year to year with no trend. He said global temperatures had a 14-year pause and no one knew why, even though carbon dioxide was going up. Mr. Battig said there was a lot of talk about species extinctions from people in the Sierra Club and similar organizations. He said there has not been a huge increase, and the huge increase was computer programs projecting what could happen. He presented a chart explaining what has actually happened, with the trend going downward. Mr. Battig said it was shameful to worry children about carbon footprints, and that having them "play dead" on the Downtown Mall was a form of child abuse. He said 1,600 coal plants are planned under construction in 62 different countries, expanding the coal fire capacity by 43%. He pleaded with the Board to listen to the actual needs are in the county, which are education, affordable housing, accommodation of growth, and attracting viable businesses. He asked the Board not to be taken in by the "climate scam" and people trying to make money off a false story.

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Agenda Item No. 17. **PUBLIC HEARING: SP201900004 Virginia Institute of Autism Adult Service Center.**

PROJECT: SP201900004 Virginia Institute of Autism Adult Service Center.

MAGISTERIAL DISTRICT: Rio.

TAX MAP/PARCEL(S): 061W0-02-00-002A1 LOCATION: 491 Hillsdale Dr, Charlottesville, VA 22901.

PROPOSAL: The Virginia Institute of Autism (VIA) is requesting to use an existing building on a 1.71ac lot for office and private school uses, for the purpose of an Adult Service Center program. The program would be a year-round, day program serving approximately 52 adult participants and 69 staff members. No building expansion is proposed. Some on-site parking may be converted to open space.

PETITION: Sections 18-22.2.2(6) and 18-18.2.2(5) allow private school uses by Special Use Permit. Section 18-22.2.1(b)(1) allows office uses By Right.

ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/acre).

OVERLAY DISTRICT(S): Steep Slopes (Managed and Preserved), Flood Hazard Overlay, Airport Impact Area.

PROFFERS: No.

COMPREHENSIVE PLAN: Institutional – civic uses, parks, recreational facilities, and similar uses on County-owned property within Neighborhood 2 of the Places29 Master Plan.

(Advertised in the Daily Progress on September 16 and September 23, 2019.)

The Executive Summary forwarded to the Board states that at its meeting on August 20, 2019, the Planning Commission voted to recommend approval of SP201900004 with conditions as recommended in the presentation by staff.

The Planning Commission's staff report, action letter, and minutes are attached (Attachments A, C, and D).

During the presentation, staff spoke to the previous conceptual plan, last revised on July 15, 2019 (Att. A2), as well as a revised conceptual plan, last revised on August 6, 2019 (Att. B). The revised conceptual plan was submitted prior to the Planning Commission hearing but after the staff report was written. The revised conceptual plan addresses the following concerns and associated changes that had been recommended in the staff report.

Concerns:

*"Simulated auto-turn analysis for the full-sized buses entering and exiting the site demonstrated that buses executing right turn movements out of the site would temporarily occupy a portion of the dedicated left turn lane of opposing traffic."*

Recommended Changes:

*"The applicant will work with VDOT to make sure VDOT concerns regarding the ingress and egress of buses providing regular drop off and pick up services to the site are addressed."*

To address concerns highlighted in the staff report, the applicant invited VDOT to a joint site visit to discuss design alternatives prior to the Planning Commission hearing. At the site visit, the applicant and VDOT agreed that no changes to the existing parking configuration would be needed, provided that an additional condition be attached to the approval of the special use permit (see below).

4. Signage must be provided onsite, near the point of egress, notifying buses that only a left turn out is permitted.

This additional condition was included in staff's presentation during the Planning Commission hearing.

The Planning Commission voted 7-0 to recommended approval of the Special Use Permit SP201900004 with the conditions recommended in the presentation by staff.

Staff recommends that the Board adopt the attached Resolution to approve Special Use Permit SP201900004 with conditions (Att. E).

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Ms. Mariah Gleason, Senior Planner, presented the Special Use Permit request. She acknowledged a misprint in the action letter from the Planning Commission and in the Board packet, explaining that both state that the application was heard by the Planning Commission and resulted in a 7-0 vote to recommend approval. She said this was a mistake – it was a unanimous decision, but that one commissioner was absent that evening, so it was a vote of 6-0.

Ms. Gleason said the site is located off Route 29 at the intersection of Greenbrier Drive and Hillsdale Drive, near the post office building at what is now the site of The Center, formerly known as The Senior Center. She said The Center has been operating in this location since 1991, but they plan to move to a new location along Belvedere Boulevard, so the applicant, VIA, hopes to take over the space after The Center moves. The applicant is planning to use the existing building as a site for their headquarters, as well as for a new Adult Service Center program. The zoning for the site allows for office uses by-right, so the Special Use Permit would be to allow the Adult Service Center program activities, as this would be classified as a private school use under the County's ordinances. She said the Adult Service Center program is anticipated to be a year-round day program, serving approximately 52 adult participants and

having a staff of 69 employees. The request does not propose any changes to the building, but the applicant was proposing some on-site changes. She presented the conceptual plan, indicating to the changes that would include a fence to enclose outdoor recreation areas, a new garden area, and possible conversion of a portion of the parking into an outdoor recreation space.

Ms. Gleason said adjacent properties in this area include The Laurels of Charlottesville, a skilled nursing and rehabilitation center, to the west, and Rosewood Village Assisted Living to the north – both of which are separated from the site by Hillsdale Drive. She said to the east of the property are two planned unit developments – Branchlands Retirement Village and Brookmill. These residential areas are buffered from the site by a heavily-vegetated stream. She said to the south of the site are office buildings. The proposed private school use in the location is consistent with the current zoning and Comprehensive Plan designations for the site, and therefore, little impact is anticipated by the expansion in this use, particularly as the functional use of the site will be very similar to the programs offered there now by The Center, those being education, training, and social and recreational opportunities for adult program participants.

Ms. Gleason said the Planning Commission and staff recommend approval of SP201900004 with the five conditions. She said the first three conditions are those that are typically used for private schools, the fourth condition addresses concerns from VDOT, and the fifth condition addresses the future conversion of the parking area.

Hearing no questions from the Board for staff, Mr. Gallaway invited the applicant to come forward.

Ms. Valerie Long, Williams Mullen, representative of the applicant, was joined by Mr. Ethan Long, COO of VIA, and Mr. Ed Gillespie, Director of Operations for VIA.

Ms. Long noted that the property was zoned commercial, so The Center was determined to be a by-right use. She said that because this was technically a private school, even though it is for an Adult Service Center, the applicant had to go through the Special Use Permit process. She said, however, the use is consistent with the designation under the Comprehensive Plan. Ms. Long summarized the proposed use, explaining that it was comprehensive day programming services for adults with Autism Spectrum Disorder, with the goal being to promote skills necessary to lead productive and enjoyable lives. The use would be similar to what The Center had in terms of instructional spaces, classes, activities, music classes, and art. VIA also coordinates off-site visits to parks, coffee shops, and shopping.

Ms. Long said that VIA's office headquarters would also be located on the property. Currently, they have offices located in several locations in the community. The proposal would consolidate their offices, which include senior leadership, HR, and finance. The applicant would not be changing the building footprint. She said only one change may be made to an area that is currently parking, with a future, but not definite, plan to turn that area into a recreational area. She presented a plan outlining this. There was plenty of parking for the use. She said The Center has been challenged over the years because of its robust participation, but there was plenty of parking for VIA. Many of the participants would not be arriving by private vehicle. VIA did have to work through some minor issues with VDOT regarding bus turning radius. She said the solution was that buses will not be permitted to turn right, and that a condition of approval is that the school would post a sign to that effect limiting buses from turning right out of the site.

Ms. Mallek asked if this was because of width of the road and if there was not room to come around if someone is parked on the other side. Ms. Long responded that it was more of a matter that the bus cannot make the right turn without crossing over into the opposing lane. She said there would not be such a restriction for regular-sized vehicles. She said many different options were considered, including reconfiguring the parking lot, and those had their own challenges – mostly, that the sidewalk and crosswalks were just installed with the construction to Hillsdale Drive, and it would have been very expensive and disruptive to make some of those other changes. She said that everyone was comfortable with the proposed solution.

Ms. Long said the applicant was comfortable with the proposed conditions. In terms of hours and weekend events, they are comfortable with the development plan.

Mr. Gallaway asked if some of the outside areas are going to be fenced in that currently are not. Ms. Long responded, "yes". She indicated on the plan to the proposed fence, explaining that this was for the safety and security of the program participants.

Mr. Gallaway opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the Board.

Ms. Palmer commented that she thought it was a great use of the building.

Mr. Gallaway said he wants to ensure that if the right-turn out of the facility was being restricted for the buses, there needs to be the same restriction for other vehicles of that size, such as delivery trucks. He said the intersection was tricky, and it may be worth looking into the signage or how it is being policed to handle this. Ms. McKeel commented that Ms. Long was talking about a large school bus.

Mr. Gallaway said he does not know what the width is, but if a box turn is coming through the space and leaving to turn right, it could potentially have the same issue as a bus. He said it could possibly be solved with signage so that vehicles of the same length as a bus would have to use the same pathway. Ms. Gleason said the school buses are 45 feet in length, and there are four anticipated for

pickup as well as for drop-off every day. She said with the regularity of the bus visits in and out of the site, it was deemed necessary or a concern to VDOT because of the regularity. She said that concerns about delivery trucks would depend on the regularity of delivery.

Mr. Gallaway said that this would be something they would have to watch for, as this was an area where there are speeding issues. He said there was a traffic calming study happening for Hillsdale, and the applicant should understand that those issues are occurring. He said this comment was more directed at staff and he can consult with Mr. McDermott on the matter.

Mr. David Benish, Chief of Planning/Interim Director, said that the way the conditions were worded, the restriction was specific to buses, but if the Board was agreeable, staff would endeavor to ensure that the signage addresses larger vehicles. He noted that most FedEx-type size vehicles would be shorter than a bus.

Ms. Mallek suggested that anything over 30 feet would perhaps have the restriction.

Mr. Benish said he does not think that the applicant would have large deliveries, but staff would try to work with the sign to make sure that concern is covered.

Mr. Gallaway **moved** that the Board adopt the proposed resolution to approve SP201900004, Virginia Institute of Autism Adult Service Center, subject to the recommended conditions. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

#### **RESOLUTION TO APPROVE SP 2019-04 VIRGINIA INSTITUTE OF AUTISM ADULT SERVICE CENTER**

**WHEREAS**, the Virginia Institute of Autism submitted an application for a special use permit to use an existing building on Tax Parcel 061W0-02-00-002A1, located at 419 Hillsdale Drive, for office and private school uses for the purpose of an Adult Service Center program to serve 52 adults with 69 staff members, and the application is identified as SP201900004 Virginia Institute of Autism Adult Service Center ("SP 2019-04"); and

**WHEREAS**, on August 20, 2019, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2019-04 with staff-recommended conditions; and

**WHEREAS**, on October 2, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2019-04.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2019-04 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code §§ 18-18.2.2(5), 18-22.2.2(6), 18-33.39, and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2019-04, subject to the conditions attached hereto.

\* \* \*

#### **SP-2019-04 Virginia Institute of Autism Adult Service Center Special Use Permit Conditions**

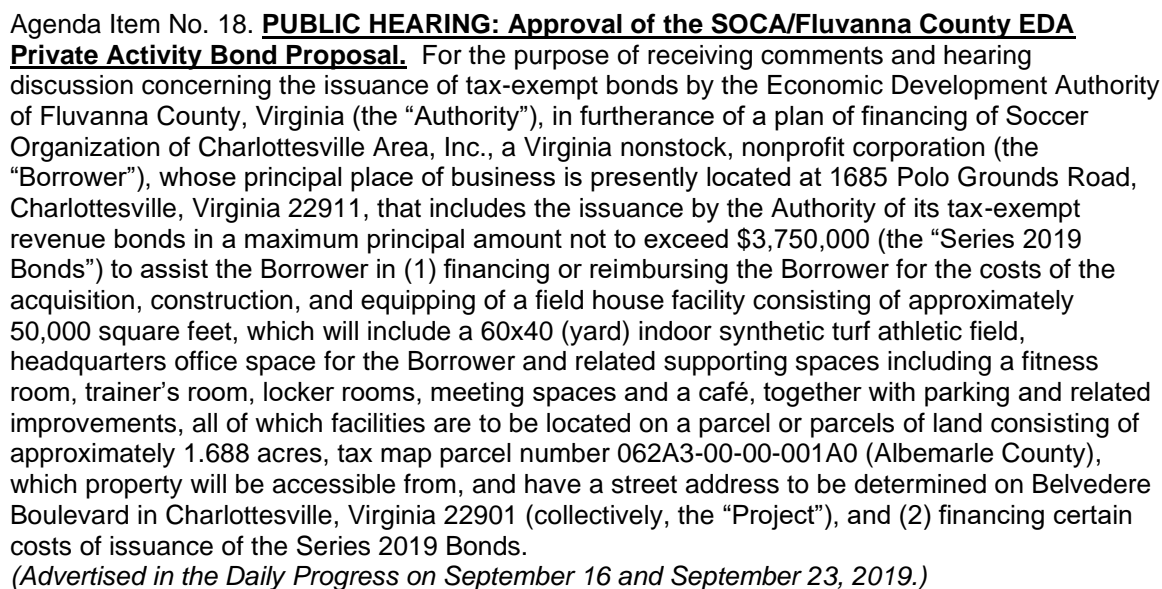
1. Development of the use shall be in general accord with the conceptual plan titled "Virginia Institute of Autism Adult Service Center" prepared by Timmons Group, with the latest revision date of August 6, 2019, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:

- Location of potential future outdoor recreation area as shown on the plan.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Maximum enrollment shall be sixty-five (65) participants.
3. Normal hours of operation for the Center shall be from 7:30 a.m. to 6:00 p.m., Monday through Friday, with occasional evening and weekend activities.
4. Signage must be provided onsite, near the point of egress, notifying buses that only a left turn out is permitted.
5. Prior to converting a portion of the parking area to outdoor recreation space, silt fencing must be provided along the top of preserved steep slopes.





The Executive Summary forwarded to the Board states that the Soccer Organization of Charlottesville Area, Inc., (SOCA) a Virginia nonstock not-forprofit corporation, whose principal place of business is presently located at 1685 Polo Grounds Road, wishes to build an approximately 50,000 square foot field house (39,000 square foot footprint) on Belvedere Boulevard. To finance the costs of the acquisition, construction, and equipping of the facility, the Fluvanna County Economic Development Authority (EDA) agreed to issue private activity bonds, which the Fluvanna County EDA and the Fluvanna County Board of Supervisors have approved. Such governing body approval allows the Fluvanna County EDA to issue bank qualified tax-exempt bonds for not-for-profit organizations such that SOCA will obtain more favorable and affordable financing terms. Board approval on October 2 will help SOCA and the Fluvanna County EDA to close before the interest rate lock expires.

Before approaching the Fluvanna EDA, SOCA inquired if the Albemarle County EDA would be able to issue bank qualified bonds and was told there was no capacity for the Albemarle County EDA to issue bank qualified bonds, also known as tax exempt qualified obligations, in 2019. In determining capacity, the IRS aggregates the County's, its public schools, and its authorities and commissions calendar year issuances.

The planned indoor field house is a permitted use included in the Belvedere Neighborhood Code of Development. Belvedere is zoned Neighborhood Model Development (NMD). This field house concept was approved as of September 17, 2009. Its purpose is to provide a play amenity to Belvedere and the Charlottesville/Albemarle community, and it will complement the future outdoor athletic fields planned for Belvedere in its flood plains (SP200700054 and SP200700058). SOCA has an approved site plan and has obtained preliminary approval and permits for temporary construction and erosion control plans. The field house building permit application is currently going through the review process.

In order to obtain financing to allow the project to proceed, SOCA obtained the Fluvanna County EDA's agreement to finance up to \$3,750,000 in private activity bonds. The Fluvanna County EDA may only issue such bonds for facilities in Albemarle County if "the governing body of [Albemarle County] . . . concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution." Virginia Code § 15.2-4905(13). Additionally, for private activity bonds to become bank qualified bonds under IRS regulations, the locality in which the facility will be located must approve the bond issue "after a public hearing following reasonable public notice." 26 U.S. Code § 147(f). By approving the Fluvanna County EDA's bond issue, the private activity bonds will qualify for tax-exempt status and allow SOCA to secure sufficient financing on favorable terms to complete its new facility.

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

There will be no budgetary impact by adopting the resolution.

Staff recommends that the Board adopt the attached Resolution (Attachment E) approving the Fluvanna County EDA Inducement Resolution.

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Mr. Richard DeLoria, Senior Assistant County Attorney, was joined by Mr. Richard Hurlbert, an attorney from Richmond who represents the Fluvanna Economic Development Authority; Mr. Don Long, Chairman of the Board for SOCA and who serves on the Albemarle County Economic Development Authority; and Mr. Matt Wilson, Executive Director of SOCA.

Mr. Deloria said that SOCA is the soccer organization of the Charlottesville area, and together with the Fluvanna County EDA, it is requesting Albemarle County to approve Fluvanna EDA's plan to issue up to \$3.75 million in private activity bonds to finance SOCA's field house, which will be located in the Belvedere neighborhood. SOCA is an Albemarle County non-profit organization that was formed in 1982 to provide soccer programming in the Albemarle-Charlottesville community. SOCA now serves over 6,000 local soccer players of all ages in the Albemarle community while also reaching over into the Shenandoah Valley.

Mr. Deloria said the Belvedere neighborhood is zoned Neighborhood Model Development and is subject to a Code of Development, which provided for an indoor field house as of 2014. He said the code describes the intended facility as a field house with a footprint of approximately 39,000 square feet, which will consist of an indoor, multipurpose playing surface primarily used for soccer, as well as associated offices, locker rooms, storage, and other customary accessory uses. He said his understanding from the proposal is that there could possibly also be a café there. In terms of approval, SOCA has obtained approval of its site plan as well as a temporary building permit that allows electricity to the site. The County has also approved its erosion control plan. Final approval of the building permit was pending at that time, and this was their effort to obtain advantageous financing for the project. He said the County's approval of the financing would allow the bonds to become tax exempt, saving SOCA significant costs in terms of loan maintenance.

Mr. Deloria said Mr. Long, Chairman of SOCA and member of Albemarle EDA, explored the possibility of the Albemarle EDA issuing the bonds. He recalled that he was before the Board months earlier for the Peabody School's expansion, and there was a question about why the Albemarle EDA could not issue the bonds. He explained that a combination of the County, schools, and EDA are over capacity and are not permitted to issue these types of bonds. Mr. Deloria said that Mr. Holbert arranged with the Fluvanna County EDA to approve the issuance and this was done, with the Fluvanna County



Board of Supervisors approving it. Pursuant to the fiscal impact statement, the facility would complement SOCA's existing facilities off of Polo Grounds Road. He said in the future, outdoor fields would be added in Belvedere, closer to the Rivanna River and floodplain. According to the statement, the project will increase the taxable value of the real estate; the parcel was currently assessed at \$219,400. He said the project will increase its assessment to over \$4.3 million and generate approximately \$34,000 in real property tax revenues each year. Additionally, SOCA reports that they will employ 14 full-time employees and one year-round, part-time employee. The average full-time employee salary will be approximately \$50,000 per year. Mr. Deloria asked that at the closing of the public hearing, the Board move to approve the resolution concurring with and approving the issuance of the bonds by the Fluvanna County EDA.

Ms. Palmer asked where the location would be on Belvedere Drive. Mr. Deloria responded that after going through the existing Belvedere neighborhood and reaching the Village Green, the location is to the left of the Village Green if driving towards the river.

Mr. Gallaway invited the applicant to come forward. Mr. Wilson said he had no comments.

Ms. Mallek commented that she was glad the project has come to this point, as many people have needed it for a long time.

Mr. Gallaway opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back to the Board.

Mr. Gallaway **moved** that the Board adopt the proposed resolution approving the Fluvanna County EDA Inducement Resolution. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Ms. Palmer asked how many fields there would be. Mr. Long responded that the indoor facility would only have one field and was slightly smaller than a full-sized field. He said there are other phases in the Belvedere plan for the potential addition of four fields in the floodplain. He said once the building permit was obtained and they break ground, he would like the Supervisors to come see the facility. He thanked the Board for its support, including their support of Darden Towe, noting that he continues to receive many positive comments from parents and soccer players.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA, CONCURRING WITH AND APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY OF FLUVANNA COUNTY, VIRGINIA, OF ITS TAX-EXEMPT REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$3,750,000 FOR THE SOCCER ORGANIZATION OF CHARLOTTESVILLE AREA, INC. PROJECT**

**WHEREAS**, there has been described to the Economic Development Authority of Fluvanna County, Virginia (the "Authority"), the plan of financing of Soccer Organization of Charlottesville Area, Inc., a Virginia nonstock, not-for-profit corporation (the "Borrower"), whose principal place of business is presently located at 1685 Polo Grounds Road, Charlottesville, Virginia 22911, for the issuance by the Authority of its tax-exempt revenue bonds in a maximum principal amount not to exceed \$3,750,000 (the "Series 2019 Bonds") to assist the Borrower in (1) financing or reimbursing the Borrower for the costs of the acquisition, construction, and equipping of a field house facility consisting of approximately 50,000 square feet, which will include a 60x40 (yard) indoor synthetic turf athletic field, headquarters office space for the Borrower and related supporting spaces including a fitness room, trainer's room, locker rooms, meeting spaces and a café, together with parking and related improvements, all of which facilities are to be located on a parcel or parcels of land consisting of approximately 1.688 acres, tax map parcel number 062A3-00-00-001A0 (Albemarle County), which property will be accessible from, and have a street address to be determined, on Belvedere Boulevard in Charlottesville, Virginia 22901 (collectively, the "Project"), and (2) financing certain costs of issuance of the Series 2019 Bonds; and

**WHEREAS**, the Project will be owned by the Borrower and used by the Borrower in the fulfillment of its charitable purposes; and

**WHEREAS**, a public hearing with respect to the Series 2019 Bonds as required by Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), and the Internal Revenue Code of 1986, as amended (the "Code"), was held by (1) the Authority on September 12, 2019 (the "Fluvanna Public Hearing"), and (2) the Board of Supervisors (the "Board") of Albemarle County, Virginia ("Albemarle County") on October 2, 2019 (the "Albemarle Public Hearing"); and

**WHEREAS**, after the Fluvanna Public Hearing, the Authority adopted an inducement resolution with respect to the issuance of the Series 2019 Bonds, (the "Authority Resolution") with respect to the Series 2019 Bonds, in which it recommended that the Board of Albemarle County concur with such Authority Resolution and approve the issuance of the Series 2019 Bonds by the Authority; and

**WHEREAS**, Fluvanna County adopted a resolution on September 18, 2019, providing governing body approval of the issuance of the bonds by the Authority and acknowledging and consenting to the Authority's designation of the Bonds as "bank qualified" obligations; and

**WHEREAS**, Section 15.2-4905 of the Virginia Code provides that the Board of Albemarle County must concur with the adoption of the "Authority Resolution" prior to the issuance of the Series 2019 Bonds; and

**WHEREAS**, the Code also provides that the highest elected governmental officials of the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of a private activity bond is located shall approve the issuance of such bond after a public hearing following reasonable public notice; and

**WHEREAS**, the Series 2019 Bonds constitute a "private activity bond" and will finance property located in Albemarle County, and the members of the Board constitute the highest elected governmental officials of Albemarle County; and

**WHEREAS**, the Board held a public hearing on the issuance of the Bonds by the Authority, following reasonable public notice, on October 2, 2019; and

**WHEREAS**, a copy of the "Authority Resolution," summary of the comments made at the Fluvanna Public Hearing, and a statement in the form prescribed by Section 15.2-4907 of the Virginia Code have been filed with the Clerk of the Board.

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

The Board concurs with the adoption of the "Authority Resolution" and approves the issuance of the Series 2019 Bonds by the Authority to the extent required by the Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code.

The concurrence with the "Authority Resolution" and the approval of the issuance of the Series 2019 Bonds, as required by the Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code, do not constitute an endorsement to a prospective purchaser of the Series 2019 Bonds of the creditworthiness of the Borrower or the project being financed and the Series 2019 Bonds shall provide that no political subdivision of the Commonwealth of Virginia, including Albemarle County, shall be obligated to pay the Series 2019 Bonds or the interest thereon or other costs incident thereto and neither the faith or credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including Albemarle County, shall be pledged thereto.

Albemarle County, including its elected representatives, officers, employees and agents, shall not be liable and hereby disclaim all liability for any damage to the Borrower, direct or consequential, resulting from the Authority's failure to issue the Series 2019 Bonds for any reason.

This resolution shall take effect immediately upon its adoption.

**A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC  
DEVELOPMENT AUTHORITY OF FLUVANNA COUNTY, VIRGINIA,  
OF ITS TAX-EXEMPT REVENUE BOND IN AN AMOUNT NOT TO  
EXCEED \$3,750,000 FOR THE  
SOCCER ORGANIZATION OF CHARLOTTESVILLE AREA, INC.  
PROJECT**

**WHEREAS**, there has been described to the Economic Development Authority of Fluvanna County, Virginia (the "Authority"), the plan of financing of Soccer Organization of Charlottesville Area, Inc., a Virginia nonstock, not-for-profit corporation (the "Borrower"), whose principal place of business is presently located at 1685 Polo Grounds Road, Charlottesville, Virginia 22911, for the issuance by the Authority of its tax-exempt revenue bonds in a maximum principal amount not to exceed \$3,750,000 (referred to as the "Series 2019 Bonds" or as the "Bonds") to assist the Borrower in (1) financing or reimbursing the Borrower for the costs of the acquisition, construction, and equipping of a field house facility consisting of approximately 50,000 square feet, which will include a 60x40 (yard) indoor synthetic turf athletic field, headquarters office space for the Borrower and related supporting spaces including a fitness room, trainer's room, locker rooms, meeting spaces and a café, together with parking and related improvements, all of which facilities are to be located on a parcel or parcels of land consisting of approximately 1.688 acres, tax map parcel number 062A3-00-00-001A0 (Albemarle County, Virginia), which property will be accessible from, and have a street address to be determined, on Belvedere Boulevard in Charlottesville, Virginia 22901 (collectively, the "Project"), and (2) financing certain costs of issuance of the Series 2019 Bonds; and

**WHEREAS**, the above facility and Project will be owned by the Borrower; and

**WHEREAS**, the Bonds constitute a 501(c)(3) bond not treated as a private activity bond under Section 265(b)(3) of the Code, and will finance property located in Albemarle County, Virginia ("Albemarle County"); and

**WHEREAS**, a public hearing with respect to the Bonds as required by Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), and the Internal Revenue Code of 1986, as amended (the "Code"), was held by Authority on September 12, 2019; and

**WHEREAS**, the Authority after such public hearing with respect to the Bonds adopted a resolution (the "Authority Resolution") with respect to the Bonds; and

**WHEREAS**, the Authority has recommended in the Authority Resolution that the Board of Supervisors (the "Board") of Fluvanna County, Virginia (the "County") take the actions set forth in this resolution, and further recommended that the Board of Albemarle County take certain actions; and

**WHEREAS**, Section 15.2-4906 of the Virginia Code provides that the governing body of the locality on behalf of which the bonds of the Authority are to be issued must approve or disapprove the financing of the facility as recommended by the Authority, within sixty (60) days of the public hearing held by the Authority; and

**WHEREAS**, the members of the Board constitute the highest elected governmental officials of the County; and

**WHEREAS**, a copy of the Authority Resolution, summaries of the comments made at the public hearing held by the Authority and a statement in the form prescribed by Section 15.2-4907 of the Virginia Code have been filed with the Clerk of the Board;

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

1. The Board approves the issuance of the Bonds by the Authority to the extent required by the Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code, subject to the prior satisfaction by the Authority and the Board of Albemarle County of all applicable requirements of the Code and the Virginia Code.

2. The Board acknowledges and consents to the Authority's designation of the Bonds as "qualified tax-exempt obligations" of the Authority for calendar year 2019 within the meaning of the provisions of Section 265(b)(3) of the Code.

3. The approval of the issuance of the Bonds, as required by the Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code, does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Borrower or the project being financed and the Bonds shall provide that no political subdivision of the Commonwealth of Virginia, including the County, shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the County, shall be pledged thereto.


4. The County, including its elected representatives, officers, employees and agents, shall not be liable and all such parties hereby disclaim all liability for any damage to the Borrower, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

5. This resolution shall take effect immediately upon its adoption.

Adopted on September 18, 2019, by the following vote:

<u>Board Members</u>	<u>Vote</u>
John M. Sheridan, Chair	AYE
Tony O' Brien, Vice Chair	ABSTAIN
Mozell H. Booker	ABSENT
Patricia B. Eager	AYE
Donald L. Weaver	AYE

TESTE:

  
Clerk, Board of Supervisors of  
the County of Fluvanna, Virginia

Agenda Item No. 19. **PUBLIC HEARING: Ordinance to Approve a Second Amended Agreement to Operate a Joint Charlottesville Albemarle Convention and Visitors Bureau.**

To receive public comment on its intent to adopt an Ordinance to Approve a Second Amended Agreement to Operate a Joint Convention and Visitors' Bureau between the County of Albemarle, Virginia and the City of Charlottesville, Virginia for the funding and operation of the Charlottesville-Albemarle Convention and Visitors' Bureau (CACVB). The Second Amended Agreement would amend the composition of the CACVB's Executive Board and would exempt the CACVB from the County's Purchasing Manual regulations to allow the purchase of alcoholic beverages for tourism-related promotional activities.

*(Advertised in the Daily Progress on September 16 and September 23, 2019.)*

The Executive Summary forwarded to the Board states that on August 15, 2019 the CACVB Executive Board unanimously recommended amending the CACVB Agreement to authorize the Chamber of Commerce President to serve on the CACVB Executive Board without term limits, to remove the CACVB Executive Director as a member of the CACVB Executive Board, and to exempt the CACVB from the County's Purchasing Manual regulations so as to allow the CACVB to purchase alcoholic beverages for tourism-related promotional activities. The CACVB Board requested Roger Johnson to take an amended agreement to the Board of Supervisors for its consideration and approval.

The Charlottesville City Council approved the Second Amended Agreement (Attachment A) on September 16, 2019.

With the CACVB Executive Director now in place, the CACVB is ready to advance operations. The attached proposed Second Amended Agreement incorporates the changes requested by the CACVB Board to improve the Convention and Visitors Bureaus' operational efficiency.

The proposed Second Amended Agreement includes the following three substantive changes:

- 1) Allows the Chamber President to serve on the CACVB Executive Board without term limits, similar to the Thomas Jefferson Foundation President;
- 2) Removes the Executive Director as a member of the CACVB Executive Board; and
- 3) Exempts the CACVB from the County's procurement and purchasing regulations to allow the CACVB to purchase alcoholic beverages for tourism-related promotional and appreciation activities, such as familiarization tours, with the advance written approval of the CACVB Executive Board, the County Executive, or the County's Director of Finance/Chief Financial Officer.

These proposed changes would:

- 1) allow the Chamber of Commerce President to serve on the CACVB Executive Board without term limits to ensure continuity;
- 2) allow the Executive Director to meet with two Board members simultaneously without having to schedule and post a public meeting notice as required by Virginia Code § 2.2-3703 for meetings involving three members or a quorum of a public body; and
- 3) allow the CACVB to purchase alcoholic beverages under limited circumstances with executive approval for tourism-related promotion activities, such as familiarization trips for influencers, marketing campaigns, and events involving travel bloggers, social influencers, travel agents, conference organizers, and consultants, which would facilitate the success of those activities.

These proposed changes would not excuse CACVB or other County employees from complying with the County's Alcohol/Drug Free Workplace Policy (Policy §P-06) and Standards of Conduct (Policy §P-25), which prohibit the use of alcohol while on the job or in any job-related context.

There is no direct budget impact associated with this agenda item.

Staff recommends that the Board adopt the attached Ordinance (Attachment B) to Approve a Second Amended Agreement to Operate a Joint Convention and Visitors' Bureau.

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Mr. Roger Johnson, Director of Economic Development for Albemarle County, said that he was presenting on behalf of the Charlottesville Albemarle Convention and Visitors Bureau, which he is its Chairman. He said Ms. Mallek, Ms. McKeel, and the County Executive are also members of that Board.

Mr. Johnson said the purpose of his presentation was to request permission to amend the operating agreement the County has with the City on how they operate a joint Convention and Visitors Bureau. He said they were requesting three amendments: 1) to allow the Chamber President to serve without term limits; 2) to remove the Executive Director as a member of the Board; and 3) to exempt the CACVB from the County's procurement regulations to allow the CACVB to purchase alcohol for tourism-related activities. He noted that this requires advanced written approval for the purchase of alcohol and requires either the concurrence of the County Executive, the Director of Finance, or the CACVB Board. Mr. Johnson also noted that the Charlottesville City Council took up this item in September and approved the amended agreement, as proposed. He said that staff also recommended approval.

Ms. McKeel jokingly asked if there was anything in the amendment that states that the wines have to be from Albemarle County. Mr. Johnson responded, "no". He explained that the reason this information was included was for that very purpose – that the new Executive Director has noted that it is common practice to invite influencers into the community, which would include tasting Albemarle's wines and foods. He said it would also include familiarization tours for site travel specialists so that they can come and learn about the community, which would allow them to taste the County's wines and fortified beverages.

Ms. Palmer asked about the statement that read, "...to allow the CACVB to purchase alcoholic beverages for tourism-related promotional and appreciation activities, such as familiarization towards advanced written approval..." She asked if any of these things would take place on Albemarle County property. Ms. Mallek commented that under the County's current rules, they cannot be as far as serving, as they do not allow it.

Ms. Palmer asked if this was something that would allow alcohol on the County's property. Mr. DeLoria responded, noting that he also works with CACVB. He said the answer was "no" – it does not override the County's regulations in terms of its property. He said it also does not grant permission for Albemarle County employees to consume alcohol while they are at work. He said that although it would allow them to perhaps visit restaurants or wineries and the visitors to be able to make purchases, or, if there is an expo, to bring some of the products from Albemarle County and Charlottesville, it will not allow the employees to drink while they are on duty.

Mr. DeLoria responded to Ms. McKeel's question, explaining that it was originally drafted to say, "Albemarle and Charlottesville products," but then the point was posed to him that if one visits an Albemarle restaurant, it becomes logistically impossible to limit the products to those of the County.

Mr. Randolph said that if products are showcased, they should always be local products. He said nothing was more disconcerting than to have people to come in from outside the area and then talk with them about the quality of the wine and beer, then go to restaurants in the County that serve neither.

Ms. Mallek agreed, expressing that it was all California wines.

Mr. Randolph said that other locations, such as Napa Valley, showcase their own local products. He said Ms. McKeel's point about serving local products was very important.

Ms. McKeel said she understand why they cannot restrict it.

Ms. Palmer said that she has been uncomfortable with the County's economic development in the rural areas being so alcohol-centric. She said she was happy to hear that this would not be bringing alcohol onto County property, expressing that it was inappropriate, and that she does not think that employees should be consuming alcohol at work.

Ms. McKeel said that no one has said they thought it would be appropriate to serve alcohol in the County Office Building. Ms. Palmer responded that this came up a couple years before with the EDA and it was the discussion when a previous Director of Economic Development wanted to do this. Ms. McKeel said the Board did not say they wanted to do that. Ms. Palmer said she understands that the Board did not say it. She said she was simply happy to hear that it was not going to happen.

Mr. Gallaway then opened the public hearing.

Mr. Neil Williamson, Free Enterprise Forum, thanked the Board for its proclamation regarding Virginia Wine Month. He said Virginia wine is an important component to economic development, as well

as cider and local beer production. He said there are also many other jobs that are supported that are ancillary jobs to the wineries regarding farm equipment, etc. Mr. Williamson said he was encouraged by the proposal. He said he thinks it is natural to showcase the products that an area produces. However, he does not believe there was enough tourist interest on the Board. He said there was a majority of elected, appointed, and employed positions that serve on the Board. He said though this was not before the Board at the time, he wants the Board to keep this in mind looking forward. He said he would love to see more tourism industry people on the CACVB Board making the decisions for where the tourists' tax money goes.

Mr. Gallaway closed the public hearing and brought the matter back before the Board.

Ms. McKeel **moved** that the Board adopt the proposed ordinance to approve a second amended agreement to operate a joint Convention and Visitors Bureau. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: Ms. Palmer.

ABSENT: Mr. Dill.

**ORDINANCE NO. 19-A( )**

**AN ORDINANCE TO APPROVE A SECOND AMENDED AGREEMENT  
TO OPERATE A JOINT CONVENTION AND VISITORS' BUREAU  
BETWEEN THE COUNTY OF ALBEMARLE, VIRGINIA AND  
THE CITY OF CHARLOTTESVILLE, VIRGINIA FOR  
THE JOINT FUNDING AND OPERATION OF  
THE CHARLOTTESVILLE-ALBEMARLE  
CONVENTION AND VISITORS' BUREAU**

**WHEREAS**, the County and the City are each enabled by Virginia Code § 15.2-940 to "expend funds from the locally derived revenues of the locality for the purpose of promoting the resources and advantages of the locality"; and

**WHEREAS**, the County and the City are each enabled by Virginia Code § 15.2-1300 to jointly exercise the authority granted to them pursuant to Virginia Code § 15.2-940; and

**WHEREAS**, the County and the City most recently entered into an agreement for the joint funding and operation of the Charlottesville-Albemarle Convention and Visitors Bureau ("CACVB") to promote the resources and advantages of the County and the City, and that agreement became effective July 1, 2018 (the "Agreement"); and

**WHEREAS**, on January 16, 2019, the Board approved an Amended Agreement to authorize two members of the Board of Supervisors and two members of the City Council to serve on the CACVB's Executive Board and to eliminate the CACVB's advisory Board; and

**WHEREAS**, the County and the City desire to further amend the Agreement to authorize the President of the Chamber of Commerce to serve on the CACVB Executive Board without term limits, to remove the Executive Director of the CACVB as a member of the Executive Board, and to exempt the CACVB from the County's Procurement and Purchasing regulations to allow the purchase of alcoholic beverages for tourism-related promotional activities with executive officer approval.

**NOW, THEREFORE, BE IT ORDAINED THAT** the Second Amended Agreement is hereby approved, and that the County Executive is hereby authorized to execute the Second Amended Agreement on behalf of the County of Albemarle after it is approved as to form by the County Attorney.

**This ordinance shall be effective immediately.**

**SECOND AMENDED AGREEMENT TO OPERATE  
A JOINT CONVENTION AND VISITORS' BUREAU**

THIS AGREEMENT is entered into this 2<sup>ND</sup> day of October, 2019, by and between the County of Albemarle, Virginia (the "County") and the City of Charlottesville, Virginia (the "City"). This agreement may be referred to as the "CACVB Agreement" and "this Agreement." The County and the City may be referred to collectively as the "Parties."

**RECITALS**

- R-1** The County and the City are each enabled by Virginia Code § 15.2-940 to "expend funds from the locally derived revenues of the locality for the purpose of promoting the resources and advantages of the locality"; and
- R-2** The County is enabled by Virginia Code § 58.1-3819 to expend Transient Occupancy Taxes collected by it (amounts in excess of two percent of the total five percent authorized to be collected) solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with tourism industry organizations, including representatives of lodging properties located in Albemarle County, attract travelers to the County, increase occupancy at lodging properties, and generate tourism revenues within the County; and
- R-3** The County and the City are each enabled by Virginia Code § 15.2-1300 to jointly exercise the authority granted to them pursuant to Virginia Code § 15.2-940, and they desire to enter into an agreement with one another to continue to jointly fund and operate the local convention and visitors' bureau; and
- R-4** The County and the City desire to promote the resources and advantages of the County and the City, and to do so through the Charlottesville-Albemarle Convention and Visitors' Bureau as provided in this Agreement.

**STATEMENT OF AGREEMENT**

The County and the City agree to the following:

**1. Convention and Visitors' Bureau Established and Authorized.**

The Charlottesville-Albemarle Convention and Visitors Bureau (the "CACVB") is re-established and re-authorized.

**2. Purpose of the CACVB.**

The purpose of the CACVB is to promote the resources and advantages of the County, the City, and the region pursuant to the terms and conditions of this Agreement, including marketing of tourism, as well as marketing of initiatives that: attract travelers to the City and County, increase lodging at properties located within the City and County, and generate tourism revenues within the City and County.

**3. Organization of the CACVB.**

The CACVB shall be organized to have an Executive Board, an Executive Director, and staff serving the CACVB.

**A. Executive Board.** An Executive Board is hereby established, and its composition and powers and duties are as follows:

**1. Composition.** The Executive Board shall be composed of the following fifteen voting members:

- a. Two members of the County Board of Supervisors.
- b. Two members of the Charlottesville City Council.
- c. The County Executive or his designee.

- d. The Charlottesville City Manager or his designee.
  - e. The County Director of Economic Development or his designee.
  - f. The City Director of Economic Development or his designee.
  - g. The Executive Vice President of the University of Virginia or his designee.
  - h. One tourism industry organization representative appointed by the County Board of Supervisors as provided in Section 3(A)(2)(b).
  - i. One tourism industry organization representative appointed by the Charlottesville City Council as provided in Section 3(A)(2)(b).
  - j. One representative of the arts community jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(c).
  - k. One representative of the recreation community jointly appointed by designated members of the County Board of Supervisors and the Charlottesville City Council as provided in Section 3(A)(2)(c).
  - l. The President or Chief Executive Officer of the Charlottesville Regional Chamber of Commerce or designee.
  - m. The President or Chief Executive Officer of the Thomas Jefferson Foundation or his designee.
2. **Appointments to the Executive Board.** Appointments to the Executive Board shall be made as follows:
- a. **Appointment of Members of the County Board of Supervisors and the Charlottesville City Council; Alternates.** The members of the County Board of Supervisors and the Charlottesville City Council who serve on the Executive Board shall be appointed by their respective governing bodies for terms determined by the respective governing bodies. The County Board of Supervisors and the Charlottesville City Council may appoint alternates to attend any meeting(s) that the regular appointees cannot attend. An alternate attending a meeting in place of the regular member may vote on behalf of the Board or Council at any such meeting.
  - b. **Appointment of Representatives of Tourism Industry Organizations; Term.** The tourism industry representatives identified in Sections 3(A)(1)(h) and (i) shall be appointed by a majority vote of the members of the County Board of Supervisors or the Charlottesville City Council, respectively, present and voting. Each appointment shall be for a two-year term; no person serving under this appointment may be appointed to more than four consecutive two-year terms, exclusive of time served in the unexpired term of another.
  - c. **Appointment of Representatives of the Arts and Recreation Communities; Term.** The arts and recreation community representatives identified in Sections 3(A)(1)(j) and (k) shall be made by a majority of the four members of the County Board of Supervisors and the Charlottesville City Council appointed to the Executive Board. Each appointment shall be for a two-year term; no person serving under this appointment may be appointed to more than four consecutive two-year terms, exclusive of time served in the unexpired term of another.
3. **Powers and Duties of the Executive Board.** The Executive Board shall:
- a. **Adopt a Strategic Plan.** Adopt a strategic plan for the CACVB that is consistent with the purposes of the CACVB.



- b. **Adopt By-laws.** Adopt by-laws, which shall include procedures and rules for electing a chair, a vice-chair, the conduct of its meetings, and regulating the business of the Executive Board.
  - c. **Adopt Policies and Plans.** Adopt any policies or plans consistent with the purposes of the CACVB and that may provide direction to the CACVB.
  - d. **Marketing Strategies, Performance Measures, and Indicators.** Approve general marketing strategies and programs, and establish performance measures and indicators.
  - e. **Hold Meetings; Quorum; Voting.** Hold a regular meeting at least once every two months. Each meeting shall be conducted in compliance with the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 *et seq.*). Eight voting members of the Executive Board physically present at the meeting constitute a quorum. The Executive Board shall act only by a majority vote of those voting members present and voting at a lawfully held meeting.
  - f. **Adopt a Budget.** Adopt a budget for the CACVB's operations and activities each fiscal year.
  - g. **Contracts.** Acting through its Executive Director, arrange or contract for (in the name of the CACVB) the furnishing by any person or company, public or private, of goods, services, privileges, works or facilities for and in connection with the scope of Section 2 of this Agreement and the administrative operations of the CACVB and its offices. The contracts may include any contracts for consulting services related to tourism marketing and to promoting the County, the City, and the region.
  - h. **Appoint the Executive Director; Performance; Termination.** Appoint the Executive Director, who shall serve at the pleasure of the Executive Board, and evaluate the Executive Director's performance each year. If the CACVB does not have an Executive Director or an interim Executive Director on July 1, 2018, until the Executive Board appoints an interim or permanent Executive Director, the County shall provide an employee currently on its payroll to serve as an interim Executive Director for the CACVB, commencing July 1, 2018 and continuing only until such time as the newly constituted Executive Board has appointed an interim or permanent Executive Director.
  - i. **Offices.** Provide regular staffed visitor services at one location within the City of Charlottesville and one location within the County of Albemarle. Additional locations may be approved by the Executive Board. The Executive Board shall approve the location and terms and conditions for purchasing or leasing any CACVB office(s), and may, by recorded vote or resolution, authorize the Executive Director to execute any required instrument pertaining thereto.
  - j. **Official Seal.** Establish and maintain an official seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it, or in any other manner reproducing it.
4. **Attendance.** Members of the Executive Board or their designees are expected to attend all regular meetings of the Executive Board. The Executive Board may request the County Board of Supervisors or the Charlottesville City Council, as the case may be, to replace any Executive Board Member appointed by that body, or the designated members thereof, to replace any Member who is absent, or whose designee is absent, from more than three regular meetings during a calendar year.
- B. **Executive Director.** The position of Executive Director is hereby established. The powers and duties of the Executive Director are as follows:
- 1. **Promotion.** Promote the resources and advantages of the County, the City, and the region pursuant to the terms and conditions of this Agreement, the Strategic Plan, and other policies

and plans adopted by the Executive Board within the scope of Section 2 of this Agreement, subject to the following:

- a. **Services Provided Until Executive Board Directs Otherwise.** Beginning July 1, 2018, and until the Executive Board directs otherwise, the Executive Director and the persons hired to provide services for the CACVB shall provide the services identified in **Attachment A**, incorporated by reference herein.
  - b. **Services Identified by the Executive Board to be Provided.** When the Executive Board identifies different or additional services to be provided by the CACVB, the Executive Director and the persons hired to provide services for the CACVB shall provide those services. The different or additional services may include, but are not limited to, expanding destination packages focusing on the arts, wineries, breweries, and distilleries; promoting heritage and cultural tourism and including this area's African-American heritage; promoting agritourism; promoting outdoor recreational tourism for activities such as hiking, bicycling, kayaking, and canoeing; and developing and promoting events and activities related to the arts, local resources, and local businesses.
2. **Budgeting.** Recommend an annual budget to the Executive Board.
  3. **Contracting.** Execute contracts on behalf of the CACVB; perform the duties of purchasing officer on behalf of the Executive Committee, subject to compliance with Albemarle County procurement ordinances and procedures. The Executive Director shall procure all goods and services in compliance with the County's procurement laws and procedures, or may delegate procurement responsibilities to the County's purchasing agent. As an exception to the County's procurement laws and procedures, the Executive Director or the County's purchasing agent, if delegated procurement responsibilities under this section, may contract for or purchase alcoholic beverages for tourism-related promotional and appreciation events and familiarization tours with the advance written approval of (i) the Executive Board or (ii) the County Executive or (iii) the County Director of Finance/Chief Financial Officer.
  4. **Reports.** The Executive Director shall provide to the Executive Board any reports required by this Agreement or requested by the Executive Board.
  5. **Distribute the Budget and Provide a Balance Sheet.** The Executive Director shall provide the CACVB's adopted annual budget to the County and the City and a balance sheet showing the CACVB's revenues and expenditures for the prior fiscal year and the fund balance, if any, from the prior fiscal year. The budget and the balance sheet shall be provided by December 31 each year.
  6. **Employees.** The Executive Director shall recruit, hire, and manage persons to be employed to perform services for the CACVB, subject to Section 8 of this Agreement.
4. **Funding the CACVB.**

The CACVB shall be funded as follows:

- A. **Funding Cycle.** The County and the City agree to fund the activities and responsibilities of the CACVB during each Fiscal Year (July 1 through June 30 of each calendar year) in which this Agreement remains in effect, beginning with the Parties' Fiscal Year 2019.
- B. **Funding Levels.** Subject to Subsection 4(F), the County and the City shall provide funding for the CACVB in each Fiscal Year in an amount equal to 30 percent of its Transient Occupancy Tax revenues collected by it in the most recent Fiscal Year ("Actuals"). This specified percentage and obligation is based on, and specifically limited to, a Transient Occupancy Tax of five percent in each locality. If either the County or the City enacts a Transient Occupancy Tax greater than five percent, that Party's funding obligation under the formula in this subsection is not changed by the increase in

the tax rate for the Transient Occupancy Tax.

- C. **Payments to the Fiscal Agent.** Annual funding provided pursuant to Subsection 4(B) shall be delivered by the Party that is not the Fiscal Agent to the Party that is the Fiscal Agent in equal quarterly payments, payable on July 1, October 1, January 1, and April 1 each year, due upon receipt of an invoice from the Fiscal Agent.
- D. **Budget.** The budget prepared and recommended by the Executive Director shall be presented to the Executive Board, and the recommended budget shall use the Actuals provided by the County and the City and referenced in Subsection 4(B), and any other revenue sources. Following receipt of a recommended budget from the Executive Director, the Executive Board shall take action to approve an annual budget, no later than May 1 each calendar year.
- E. **Documenting Costs.** All costs incurred and expenditures made by the CACVB in the performance of its obligations under this Agreement shall be supported by payrolls, time records, invoices, purchase orders, contracts, or vouchers, and other documentation satisfactory to the County and the City, evidencing in proper detail the nature and propriety of the costs. Records shall be maintained in accordance with Virginia law. Upon request by either the County or the City, the Executive Director shall allow City or County officials to inspect the documentation and records pertaining in whole or in part to this Agreement, or the Executive Director may, if acceptable to the requesting party, provide reports summarizing information within CACVB's records.
- F. **Appropriations.** Notwithstanding any other provisions of this Agreement, the County's and the City's obligation to fund the CACVB is expressly contingent upon the availability of public funds derived from Transient Occupancy Tax revenues and the annual appropriations of those funds thereof by the Parties. The City's appropriations of funds for the promotion and advertisement of the City are and shall be further subject to the provisions of Section 21 of the City's Charter.

**5. Permitted and Prohibited Uses of Funds, Goods, and Services by the CACVB.**

The CACVB shall expend revenues and use its funds, goods, and services only as follows:

- A. **Purposes for Which Tax Revenues May be Spent.** Revenues appropriated by the County and the City to the CACVB shall be expended only for the purposes for which their respective Transient Occupancy Tax revenues may be spent, as may be governed by state enabling legislation, the City's charter, and local ordinances.
- B. **Prohibited Use of Funds, Goods, and Services for Political Purposes.** The CACVB shall not expend its funds, use its materials or property, or provide services, either directly or indirectly, for any partisan political activity, to further the election of, or to defeat, any candidate for public office.

**6. Duration of this Agreement; Termination.**

This Agreement shall be effective as of October 2, 2019, and remain in effect until it is terminated by the Parties, or either of them, as follows:

- A. **Termination by One Party.** Either the County or the City may terminate this Agreement by giving at least six months' written notice to the other Party.
- B. **Termination by Mutual Agreement.** The County and the City may mutually agree to terminate this Agreement under any terms and conditions they agree to.
- C. **Termination by Non-appropriation.** If either the County or the City fails to appropriate funds in the amount required to support its obligations under this Agreement for a subsequent fiscal year, then this Agreement shall automatically terminate at the end of the then-current fiscal year.

**7. Performance.**

The performance of the CACVB shall be measured as follows:

- A. **Until New Performance Measures and Performance Indicators are Adopted.** From July 1, 2018, until the Executive Board adopts new performance measures and performance indicators, the CACVB shall:
1. **Return on Investment.** Meet a return on investment ratio of 7:1 annually that is based on seven dollars of total direct visitor expenditures for every one dollar of funding provided to the CACVB by the County and the City pursuant to the formula in Attachment A.
  2. **Performance Measures.** Measure performance using the specific measures in Attachment A.
  3. **Performance Indicators.** Track the performance indicators identified in Attachment A.
- B. **Adopted Performance Measures and Performance Indicators.** When the Executive Board adopts a new required return on investment, new performance measures, and new requirements to track performance indicators, the CACVB shall meet and perform those new measures and requirements.
- C. **Audits.** The County and the City may, at their option, request an independent audit of the CACVB's books and records. The cost of the audit shall be shared equally by the County and the City.

**8. Fiscal Agent Designation; Services.**

The County and the City will provide the following fiscal services for the CACVB:

- A. **Fiscal Agent.** The County shall serve as Fiscal Agent for the CACVB. The Fiscal Agent shall be entitled to a fee of two percent of the Actuals referenced in Section 4(B) as compensation for acting as Fiscal Agent. This fee may be deducted from the Fiscal Agent's funding contribution pursuant to Section 4 each year.
- B. **Insurance.** The County will provide liability insurance coverage to the CACVB.
- C. **Legal Services.** The County Attorney shall provide legal services to the CACVB, provided that representation does not create a conflict of interest under any rules of professional responsibility or other ethical rules of conduct. In the event any such conflict arises, the County Attorney shall so advise the Executive Board, so that the Executive Board may make necessary arrangements to obtain legal services.
- D. **Other Services.** The County shall act as the CACVB's accounting and disbursing office; provide personnel administration services; maintain personnel and payroll records; provide information technology services; provide procurement services and maintain purchasing accounts and monthly statements; and contract for annual audits. Personnel administration shall include the matters referenced in paragraph E, following below.
- E. **Personnel Administration.** The employment of the Executive Director and any other persons hired to perform services for the CACVB are subject to the following:
1. **County Employees.** Any Executive Director or other person hired on or after July 1, 2018 to perform services for the CACVB shall be hired as an employee within the County's personnel and payroll systems.
    - a. **Transition of Employees Hired Prior to July 1, 2018.** Effective January 1, 2019, or as soon thereafter as the County and the City have created and funded an Employee Transition

Plan, any person who was hired prior to July 1, 2018 to perform services for the CACVB shall be transitioned to become an employee of the County and shall be classified within the County's pay system and shall be paid in accordance with the County's payroll system and policies and its personnel policies. Until January 1, 2019, all such employees shall remain within the City's personnel/payroll system.

- b. **Pay and Benefits for Transitioning Employees.** Within their Employee Transition Plan, the City and the County shall provide benefits and funding, as necessary to assure, to the fullest extent practicable, that no employee will lose pay or retirement benefits as a result of making the transition from City to County employment. With respect to retirement benefits, it is the intention of the Parties to keep each person transitioning from City to County employment whole, and to ensure that they neither lose retirement credit for time employed nor monetary contributions made to the City's retirement plan.
2. **Duty Owed to Both the County and the City.** The Executive Director and any other persons hired to perform services for the CACVB owe a duty of good faith and trust to the CACVB itself as well as to both the County and the City as the localities which provide public funding for the CACVB.

**9. Disposition of Property Upon Termination or Partial Termination.**

Upon the expiration or earlier termination of this Agreement, all personal property of the CACVB shall be and remain the joint property of the County and the City for disposition, and the proceeds of disposition shall be pro-rated between the County and the City in accordance with the ratio of the amounts provided by each of them to the CACVB: (i) as capital contributions since 1979; and (ii) as contributions of operating funds during the 10 years preceding the date of termination, as compared with the aggregated contributions of the County and the City during that same 10-year period.

**10. Liability.**

Any liability for damages to third parties arising out of or in connection with the operations and activities of the CACVB and any persons employed to provide services for the CACVB shall be shared jointly by the County and the City, to the extent that any liability is not covered by funding within the CACVB's budget or liability insurance proceeds, and only to the extent that the County and the City may be held liable for damages under the laws of the Commonwealth of Virginia.

**11. Miscellaneous.**

- A. **Ownership of Materials; Copyright; Use.** Any materials, in any format, produced in whole or in part pursuant to this Agreement are subject to the following:
  1. **Ownership.** The materials are jointly owned by the County and the City.
  2. **Copyright.** The materials are copyrightable only by the County and the City. Neither the CACVB, the Executive Board, nor any of its members, the Executive Director, any CACVB employee, nor any other person or entity, within the United States or elsewhere, may copyright any materials, in any format, produced in whole or in part pursuant to this Agreement.
  3. **Use.** The County and the City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared by or for the CACVB pursuant to this Agreement.
- B. **Amendments.** This Agreement may be amended in writing as mutually agreed by the County and

the City.

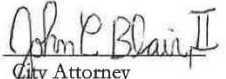
- C. **Assignment.** The CACVB shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement, whether by assignment or novation, without the prior written consent of the County and the City.
- D. **Severability.** If any part of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect the validity or enforceability of any other part of this Agreement.
- E. **Entire Agreement.** This Agreement contains the entire agreement of the County and the City and supersedes any and all other prior or contemporaneous agreements or understandings, whether verbal or written, with respect to the matters that are the subject of this Agreement.
- F. **Applicable Law.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the Commonwealth of Virginia.
- G. **Approval Required.** This Agreement shall not become effective or binding upon the County and the City until it is approved by ordinances of the Charlottesville City Council and the Albemarle County Board of Supervisors.

IN WITNESS WHEREOF, and as authorized by duly adopted ordinances of the Albemarle County Board of Supervisors and the Charlottesville City Council, the County and the City each hereby execute this Agreement as of the date first above written, by and through their respective authorized agents or officials:

CITY OF CHARLOTTESVILLE, VIRGINIA

By:   
City Manager

Approved as to Form:

  
City Attorney

COUNTY OF ALBEMARLE, VIRGINIA

By:   
County Executive

Approved as to Form:

  
County Attorney

**Attachment A**

**A. Services**

The CACVB shall perform the following services for the benefit of the County and the City in a satisfactory and proper manner, as they determine:

1. **Meeting Booking and Sales.** The CACVB shall respond to inquiries, provide information to the public, and as part of its convention marketing efforts, shall aggressively promote the bookings and sales of sites within the City and the County for regional, national, and international conventions, trade shows, and corporate meetings.
2. **Convention Services.** The CACVB shall provide customary convention services to those clients who have booked their convention or meeting through the CACVB. All other conventions or meetings will be serviced on an availability basis. The particular services to be provided depend upon the agreement between the CACVB and the meeting planner at the time of booking and other requests, which may be made in the course of servicing the convention or meeting. Customary convention services may include but are not limited to the following:
  - a. Assistance in promoting attendance.
  - b. Visitors guides and appropriate literature.
  - c. Shuttle bus coordination.
  - d. Attraction and itinerary scheduling.
  - e. Dining and restaurant scheduling.
  - f. Bonded registration.
  - g. Tourism information tables.
3. **Tourism.** The CACVB shall promote tourism within the County and the City. Strategies may include but are not limited to: visitor information services; attendance at industry and travel/trade, consumer, planner, hotel and attraction conferences and meetings; and responses to phone inquiries, advertising, public relations, promotions, and packaging. The CACVB will oversee the operation and maintenance of at least one visitor center within the City and at least one visitor center in the County.
4. **Reports.** The CACVB shall advise the County and the City advised of its activities and accomplishments, and shall deliver the following reports:
  - a. The CACVB shall provide to the Parties an annual marketing/operational plan ("Marketing Plan") submitted annually on or before December 31 each year, which includes at a minimum: situation analysis, measurable expected outcomes, data driven rationale for strategies, and budget reflecting strategies.
  - b. The CACVB shall provide to the Parties quarterly reports of the following: (i) program performance, including a comparison of the CACVB's performance during the quarter with the performance goals set forth in sections B, C and D; and (ii) tracking report of the performance measures listed in section C; and (iii) an expenditures report, accounting for dollars spent for marketing, promotion, publicity, and advertisement, shown by category. The quarterly performance reports shall be submitted to the Parties within 30 days after the end of each quarter that this Agreement is in effect.
  - c. On or before September 1 each year, the CACVB shall provide to the Parties an annual report of the outcome of the contract performance measures for the previous year. The Parties will review the annual



report no later than October 1 and determine compliance with the return on investment. The Parties will provide these findings to the CACVB.

- d. When requested by either or both Parties, the CACVB shall provide statements, records, reports, data, and any other information, pertaining to matters covered by this Agreement.

**B. Calculating “Direct Visitor Expenditures”**

The term “direct visitor expenditures” shall refer to the following sum:

<b>Group room revenue</b> [(Group Room Nights Booked) x (ADR*)] plus [(# of delegates/ visitors) x (# days spent in City/ County) x (ADE**)]	\$ _____
<b>Leisure inquiries (consumer and trade)</b> [ (room nights generated) x (ADR*) ] plus (# of visitors) x (# days spent in City/County) x (ADE**)]	\$ _____
<b>Direct Visitor Expenditures</b>	\$ _____
<b>Off Season Adjustment</b> Add 20% to direct expenditures in off season (off-season shall be November, December, January and February of each year).	\$ _____
<b>Total Direct Visitor Expenditures</b>	\$ _____
*ADR = Average Daily Rate (calculated annually by CACVB based on research) **ADE = Average Daily Expenditure (excluding room rate) (calculated annually by CACVB, based on research, excluding room rate)	

**C. Performance Measures**

Performance Measures shall be utilized to indicate the performance of the CACVB. These measures will be used to calculate the total economic expenditure for inclusion in the formula set forth within paragraph A, above:

Performance Measures	Tracking Mechanisms	Target
1. ROI (total direct expenditures ÷ \$ invested)	ROI Formula	7:1
2. Room nights booked for meeting groups	CACVB tracking, Through Sales Department Software programs	Determined by CACVB via marketing plan  Supported by research/rationale
3. Group tour definite bookings	CACVB tracking	Determined by CACVB via marketing plan
4. Leisure inquiries converted (consumer and trade)	Conversion Analysis	
5. Destination awareness (trade and consumer)	Contract with outside resource	Supported by research/rationale
6. Coop Resources Raised (in kind, marketing, alliances)	CACVB tracking	Equal to 25% of total marketing budget
7. Media Coverage (scope, demographics, reach)	Clipping Service	Determined by CACVB
8. Overhead expenditures*	CACVB budget	Reduce by 5% annually toward goal of <30% of total budget

*\*calculations include Finance and Administrative divisions plus support costs for the Executive division*

**D. Performance Indicators**

CACVB will track certain performance indicators to monitor the performance of the local tourism industry, using the method described below.

Performance Indicators	Tracking Mechanisms
1. Economic Impact of Tourism (Annual basis)	Visitor Profile and VTC Statistics
2. Transient Occupancy Tax Collections	City and County Records
3. Occupancy	Smith Travel Research Reports
4. ADR	Smith Travel Research Reports
5. Length of Stay (Annual basis)	Visitor Profile
6. Per-Person expenditure (Annual basis)	Visitor Profile
7. Attraction Attendance	Compilation from Industry Records

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

Ms. Palmer said the Rivanna Solid Waste Authority meeting was held two weeks ago, and they discussed the composting of sludge and food waste. She said spreading the sludge on fields was brought up as a possibility, and she had expressed that she did not think this was something that the Board of Supervisors would be in favor of. She said more information was being gathered about this. She said in respect to food waste, the RSWA was looking at making changes to the Moore’s Creek site to allow for the inclusion of food into the sludge so that it can go to where the sludge is being now as a cheaper option to start with. Ms. Palmer said she asked Mr. Bill Mawyer to come to the Board in two weeks to discuss this. She said there was interest from one of the City representatives of the RSWA to further discuss the possibility of spreading sludge on the fields, and Mr. Mawyer would be talking about this to the Board. She said that given the sludge issue is a controversial one and Ms. Mallek has been very concerned about it, she wanted to inform the Board that this discussion would occur.



Mr. Gallaway explained that because of the timing and what was on the agenda today, the ACSA and RWSA reports were moved to consent. He said that for the composting issue, they would bring Mr. Mawyer back. He said these items are usually seen together, but there was one on consent and then the next item would be later in October.

Ms. Palmer said she asked, because Mr. Gallaway had said that transportation items usually take a long time, that it would be better to discuss ACSA and RWSA at the second meeting. She said perhaps this should be the way this happens, going forward.

Ms. Mallek asked if Ms. Palmer was talking about sludge from the Moore's Creek facility. Ms. Palmer responded, "yes", adding that there was some question as to what grade this is.

Ms. Mallek said she would send around some background information, explaining that this was scarier now than it was 10 years before because of the PFAS that was showing up in milk, beef, and children's livers from places where sludge was put on fields.

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Mr. Randolph said there was uncertainty at RWSA as to when the bond note used to pay the \$6.65 million for the purchase of the Buck Mountain Creek Reservoir was actually retired. He said he expects that when Mr. Mawyer addresses the Board on October 16, the Board, public, City of Charlottesville, and Albemarle County will be getting answers to four questions he has.

Mr. Randolph said his first question was if the bond was paid off longer than six months prior to the RWSA Board meeting of September 29, meeting on or before March 26, 2019, why was the RWSA Board not advised of the note's retirement so that action could be taken on adjusting customers' monthly bills downward. His second question was why RWSA lacked the fundamental financial management protocols to identify when a multimillion dollar bond note was to be retired as Albemarle County does. Mr. Randolph's third question was if, as one RWSA Board member was reported the week before in the Daily Progress to have said, there was wonder about the bond retirement for a long time, why the Board of Supervisors was not informed of the issue until recently, and why there was no public evidence of the RWSA Board deliberating over the overpayment issue. His fourth question was that RWSA's lack of documentation on the bond's retirement was quite possibly more than regrettable as described in the Daily Progress editorial from that day. He said it was quite possibly a case of prima fascia negligence and represents, in his view, clear abuse of the public trust and the sound financial and overall management of the RWSA. He asked if the RWSA Board never discussed these implications prior to September 29, 2019.

Mr. Randolph said that when Mr. Mawyer comes before the Board on October 16, he intends to pose these questions and hopefully gain answers. He said the public has a right to know why they were overbilled for a number of years, noting that the number of years was unknown as well as how much overbilling each individual and businesses may have incurred because of the note having been mysteriously retired at some point for the Buck Mountain Creek Reservoir.

Ms. Palmer said that Mr. Mawyer can address this when he comes before the Board, adding that this was not nefarious. She said the note was a very old note and was turned over multiple times, making it hard to track. She said the CFO at Rivanna has done a good job trying to track this overtime, and the RWSA Board has held multiple discussions about it. She said this issue has been going on for much longer than she has been on the RWSA Board, noting that she has been attending these meetings since 1998. She said the note needed to be retired, but it was very difficult to track, and the CFO can explain why.

Ms. Mallek asked if there was a discussion about the leases to the farmers in the surrounding Buck Mountain area. Ms. Palmer responded that this has not come back to the RWSA Board. She said the Board decided to have the possible uses looked at and have those come back to the Board in terms of what can be done with the properties if they are not going to be sold back or continue the leases. She said she would have liked to continue with the situation, but the Board wanted to have a greater discussion and study on it.

Ms. Mallek asked if having the properties being sold back to the original owners or current interested people, with conservation easements on them, has been discussed to therefore continue the stewardship element. She said they are bottomland properties and this should be their highest and best use, rather than trying to make a profit off them. Ms. Palmer agreed. She said her argument was that those properties along the rivers need to be protected because the watershed needs to be protected. She said they are in best use now and the RWSA should continue to own them and lease them out. She said there was discussion from other Board members that wanted more information on this.

Ms. Mallek said that for places where people are being fenced out of being able to use the land, those leases should be redrawn so that people are not being charged for something they cannot have access to.

Ms. McKeel agreed that this should be addressed at the next meeting. She said she hopes that processes are in place now so that the RWSA would not find themselves in this kind of situation again. She asked Mr. Kamptner if this situation would affect any standing the Board has as far as ratings. Mr. Kamptner said it should not.

Mr. Randolph said that earlier, he had mentioned seeking General Assembly approval for broadband authorities in the Commonwealth to develop their own net neutrality rules, subject to Board of Supervisors or City Council approvals. He said it would be a means by which broadband authorities could be ensured that major ISPs, e.g. Verizon or AT&T, could not block or slow down web access to content or provide it by other parties, or charge services, e.g. Netflix, Hulu, for faster delivery of their shows, which has now been permitted to occur on a national level. The way the Supreme Court decision is written, there may be allowance at a state and a local level. He said that if they were to push forward on a local level, they may actually instigate the state to institute it on a state-wide level. He said this was designed to ensure access.

Mr. Randolph said he had a conversation with Mr. Bill Crutchfield on Saturday morning and he had asked Mr. Crutchfield if he was concerned about Amazon and its presence on his business, given that Amazon is now moving across all electronic devices, e.g. TVs, phones, household devices, doorbells, to be able to have one single Alexa-induced system where they can gain all this information in one fell swoop. He said he was surprised to hear Mr. Crutchfield say that they are at a point where it was like the 1880-1890s all over again – large trusts and corporations are able to dominate, and small companies have no room to exist and grow, and, therefore, he was very concerned.

Mr. Randolph asked Mr. Kamptner if this was something the Board could work into its legislative agenda, as it was somewhat related to what they have already discussed. Mr. Kamptner noted one correction – the decision that came out from the Supreme Court yesterday was by the D.C. Circuit, which is the federal appeals court that oversees federal agencies. He said there was a possibility that this decision could be appealed to the U.S. Supreme Court. There were nine states that already have adopted their own net neutrality rules and therefore, a precedent. He said there are 26 other states that have pending legislation on the matter and that there are already models that the County could look at. He said it would be a good topic to address on October 16 as they will be reviewing the Board's positions and policy statements at that time.

Mr. Randolph asked if the rest of the Board was agreeable to including this at the October 16 meeting.

Ms. Mallek responded, "yes".

Ms. Palmer said she was agreeable to having the discussion.

Mr. Kamptner noted that they may not have the answers yet at that time.

Ms. McKeel said they would have to have more information.

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Mr. Randolph said his final question was to request a resolution of the Board expressing its support for fair and thorough investigation by the House of Representatives of the potential abuse of power by the President of the United States that could qualify as high crimes and misdemeanors.

Ms. Mallek said that while she may personally write a letter about or agree with all of those things, she does not feel comfortable with Albemarle County doing this. She said the Board has local issues that they need to be working on and she would rather place 100% of her focus on things within their sphere that they could influence. She said she would not vote in favor of this.

Ms. Palmer said this was her reaction as well – that she agrees with the statements and feels devastated by what was happening at the national level, but the Board has always resisted getting involved in national events.

Ms. McKeel agreed, saying they do not have direct control over those things.

Ms. Palmer said it was important for the Board to stay within their local realm.

Ms. McKeel agreed.

Mr. Randolph said he actually agrees with everyone, but he felt compelled to do something about what he described as highly unusual circumstances over the past 72 hours. He said that if he did not raise the issue, he feels that he would be squandering responsibility. He said these are extraordinary times that are unlike what they have ever faced before.

Ms. Mallek likened the situation to Watergate, during which she had written letters because she felt it was her personal responsibility to do so.

Mr. Randolph said it was positive to have a conversation about a resolution.

Ms. McKeel said that anyone living in the U.S. must be extremely concerned, regardless of political affiliation.

Ms. Mallek said there was an anxiety level amongst everyone in the country, which makes people sensitive and strongly reactive to anything that comes along instead of rolling with it and working to fix it. She said it is difficult to make progress under those conditions.

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

Mr. Richardson did not have any matters.

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Agenda Item No. 22. Adjourn to October 16, 2019, 1:00 p.m., Lane Auditorium.

At 6:59 p.m., with no further business, Mr. Gallaway adjourned the Board to October 16, 2019, 1:00 p.m., Lane Auditorium.

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Chairman

Approved by Board
Date 11/04/2020
Initials TOM