

A regular day meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 4, 2019, at 1:02 p.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia. The night meeting was held at 6:00 p.m.

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

ABSENT: None.

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

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

Mr. Gallaway also introduced staff present and the presiding security officers, Officer Bryce Arritt and Officer Mitchell Saunders.

Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway noted that there would be a Resolution of Appreciation added under Item 6.

Ms. Mallek said she would like to add an item for discussion at the end of the meeting under Matters from the Board about the CIP process.

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

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

NAYS: None.

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

Ms. McKeel recognized that there was a recent loss in the community with the death of Robert "Bob" Humphries. She said he and his wife, Charlotte, were longtime residents of the Jack Jouett district, and Charlotte served on the Board of Supervisors for years, as well as during a time that Ms. McKeel was on the School Board. She said she and Charlotte worked very closely together, and Mr. Humphries was instrumental in many initiatives in the County. She said she knew Ms. Mallek wanted to speak about Mr. Humphries as well. She said Mr. Humphries was a loss to the community and that she wanted to recognize the wonderful things he had done for the community over many years, adding that Mr. Humphries was 90 years old.

Ms. Mallek said there would be a service scheduled in the future. She said regarding Mr. Humphries, it was not often that one finds someone who is a highly educated and decorated electrical engineer who also has a mystical side. She said he was a douser and taught her science campers in the 1990s about how to douse with coat hangers so they could discover where the underwater springs were. She said it was a wonderful experience that taught the students that even if they can't prove something, it doesn't mean it isn't real.

Ms. Mallek said she had known Mr. Humphries and his wife her whole life and expressed her sadness. She said he had been instrumental in being a fact finder and fact checker for her election in 2007 and that she couldn't have done it without him.

Ms. Palmer said she served for several years on the Albemarle County Service Authority Board of Directors with Mr. Humphries, who was the historian. She said he was on the Board of Directors for about 30 years and started when the ACSA was in a room behind the Foods of All Nations location. She said he had a wonderful history of how the ACSA went from a box in the County Executive's Office to a real, live organization along with exciting reasons why. She said she very much enjoyed learning all the things she did from Mr. Humphries, noting that he was a great board member.

Ms. Mallek said Saturday at 12:00 p.m. on December 14 is the Wreaths Across America event at military cemeteries and private monuments all across the country on the same day at the same time. She said they would be gathering and placing wreaths to honor veterans and that for her, this would be the official kickoff for the holiday season.

Ms. Mallek invited anyone who cares to come out to show up at the Dogwood Memorial at the McIntire Bypass and then after that, move as a group to the memorial in the County Office Building's yard for the World War I folks, noting that this memorial used to be at the other end of the Downtown Mall and was moved to the COB when the amphitheater was put in many years ago. She said community

members are welcome to bring wreaths or simply come and attend to honor the soldiers.

Ms. Mallek said the Soil and Water Conservation District has much federal revenue to share with landowners, with more flexibility in both rural and urban programs. She said after 50 years, they have understood that topography creates problems for people who desire to do fence-outs for their streams because if the land goes straight up, they cannot do it. She said it is flexible now to have that ability in places where they need to have a shorter (but 35-foot) buffer on one side. She said there are many urban programs for water quality improvement and stormwater runoff.

Ms. Mallek encouraged anyone who desires to get some advice and/or some cost share money to contact the Soil and Water Conservation District, noting that their office is on Forest Street, near the COB.

Ms. Mallek said she found a map of Virginia State Parks at the VACO conference and that there is a gap with nothing in the center of the State. She said this was good ammunition, when they go to the legislature to ask for money for Biscuit Run Park access because it used to be the State's, and the County is saving them money by helping to manage it.

Ms. Mallek said she had a suggestion from a constituent, who is a frequent visitor at Mint Springs Park, and that she thinks the suggestion would also apply to Chris Greene Park. She said the idea was if there could be a way to collect the fees for swimming, during swimming season, closer to the swimming area. She explained that at the two parks, when the fees start, everyone has to pay, even if they are going in to walk. She said this causes many people not to be able to use the park every day like they would like to. She asked Mr. Richardson to pass this on to Parks and Recreation to think about this, expressing that she believed this to be a reasonable request.

Agenda Item No. 6. Proclamations and Recognitions.

Ms. Mallek **moved** to adopt the Resolution of Appreciation for Joel DeNunzio as she read it aloud. Ms. McKeel **seconded** motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. Joel DeNunzio, with VDOT Charlottesville residency, said about two weeks before, he had called Mr. Gallaway to announce that he would be leaving his role as of Monday. He said in the interim, Mr. Alan Saunders would be taking over for him.

Mr. DeNunzio said he enjoyed his time in Albemarle County, recalling that he had started serving the community about 13 years before in land development. He said about 7 years ago, he took over as a resident engineer and that he has had a great relationship with the County. He said though he enjoyed the work, he was offered a great opportunity to further his career with VDOT in the Staunton District as the District Maintenance Engineer, which was part of the plan that he had set for himself as far as where he would like to be when he retires one day.

Mr. DeNunzio said it was a very difficult decision for him to make because of his great staff and support at the Culpeper District with Mr. John Lynch, as well as great peers at the residencies both in Louisa and Orange. He said they all learned a lot together through the years, with both good times and difficult times that involved some difficult decisions. He said he hoped that they had all made a great impact on transportation with work that served the community well.

Mr. DeNunzio said in the interim, Mr. Saunders would do a fantastic job and that he would be there as they recruit for a new resident engineer for Charlottesville. He said Mr. Lynch would make sure to get a great person in the role that would serve the County well.

Mr. Saunders introduced himself as a resident engineer in Louisa and that until next Monday, he currently supports Fluvanna, Orange, and Louisa Counties. He said he looked forward to learning about each of Albemarle's districts in the community and how Mr. DeNunzio has been successful there. He said he would do what he can over the next 3-4 months while they recruit a new resident engineer.

Mr. Gallaway welcomed Mr. Saunders to his new position, adding that the Board looks forward to working with him.

Ms. Mallek moved to adopt the resolution as she read it into the record.

She was seconded by Ms. McKeel and the motion passed unanimously (6-0).

Mr. Gallaway invited the Supervisors to make remarks.

Ms. Mallek expressed that she was happy Mr. DeNunzio and his family would be staying in Crozet.

Ms. McKeel said Ms. Mallek was exactly right in saying that Mr. DeNunzio was always willing to tell the Board the truth and had a diplomatic way of doing so. She said he was also someone to try to

determine if he could find a solution, and that the Board appreciated this.

Ms. Palmer told Mr. DeNunzio she has learned so much from him and that he has been important to the Board's success as Supervisors because so much of what they deal with is complaints about roads. She said much of it was about history as well and asked how all this history would be transferred to the new engineer.

Mr. DeNunzio replied that he would still be in touch with Mr. Saunders and the future permanent replacement over the next few months. He recognized that there are many ongoing issues and said he wanted to make sure they keep them going and provide closure to them when they figure out what the solutions are. He noted that his email address would be the same and if the Supervisors needed input from him, they should reach out to him to let him make sure those things come to closure.

Ms. Palmer said she expected no less from Mr. DeNunzio about this, adding that he has always been conscientious and helpful to everyone.

Ms. Mallek said he would be good to have a contact in the Valley, as there were many things they were doing together with the area regarding transportation.

Ms. McKeel said that over the next 2-4 years, the community would see a lot of road construction and changes.

Mr. DeNunzio remarked that it was exciting.

Ms. McKeel agreed and added that the average citizen doesn't realize how many projects they have in the pipeline that are going to pop up over the next four years. She said she was delighted that Mr. DeNunzio was going to be in Crozet to see many of them happen.

Mr. DeNunzio agreed, noting that they had six projects starting over the next year. He said in terms of follow-up, the staff at his office is still there, are a great source of support, and are aware of all the projects going on. He said it was not a matter of only his knowledge, but the staff's knowledge as well.

Ms. Palmer said Mr. DeNunzio had told her a couple weeks earlier at a meeting that VDOT will start pulling ditches again, expressing her excitement for this.

Mr. DeNunzio said this was now a performance metric that VDOT would be tracking.

Mr. Dill said as far as Mr. DeNunzio being honest and straightforward, this was true not only with the Supervisors and County staff, but during an experience with the Little Keswick School and Stony Point Pass Road. He said when Mr. DeNunzio talked to the residents there, he was the voice of authority about what could be done and explained to the residents what the gravel sizes would do to cars and the road. He said the residents were glad to understand what was going on and felt they were in good hands. He said Mr. DeNunzio had a great way with the community and not just with the government.

Mr. Randolph said he had already written private comments of appreciation to Mr. DeNunzio. He observed that he found, on a number of occasions when he and Mr. DeNunzio were in public meetings, that though Mr. DeNunzio may have not felt welcome in those situations, he was consistently unflappable in the face of adversity, both verbally and written. He said Mr. DeNunzio always sought to find a way to educate people in the audience, and respectfully and professionally let them know what his recommendation was. He said he respected his ability to do this in a very balanced and even-keel way.

Mr. Randolph said he always thought that Mr. DeNunzio has been consistently balanced in his problem solving. He said he always told the Supervisors, both as a Board and individually, that they could take an action but needed to be aware of the implications of that. He said Mr. DeNunzio provided the perspective for the Board to factor in his input, and that this was especially helpful with some of the work on Avon Street Extended and the recommendations there.

Mr. Randolph said Mr. DeNunzio would be missed and that he would always have friends in Albemarle County in both the Board and residents. He expressed his appreciation for his work and said he was great to work with.

Mr. Gallaway said that especially with residents of the Rio District, Mr. DeNunzio's responsiveness to the little things was appreciated. He said a couple weeks earlier, there was a traffic light issue where the timing got off and was creating problems on Rio Road East. He said Mr. DeNunzio had gotten back to him very quickly and the issue was fixed quickly. He said after weather events when signs would be down on secondary roads, they were being replaced at the residents' request and that this was very much appreciated.

Mr. Gallaway offered staff an opportunity to express their appreciation.

Mr. Walker said that in addition to the resolution that the Board has now adopted in signifying what Mr. DeNunzio has meant to the Board (as a Board, as individuals, and to the constituents they serve), staff does a lot of work with Mr. DeNunzio and they wanted a chance to convey to him a small token of their significant appreciation for all he has meant to them. He said on behalf of the County Executive, the Board, and staff, they would like to offer Mr. DeNunzio a small gift.

Mr. DeNunzio said it has been a pleasure to serve the community and was tough to leave. He said perhaps one day he would be back because he loves being able to work where he lives. He said it is sometimes very challenging but is also very rewarding. He said this was one of the things that he would miss most about it, that the community around him was who he was serving. He said he valued this and hoped he would be able to have some input sometime. He expressed his appreciation for the County's support.

Resolution of Appreciation for Joel DeNunzio, P.E.

WHEREAS, Joel DeNunzio has served Albemarle County with distinction as a representative of the Virginia Department of Transportation Charlottesville Residency for many years; and

WHEREAS, Joel's many professional accomplishments during his tenure as Resident Engineer are exemplified by his active leadership in the series of Route 29 Solutions projects, including the Route 29/Rio Road Grade Separated Intersection, Berkmar Drive Extension, the Route 29 widening project and the "Best Buy" Ramp project; and

WHEREAS, throughout his tenure, Joel provided outstanding assistance to members of the Board of Supervisors and County staff in support of project prioritization for the various funding programs including Rural Rustic Road, Smart Scale, Transportation Revenue Sharing, and the primary and secondary road Six-Year Plans; and

WHEREAS, in countless ways Joel has provided exemplary service to Albemarle County through the application of his extensive knowledge, technical skill and ability as a transportation engineer, as well as through his collaborative personal style, his commitment to constructive two-way communication and his authentic problem-solving approach to improving the quality of life for the people of this county.

NOW, THEREFORE, BE IT RESOLVED that we, the Albemarle County Board of Supervisors do hereby commend Joel DeNunzio with high esteem for his many significant contributions to the transportation network throughout Albemarle County, that will benefit generations of County residents and all who travel its public rights of way and, further, extend a heartfelt "Thank You" to Joel for his graceful dedicated service to the County and its residents.

Signed this 4th day of December 2019

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

Mr. Mason Pickett congratulated the Supervisors who had been reelected. He said he had three subjects and topics to address. He said he lives near Fashion Square Mall in a townhouse and frequently uses Route 29 between Hydraulic and the river. He said that in the mornings, when people go to work, and when people come home, there is a high percentage of red-light runners. He said he would like for the Police Department to consider having one unmarked car there. He suggested that perhaps those people need a warning one time, or a ticket.

Mr. Pickett said he had just completed a survey that morning for the school system. He said most of the survey was not applicable to him, as his children went to school elsewhere and had finished the system. He said all the money in the world won't fix the problem, but that it takes parental involvement, knowing where the kids are, that they're doing their homework, and who they are hanging out with, to get quality kids. He said there are places that have that, and his children went to one of those places, which he was grateful for. He added that it was not cheap.

Mr. Pickett said what he realized is that it can be done. He said the South Koreans are a good example. He said they come to America and demand that their children do well, so well, that sometimes the systems that are available in America to "up" the parents have to "down" the parents to take the pressure off of them. He said they get it done, and it can be done.

Mr. Pickett said the school system's job is to put the pressure on some of the parents, acknowledging they are only able to do so much. He said the job of the school system is to educate the system, not to make friends with parents. He said this was an important statement and that he hoped it would sink in.

Mr. Pickett said on the topic of having more schools, schools and equipment are important. He said trailers can get the schools through extended times, and bond prices are important. He said this all comes into play together. He said there are higher-rent districts in the County that have trailers. He said they should not let the parents diminish the idea of having a trailer for 2-3 years.

Ms. Rosemary Miller, County resident, said she was there with Ms. Willa Barnhart, also a County resident, to represent the Charlottesville Free Clinic.

Ms. Barnhart said they were here to let the Board know that they would be putting up new building signage around the building to make their services more accessible to the working, uninsured

population that they serve. She said currently, there are about 5,000 people in the community that need the clinic's services and the goal of the new signage was to make them more visible to that group of the population. She said they have checked in with the City and were in compliance but wanted to let the Board know. She said they had brochures and pictures to share.

Ms. Miller said if any of the Supervisors are interested in touring the Free Clinic, they were welcome.

Mr. Ralph Morini, Rio District, said he was representing the Rivanna HOA at Earlysville Road and wanted to speak about the potential sale of the Wesleyan Methodist Church to Champion Breweries. He said there has been a very strong, local objection to that sale. He said once they learned about it, they put out a petition to attest to the neighbors' feelings about the matter.

Mr. Morini said a paper petition broadened into an online petition, which was unfortunately put out during Thanksgiving week. He said they have had about 140 signatures and 68 comments regarding the brewery. He said about five comments have been pro-brewery and that everything else has been against it. He said the five pro-brewery comments are talking about having a convenient place for entertainment on that side of town, which to him seemed silly, given that Champion is opening another brewery in Stonefield.

Mr. Morini said he would read four basic concerns to the Board. He said the first has to deal with traffic and safety on Earlysville Road. He said Earlysville Road is a winding two-lane road that has become extremely busy as drivers have tried to avoid Route 29 traffic, as the airport has grown and as development has occurred north of the city. He said accidents were a regular occurrence and that there have been two fatal accidents in recent years, with one of them being a few weeks ago.

Mr. Morini said when exiting the property in question, the sight line to the north is short. He said that given that the general traffic on Earlysville Road, and truck and patron traffic trying to leave that driveway, the residents are very concerned that this will be a serious safety issue and will make a bad situation worse.

Mr. Morini added that on-site parking is very limited. He said that the right of the buyers allows them to have up to 200 people on site at any one time, but that there isn't enough parking for this, and that residents don't know where the overflow is going to go or how it will be controlled, should the brewery should come into the area.

Mr. Morini said it is a quiet residential area and historically, there has been a lot of fight against putting commercial properties into the area. He said it would be very upsetting to the nature of the area and potentially, to the property values of the residents.

Mr. Morini said the residents are concerned about the residential well water, explaining that most of the residents have very slow, yielding wells, and that many of them have had wells go dry. He said he personally, along with many neighbors, has two wells just to support a single-family dwelling. He said that certainly, a brewery that will be open for 9-10 hours per day, 7 days a week, with potentially hundreds of people per day would put a stress on their water and that the residents are very concerned about it.

Mr. Morini said the residents are worried about the reservoir. He said most of the building, and almost all of the parking, is within the 200-foot normal setback so that runoff is not going to be able to be absorbed by the ground but will go into the reservoir.

Because Mr. Morini's time was up, Mr. Gallaway welcomed him to submit written remarks to the Board Clerk to ensure his entire comments are put into the record.

Mr. Gallaway said Mr. Morini's petition had just been received. He said if the Supervisors were interested in looking at the signatures, once he reviews it, he will give it to the Board Clerk for the record.

Mr. Charles Battig said mass climate hysteria was in full swing, and that in paying attention to the news media, it is 25 years of U.N. climate propaganda going on. He asked the Board to remember, when they read the reporters quoting the U.N., the following things. He said water vapor is the number one greenhouse gas. He said the hypothesis of human-generated CO2, with dangerous or disastrous climate consequences with humanity, has never been proved. He said claiming carbon dioxide is a primary determinant of the climate is a U.N. promoted project, and that they ignore everything else. He said all the predictions about saving so many degrees are computer guesses of the U.N.

Mr. Battig said climate is a political football and a political propaganda wordsmithing. He said it was cooling back in the 1970s with warming, craziness, change, chaos, collapse, anxiety, emergency, meltdown, and now they are into World War Zero as a propaganda war. He pointed to his slide, explaining that the black squiggle line takes them back about 12,000 years to the ending of the last Ice Age. He said they warmed up, the black line goes up and to the right, and then about 6,000 years ago, it started descending and therefore, the planet has actually been cooling.

Mr. Battig said wasting vast sums of money trying to cure a non-existent problem will impoverish current human society from the utter destruction to establish a super socialist society. He said if this sounded familiar, part of this was from the club of Rome, publication 1991. He said they more or less

invented the whole idea. He said the common enemy of humanity is man, and in searching for a new enemy to unite them, they came up with the idea of pollution.

Mr. Battig said climate was not the concern of the U.N., but that it is control and redistribution of the world's wealth, as stated by the U.N. He said Greta Thunberg has gone socialist in her latest quote: "It is a crisis of human rights, justice, political world, colonialist (inaudible) and patriarchal systems..." He said it has nothing to do with climate.

Mr. Battig said they would save one one-thousandth of a degree if all the children in town lie down and get their wish. He said leading the children astray was like the Pied Piper taking innocent children off. He said Ms. Thunberg had the media and political people behind her to lead children astray.

Mr. David Macdonald, Rio District, said he was speaking on behalf of the potential sale of the church. He said he didn't think it was a great idea for many reasons. He said the land was previously attempted to be sold to the UVA Rowing Club and was denied by the Board, according to County records, because it is a commercial entity and wasn't appropriate for the site. He asked for the Board to look online and at what people think, noting there was a huge percentage in the community that don't think it is a good idea.

Mr. Macdonald said he thought a brewery in that area was a great idea, but not in this place. He said other areas, such as Berkmar, were great places to look around. He said he thought the buyers were very sincere but were sincerely wrong. He expressed his appreciation to the Board.

Mr. Gallaway closed public comment.

Ms. Palmer asked Mr. Kamptner to hear, at some point, how the ABC gives their license for a place like the brewery, and what criteria they include as far as traffic impacts. She said she doubted that they do this, and perhaps at some point, Mr. Kamptner could explain this.

Mr. Gallaway said that in the interest of time, there would be information coming out on that application that they will share with all the Board members and they can make sure this is entered into this information. He said there would be a meeting announced and that there would be plenty of time to get that information out.

Agenda Item No. 8. Consent Agenda.

Mr. Kamptner suggested that the Governor be copied on the letter that is being authorized by Item 8.3, Immigrant Resettlement letter.

Mr. Gallaway said he noticed this wasn't included on the letter and that he had thought it was part of it. He asked if it was two separate letters that go and if the Governor signs off.

Mr. Kamptner explained the Executive Order requires that the Governor and the locality must both approve the immigrant resettlement. He said this letter was coming from the Board, which they will be signing if the Board approves it. He said he wanted to be certain that the Governor is copied on it.

Ms. McKeel said on the CC, they had the Principal Deputy Assistant Secretary Carol O'Connell, Bureau of Population Refugee and Migration and Department of State. She asked if they would then add Governor Ralph Northam to that CC.

Mr. Kamptner replied yes.

Ms. Mallek said on Court Design, Item 8.6, she would like staff to let them know at a future time how the Board will be involved as it goes forward. She recalled that in 2015, there was a lot of time spent on the preliminary drawings, which have been the basis of the work over on Levy Square. She said she was looking for reassurance that those plans are not thrown away and they are starting on a blank page, as there were hundreds of thousands of dollars' worth of investment in those plans. She said she hoped the plans would be the starting place for further refinement. She said this did not have to be answered now, unless Mr. Henry wanted to answer.

Mr. Henry replied that the plans were the starting point for which the design process would move forward, in terms of both the programming and the design.

Ms. McKeel **moved** to adopt the Consent Agenda, as amended with the change to Attachment C under Item 8.3.. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Item No. 8.1. Approval of Minutes: June 6, 2019.

Ms. Palmer had read the minutes of June 6, 2019 and found them to be in order.

Item No. 8.2. FY 20 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 \$13,098.34. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

By the above recorded vote, the Board adopted the attached Resolution (Attachment B) to approve the appropriations for local government projects and programs as described in Attachment A:

**RESOLUTION TO APPROVE
ADDITIONAL FY 2020 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2020038; #2020039; and #2020040 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.

Signed this 4th day of December 2019

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Appropriation #2020038 \$3,098.34

Source: Albemarle Conservation Easement Authority Fund Balance \$
3,098.34

This request is to appropriate \$3,098.34 from Albemarle Conservation Easement Authority (ACEA) fund balance to the Community Development Department (CDD) pursuant to the ACEA's action at its October 28, 2019 meeting. This funding will reimburse CDD for its conservation easement monitoring services.

**Appropriation #2020039 \$
10,000.00**

Source: ECC Fund Balance \$10,000.00

The Emergency Communication Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate \$10,000.00 for laptop computers for specialized testing of new hire candidates at the ECC, training, and special operations. This was approved by the ECC Management Board on March 11, 2019, and is funded by ECC fund balance.

Appropriation #2020040 \$ 0.00

Source: Blue Ridge Juvenile Detention Center* \$ 66,370.00

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

This request is appropriate \$66,370.00 from the County's contribution to the Blue Ridge Juvenile Detention Center (BRJDC's) to the Reserve for Contingencies. At the BRJDC Board's November 14, 2019 meeting, action was taken to reduce the each locality's cost share based on additional state revenue anticipated to be received in FY 20.

After approval of the appropriations in this attachment, the FY 20 General Fund Reserve for Contingencies balance will be \$156,904.60. Of that amount, \$125,087.60 is for unanticipated expenses that may require ongoing funding and \$31,817.00 is for expenses that may require one-time funding.

Item No. 8.3. Consent to Refugee Resettlement.

The Executive Summary forwarded to the Board states that, by Executive Order 13888, dated September 26, 2019 (Attachment A), the President has ordered that refugees should be resettled only in those jurisdictions in which both the State and local governments have consented to receive refugees under the Department of State's Reception and Placement Program. For the reasons stated in a letter dated November 8, 2019 (Attachment B), the International Rescue Committee (IRC) has requested that the Board of Supervisors consent to the continued resettlement of refugees in Albemarle County.

If the Board wishes to consent to the continued resettlement of refugees in Albemarle County, staff has modified a proposed consent letter (Attachment C) originally prepared for that purpose by the IRC.

No budget impact is expected.

If the Board wishes to consent to the continued resettlement of refugees in Albemarle County, staff recommends that the Board authorize the Chair to act on the Board's behalf in affirming the Board's consent to such resettlement, in response to Executive Order 13888.

By the above recorded vote, the Board authorized the Chair to sign a letter on the Board's behalf in affirming the Board's consent to such resettlement, in response to Executive Order 13888:

Secretary Michael R. Pompeo
U.S. Department of State
2201 C Street NW
Washington DC, 20520

Dear Secretary Pompeo:

This letter is in reference to Executive Order 13888, "On Enhancing State and Local Involvement in Resettlement."

After an affirmative vote on December 4, 2019 by the Albemarle County Board of Supervisors, the County of Albemarle, Virginia consents to initial refugee resettlement in Albemarle County as per the terms of the Executive Order.

Sincerely,

Ned Gallaway
Chair, Albemarle County Board of Supervisors

CC:
Principal Deputy Assistant Secretary Carol T. O'Connell
Bureau of Population, Refugees, and Migration
U.S. Department of State
Governor Ralph Northam

Item No. 8.4. Modification of the Composition of the Albemarle Broadband Authority Board of Directors.

The Executive Summary forwarded to the Board states that the Albemarle Broadband Authority (ABBA) Board of Directors recently appointed the County's IT Director, as its Chief Administrative Officer. Because he also serves as an ABBA Director, when he presents ABBA-related matters to the Board of Supervisors, the Board meeting also constitutes an ABBA meeting pursuant to the Freedom of Information Act (the composition of the ABBA Board of Directors includes two Board of Supervisors members). This scenario legally requires advance public notice and adherence to joint meeting protocols despite there not actually being a joint meeting held. To eliminate the potential for confusion, the ABBA Board of Directors has determined that the wisest course of action is to modify the composition of its board (Attachment A). The ABBA Board of Directors proposes to have the newly appointed Chief Administrative Officer resign his ABBA directorship and to appoint in his stead, the Assistant County Executive. The modification to the composition of the board would also include, due to staffing changes, the appointment of a Community Development Department (CDD) designee.

The original ABBA Board of Directors Resolution designating eligible staff for directorship does not include the Assistant County Executive position. The ABBA Board of Directors decided to take the opportunity to further adjust and update the list of County staff who are eligible to serve on the ABBA Board of Directors.

If the Board adopts the attached Resolution (Attachment A), staff will return to the Board on January 8, 2020 to request that the Board appoint the Assistant County Executive, Trevor Henry, to complete the IT Director's (Mike Culp) term and reappoint or reaffirm William Fritz as the CDD designee.

There is no budget impact.

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

By the above recorded vote, the Board adopt the attached Resolution to Modify the Composition of the Albemarle Broadband Authority Board of Directors (Attachment A):

RESOLUTION TO MODIFY THE LIST OF COUNTY STAFF ELIGIBLE TO SERVE ON THE ALBEMARLE BROADBAND AUTHORITY BOARD OF DIRECTORS

WHEREAS, the Albemarle County Board of Supervisors created the Albemarle Broadband Authority (ABBA) as a Wireless Service Authority by Resolution dated August 2, 2017; and

WHEREAS, the resolution provided that two members of the ABBA Board of Directors be selected from a list of County staff, which included a Deputy County Executive, the County Director of Finance, the Community Development Department's (CDD) Chief of Special Projects, and the County Director of Information Technology (IT); and

WHEREAS, the Director of IT currently serves in dual roles as an ABBA Director and as its appointed Chief Administrative Officer; and

WHEREAS, the Director of IT participates in discussions and negotiations with outside parties and stakeholders and possesses unique knowledge and insight that would allow him to discuss publicly ABBA business and transactions before the Albemarle County Board of Supervisors but cannot perform such functions in the presence of two other Directors without having to schedule and call a public meeting; and

WHEREAS, it would serve the best interests of Albemarle County, the Board of Supervisors, and ABBA if the Director of IT could administer ABBA's operations without having to serve as a Director; and

WHEREAS, the CDD Chief of Special Projects position has been realigned and no longer exists; and

WHEREAS, the County has only one Deputy County Executive and one Assistant County Executive; and

WHEREAS, it would serve the County's interests to expand and update the list of County staff eligible to serve on the ABBA Board of Directors.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby modifies the list of County staff eligible to serve on the Board of Directors of the Albemarle Broadband Authority as follows:

1. A Deputy or Assistant County Executive;
2. The Director of Finance/Chief Financial Officer or designee;
3. The Director of Community Development or designee (i.e., director of special projects, director of zoning, or other);
4. The Director of Information Technology; or
5. The Director of Economic Development.

Signed this 4th day of December 2019

Item No. 8.5. County Grant Application/Award Report, ***was received for information.***

The Executive Summary forwarded to the Board states that pursuant to the County's Grant Policy and associated procedures, staff provides periodic reports to the Board on the County's application for and use of grants.

The attached Grants Report provides a brief description of the applications made and awards received during this time period.

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

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

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GRANT REPORT ACTIVITY – October 17, 2019 through November 15, 2019

Applications submitted during this time.

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Virginia Brownfields Restoration & Economic Redevelopment Assistance Fund	Site Remediation of the Former Barnes Lumber and CSX Site in Crozet, VA	State	\$499,637.15	\$499,638.12	Crozet New Town Associates	Economic Development Office	This grant will fund site clean up and remediation of the 20.48 acre site comprised of the Former Barnes Lumber property and former C&O/CSX property currently owned by Crozet Newtown Associates. This work is necessary so that the site can be re-developed into a new mixed-use Crozet Town Center and Community Plaza.
Virginia Department of Environmental Quality (DEQ) Stormwater Local Assistance Fund (SLAF)	Biscuit Run Stream Restoration – Mandated TMDL Project	State	\$500,000	\$500,000	Water Resources Mandated TMDL Capital Program Budget	Facilities & Environmental Services Environmental Services Division	This grant will provide funding for the construction of the Biscuit Run Stream Restoration project to improve local and regional water quality and mitigate impairments associated with urban runoff by restoring approximately 1,000 linear feet of a degraded and actively-eroding stream channel.

No awards were received during this time.

Comprehensive Look at Potential Five Year Financial Plan Grant Impacts:

The following chart includes grants that are expected to end within the next five years and an estimate of the County’s 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. 8.6. Facilities & Environmental Resources Department 3rd Quarter CY2019 Report, **was received for information.**

Item No.8.7. CCP201900002 Regional P25 Radio Project, **was received for information.**

Item No. 8.8. VDOT Monthly Report (December) 2019, **was received for information.**

Agenda Item No. 9. **Work Session:** Five-Year Financial Plan Work Session.

The Executive Summary forwarded to the Board states that, in accordance with the budget development schedule, the Board of Supervisors holds a series of work sessions in the fall to review long-range fiscal planning information prior to the annual budget process.

The first work session, held on November 13, was a joint work session with the School Board. During the November 13 work session, the Board of Supervisors and School Board reviewed and discussed information on five-year revenue projections, the Capital Improvement Plan (CIP) Advisory Committee’s recommendations for the FY 21- FY 25 CIP, major operational expenditure assumptions, and the School Division’s five-year financial forecast.

Long-range financial planning is an important component of the County’s fiscal processes. It brings together three major components of the County’s budget development processes: Schools, General Government and Capital. It also provides a venue for discussion regarding important longer-term priorities and creates a framework within which the next fiscal year’s budget development will take place.

During the December 4 work session, the Board will receive and discuss information on General Government’s five-year financial plan. The final Five-Year Financial Plan Work Session will be held on December 18.

Long-range financial planning connects long-range fiscal planning with strategic priorities and provides an important context for the annual budget process.

Staff recommends that the Board of Supervisors discuss longer-term priorities and provide direction to staff that will inform the upcoming budget process.

Ms. Lori Allshouse, Director of the Office of Management and Budget, presented. She said Mr. Andy Bowman, Budget Manager, was there with her, and that she also wanted to thank Laura Van Zandt, who was in the audience, who provides great leadership for the five-year financial plan each year.

Ms. Allshouse said long-range financial planning in the County is very important and serves as the framework for the annual budget development processes. She said it is a very critical process for the AAA bond ratings, and she wanted to make sure she mentioned that the assumptions are based on the best information as of that day. She said they would continue to update their revenue and expenditure assumptions as they go into the annual budget process.

Ms. Allshouse said this was the Board's second meeting on long-range financial planning. She said the first was held on November 13 as a joint work session with the School Board. She said during that time, they looked at revenues, the CIP, and the School Division's five-year financial plan. She said presently, they would look at General Government's five-year financial plan and continue the conversation they began with the School Board on November 13. She said on December 18, they will discuss how the plan aligns with the Strategic Plan and request the Board's guidance for the annual budget in the long-range context.

Ms. Allshouse said the desired outcomes for the work session is that the Board reviews the General Government's long-term financial plan and continues their Board discussion.

Ms. Allshouse presented the agenda for the work session. She said it included a quick recap of November 13. She said they would provide some highlights of the General Government's long-range financial plan, will check in on some organizational efforts underway, talk with the Board about the challenges maintaining the current levels of service in the five-year plan and provide an example related to Fire Rescue. She said they would ask the Board to continue its discussion about affordability in the context of the community's growth and needs. She said they would then wrap up and talk about next steps.

Ms. Allshouse presented a recap of a few things the Board had heard on November 13. She said they had received a revenue projection update. She presented a picture that had been shared with the Board on November 13, which showed the actual General Fund revenues from FY 16 to present, along with the projections moving forward. She said overall, the General Fund revenues are projected to continue to grow, but at a reduced rate of increase as it has over the past five years. She said there is the potential for a slowdown embedded into the numbers in FY 21 that may impact FY 21 and 22.

Ms. Allshouse presented a slide that the Board did not see on November 13, explaining it was one the OMB had looked at and felt the Board would be interested in as well. She said it is a 20-year look at percent increases and budgeted General Fund revenues over time when adjusted to remove any tax rate changes. She said that over the 20-year period, there were tax rate decreases and increases.

Ms. Allshouse indicated to one side of the slide, explaining it was FY 05 and that this occurred before the Great Recession. She indicated to the change in the budgeted percentages over the next few years, and then a period of time from FY 12 to about 17, where the numbers fell in the middle from no increase to about 5% increase and that this was around the 2-2.5 range. She indicated to an uptick in FY 18, and to the out year being FY 21-22, which was more reflective of a period of about FY 12-16 or 17. She said the OMB thought this would be an interesting slide to share.

Ms. Mallek asked how she would see the tax rate cut that was \$0.06 in 2007 on the slide, or if it didn't show.

Ms. Allshouse replied that it was a rate of change. She said they took out the changes in tax rates to show the Board more of the natural growth in revenue. She said the slide was important to share that context. She said if they put the tax rate changes in, the number would move out based on some of the changes in tax rates over the time period.

Ms. Mallek said that prior to FY 07, the values were increasing 15% per year. She said that was almost a straight shoot up. She said the drop to zero was the leveling off of the cut, and there was a reduction in revenue that was handled because quickly following that was the tanking of the economy. She asked if the increase in FY 18 included the referendum or bonds.

Ms. Allshouse replied that in the slide, they took out any tax rate changes out of the picture. She said they wanted to focus on the general or natural growth of what they predicted in revenues when taking the changes in tax rate away.

Ms. Mallek added the increased assessment on houses and sales tax.

Ms. Allshouse said she was correct.

Ms. Mallek said she wanted to make sure she knew what was going on.

Ms. Allshouse said it was a slide they have to pause on and look at because it is different. She said the OMB found it interesting and wanted to share it, as it shows the 20-year picture.

Ms. McKeel said it was very interesting.

Ms. Allshouse said there was more to talk about, and that the Board had it included in their presentation materials and it could be revisited.

Ms. McKeel said the slide clarifies the angst that many of the Supervisors lived through not only on the Board, but in the community. She said it points out the timing problem they have, to some degree.

Ms. Palmer said she knew it was more complicated but that she wanted to know if there was a way to strip down the numbers to see what the natural growth and expenses are. She said one of the obvious, biggest expenses deal with the population growth and what they need to do with Fire Rescue, Police, and Schools. She asked if Ms. Allshouse has ever tried to put these numbers together, acknowledging that it was more problematic.

Ms. Allshouse replied that the OMB has the expenditures over the same time period. She said she wasn't sure what Ms. Palmer meant as far as stripping it down and asked if she meant by category.

Ms. Palmer said there were things they have done that are clearly "extra" versus things that are pressures simply from population growth. She said she sees where it would be complicated to try to determine which one is which. She asked if this was something that could be considered, as population growth places pressures on Schools and Fire Rescue.

Ms. McKeel said there is a document that says, "Expenditure changes from FY 08-09 to FY 15-16." She said this is expenditures and ends up with a per capita cumulative change. She said it shows school operations as well as General Fund expenditures. She said it is interesting and that she wasn't sure if it was exactly what Ms. Palmer was getting at, though it may be somewhat helpful.

Ms. Palmer said it was similar as far as being on a per capita basis.

Ms. McKeel said this shows that the cumulative change in school operations per pupil is 2.53%, and that the per capita cumulative change for General Fund expenditures is 8.72%.

Ms. Palmer replied that the Board has received similar documents and many graphs regarding the schools. She said in the new budget books, they lose a lot of the older information each time. She acknowledged that Ms. Allshouse has made some changes in the budget book to keep some of those things in, but a graph that would show those changes would be interesting to see.

Ms. McKeel said she saved the document because it included both Schools and County Government.

Ms. Mallek said she loved the idea, even if it was the combined, because the impact to the taxpayer is both sides of the house. She said a population line, revenue line, and expenditure line all in different colors would be important to see.

Ms. Mallek added that during the time of the FY 10 dip shown on the slide, there was tremendous angst amongst many homeowners whose values significantly fell, and they were much more worried about their falling values than people worrying about the tax increases because the mortgages were in jeopardy. She said she always remembers this during budget discussions, that there are two sides of a dangerous process that they have to work on.

Ms. McKeel noted that many of the assessments were not back up yet, and that she knew this was true for the Jouett District.

Ms. Allshouse said the OMB always feels like with long-range financial planning going forward, it's also a good idea to take a look back and put it into a longer-term perspective.

Ms. Allshouse said the next slide was one the Board had seen several times. She said the CIP Advisory Committee has made a recommendation. She said they think about CIP as a five-year plan as well, so in the five-year context, the Board should keep in mind they have the capital needs they have been discussing jointly with the School Board for quite some time.

Ms. Allshouse said the final slide was more of a recap from the November 13 meeting, which was the School Division's funding gap. She said the Board had heard information about this during the meeting on November 13. She noted that this included their baseline and compensation in growth assumptions with no new additional proposals. She indicated to a gap in the first year. She said when thinking about five-year planning, they consider the CIP, long-range revenues, and long-range expenditures on both the Schools and General Government side.

Ms. Allshouse said the final thing she wanted to recap on from November 13 was that she felt the Board had a great discussion with the School Board. She said the questions were asked about what they can do together to meet the longer-term community needs, and what balancing options could be pursued. She said she highlighted a few of those where there was much discussion about advocating together with the School Board for increases in State funding. She said the conversation began with discussion about Schools and then they jointly talked about economic development, affordable housing, and about encouraging the State to follow through on their State funding obligations. She said this was a large part of the conversation.

Ms. Allshouse said the two boards had also spent a lot of energy talking about coordinating

together on transit and transportation. She said one of the Supervisors mentioned not to forget about the possibilities of online learning, as they think out into the future. She said they need to consider expanding the economic pie and thinking about local business growth.

Ms. Allshouse said she would share information on General Government's five-year financial plan and provide highlights. She said when they think about General Government services, it is more than just the departments in general government. She said they provide a lot of funding to very important agencies in the community such as the jail, the ECC, libraries, and others.

Ms. Allshouse presented the five-year financial plan for general government. She said by Board policy, they balance the first two years, so the OMB spends a lot of time finding ways to balance the first two years to balance the expenditures to the projected revenues. She said those two years are balanced, but they also have a gap in the out years that widens to about \$4 million by Year 5.

Ms. Allshouse said the five-year plan does include some minor compensation increases. She said it includes the first step towards increasing minimum wage and other general obligations.

Ms. Allshouse said the OMB worked closely with the Schools to consider compensation and benefit assumptions. She said when they were putting the five-year plans together, they worked together to provide salary increases between 1.5% and 2.7%. She said for the general government, however, to balance the first two years of general government's five-year plan for planning purposes, they built in an assumption at 1.5% for the first two years. She said the OMB came to the Board after the Schools so that the Schools submitted theirs on a 2%, and then the general government was worked to balance down to 1.5%. She noted that for FY 22, 23, and 24, however, the assumption was back to 2%.

Ms. Allshouse said the health care plan is the same for Schools and Local Government. She said there was no change in calendar year 20, and that calendar years 21-25 had an increase of 7% per year that was built in as an assumption.

Ms. Mallek asked if the Schools was basing their budget, which comes out of the total revenue pie, at 2%. She asked if therefore, general government has reduced their side to balance their taking 2%.

Ms. Allshouse noted that it was about timing.

Ms. Mallek said she was looking at the bottom line and that she didn't care about who came first.

Ms. Allshouse explained that since this is a plan and not the budget, she wasn't sure what was being built into the budgets for the Schools at that point. She said for planning purposes, they all jointly went out together at planning for 2% to build into the models. She said when they then worked the model to meet the balancing, one of the considerations they took into account was how to balance those first two years. She said because of the assumed revenue growth, they had to make a change for balancing purposes.

Ms. Mallek asked if the Schools would be following along in that process.

Ms. Allshouse replied that OMB would be working very closely with the Schools. She said she wasn't sure how it would all work out because revenues could change, and this was based on what the revenues projections were at present time.

Ms. Mallek pointed out the \$4 million gap and expressed her desire to have this fixed.

Ms. McKeel said what Ms. Allshouse was talking about didn't address the increases that the County may try to do over the years to address the \$15 minimum wage. She asked if this was outside of this.

Ms. Allshouse said she was correct.

Ms. Mallek said that the first two years did include this.

Ms. Allshouse explained that it does. She said she would review this on the next slide to see if this would add clarity. She said there was also another slide on the minimum wage to provide more details.

Ms. Allshouse presented a chart that was similar to how the Schools had set up their information on the November 13 meeting regarding compensation and benefits. She said the OMB worked closely with the Schools and that their hope in the planning is to make a first step towards addressing minimum wage. She said they think about this in a stepped process, so what is built into the five-year plan based on assumptions and long-range planning was a first step to go to \$12.75 per hour. She said it has a 1.5% salary increase in FY 21 and 22, and a 2% increase in FY 23-25.

Ms. Allshouse said regarding obligations, in the General Fund, they make a transfer to Schools. She said coming out of the General Fund approach is a transfer to the Schools, per the policies), transfer to CIP and debt, per policies, and the revenue sharing to the City of Charlottesville.

Ms. Allshouse said the slide included some ongoing items that have been approved in FY 20 since the adopted budget. She explained that as the year moved on, some additional changes were

made, and the first thing they do is they pick this up for the full year. She said they built in all the ongoing costs of some of the items approved by the Board of Supervisors in FY 20. She said it includes some operating impacts of capital that, for general government side in FY 22, has to do with the Parks.

Ms. Allshouse said the Board would be hearing some more information about the Fire Rescue system. She said the approach was that the first thing to do is maintain current level of service. She noted this was not about increasing, but how to maintain current level of services. She said she would share an example of this for Fire Rescue. She said this was something they tried to do but were not able to keep up with population growth as they had hoped to.

Ms. Allshouse said regarding increasing the minimum wage, what is built in as an assumption in the long-range plan is to increase minimum hourly rate for both regular and temporary County employees to \$12.75, and to cascade these increases through Pay Grade 12 to address compression in those pay grades. She said the County has grades of employees in its classification system and so to avoid compression in salaries, they cascaded those increases through Pay Grade 12. She said this proposal would impact 158 current, regular employees whose hourly rates are currently between \$12.75 and \$16.25. She said this was being done in conjunction with the Schools, which needed to address this on their side as well, and in a larger way.

Ms. McKeel pointed out it is a bigger impact for the Schools, as they have more employees. She asked if this slide didn't have anything to do with the Schools.

Ms. Allshouse replied that it was only for general government departments.

Ms. Palmer said when she looked at Pay Grade 12, it said that after an employee had been with the County for a few years, they would actually make more than \$16.25. She asked if this slide took into consideration employees who had been working in that grade for several years that make more than this amount, and if it would take care of all the compression that would take place in a Level 12.

Ms. Allshouse noted that there were nods from the HR staff in the audience, and so the answer was yes.

Ms. Palmer asked what the reason was for stopping at Level 12 and then adding the percentage for the entire general government staff.

Mr. Richardson explained that when looking at the slide and looking at \$12.75-16.25, this mirrors what UVA is doing with its cascading effect with their implementation of \$15 per hour. He said UVA is also going to move the compression through \$16.25 and when the County looked at this, the Human Resources department came back with this recommendation, looking at alternatives to be able to address this in a balanced and fair way, going far enough through the ranges to anticipate what the immediate problems are with moving people between Grades 5 and 12. He said it seemed like a prudent recommendation, as it is about a third of the way through the range. He said if they had the entire compensation range in front of them, they would see that levels 5-12 are about a third of the range through, noting that those employees are hourly wage employees. He said it is the bottom third of the pay plan and that for general government, it seemed appealing on a number of fronts and mirrors what UVA is doing.

Mr. Richardson said in terms of having 1.5% on top of this, this affects 158 people on the general government side that would receive some nominal level of pay increase based on how the cascading effect works. He said separately from that, the County always looks at the market compensation data across the region. He noted that the HR department and School Board came before the Board of Supervisors earlier that year, explaining they looked at data that suggests they may be as high as 2.7%.

Mr. Richardson said he was very supportive of the County's employees in doing what they can to remain market competitive, and that the HR department does an excellent job of bringing awareness of what some of the market constraints are such as unemployment rate, the difficulty they have with recruitment and retention, etc. He said at this point in time, the 1.5% is the prudent attempt of saying that if there is any way they can afford to give raises to everyone next year in Local Government, this is where they would start as a placeholder. He said it is a separate, but parallel track, issue with the minimum wage discussion.

Ms. Palmer asked if they knew where UVA was going next and when their next iteration of getting to the minimum wage would be. She pointed out that they would have compression, too. She said Mr. Richardson had said they are working through basically the same salary process.

Ms. McKeel said that Lorna was shaking her head no, meaning that they do not know.

Ms. Palmer said she supposed they would stay tuned, because if UVA comes around in 2020 with their next budget and decide to do that, the County is liable to get hit again.

Mr. Gallaway said he was sure there would be ample time to have thorough conversations about that as they work through the budget.

Ms. McKeel said that her assumption was that when taking the first attempt at this as a third, she would think they would try next year to talk about the next two thirds and then work their way through. She said at some point, they have to reach everyone.

Ms. Mallek said it may sound contrarian, but that in 2007, the reason it all failed was because it was taken all the way to the top. She said she very much appreciated the fact that this was being done for the people who need it the most. She said she failed every other time, all those years, of trying to stop it at a certain level and that no one would support it. She thanked staff for taking this approach which the County would hopefully be able to manage financially in a tough time and get the increases to the people who truly need them.

Ms. Allshouse asked Ms. Kristy Shifflett, Director of Project Management Office, to come forward to share the organizational efforts that were underway.

Ms. Shifflett said the list before the Board contained the efforts that the Project Management Office (PMO) and leadership have put together to focus on the goal of equality in government. She said they have spent time focusing on projects and initiatives that will help improve capacity across the organization and build some process improvement, especially where they have cross-departmental coordination and improvements needed.

Ms. Shifflett said these were the projects that have been identified for FY 20 that were underway to improve the customer service enhancements, business systems, and process optimization while focusing on workforce development and capacity. She said they tried to focus on some internal efforts that would reach every department and support every staff person, as well as some external efforts, such as the website, that will help with residents and citizens in providing better customer service to them.

Ms. Mallek noted that these were all the technical things that happen “behind the curtain” that aren’t seen every day, but that make it all happen.

Ms. Shifflett said there are always many ideas, initiatives, and opportunities to improve. She said what the PMO has been trying to approach is what they focus in on to execute successfully and create and realize the benefit of the process. She said prioritizing and developing the list of projects they will execute and complete will help them move forward with other opportunities and ideas, much like the Board’s Strategic Plan. She said they could do many things, but they have to determine the top items to accomplish first.

Ms. McKeel said this is a continuous improvement model.

Ms. Shifflett agreed, adding that the more they understand their processes, the better they will collaborate with each other and serve their constituents.

Mr. Richardson said the Board was very familiar with Ms. Shifflett’s efforts and that it was not just hers, but the entire organization’s, with the connection for the budget back to the Strategic Plan and initiatives. He said the Strategic Plan is outward-facing, at it is expected to be. He said the things Ms. Shifflett talked about were more inward-facing where the County is also looking simultaneously with the connection they make to the community with their resources, opportunities, and big issues inside the organization. He said Ms. Shifflett and many people in the organization are trying to improve internally and that these things were often not outward-facing to the public.

Mr. Richardson said that to the staff that worked both sides of the house, internal and external, these projects were vital, moving forward, to become more competitive and efficient, to be able to track from a performance metric standpoint the cost for services, and to continue to try to create capacity. He said that as they continue to urbanize, there is a demand for services, and so this is an internal change management process that the County continues to drive with an eye on customer service, efficiency, and creating capacity in the long run.

Mr. Richardson said the community is transforming, and the organization needs to do this as well, but it takes time. He said staff is working hard on that, and many times it results in long days for those people. He said they quietly come in and leave, work long hours, and do great work behind the scenes.

Ms. McKeel said this was wonderful and that at the end of the day, all those changes benefit the community and residents.

Ms. Mallek said the far easier thing to do is to do what they have always done. She expressed her appreciation for the office’s challenging work.

Ms. Allshouse said when thinking about how the five-year financial plan is providing some fiscal challenges, it is important to maintain current levels of services. She said the more they do to build their internal organization and processes, the better they can do.

Ms. Allshouse said that before Mr. Walker would speak to an example, she needed to share the long-range financial plan that is balanced in the first two years but is not balanced in the out years. She said it does not include any additional police officers, Community Development employees, Department of Social Services employees, or resources for additional departments. She said though it is humbling, they have to be mindful that these were not added into the model at this time. She said Mr. Walker would provide a specific example of something where they added staff into the model to address the conversation.

Mr. Doug Walker said the Board is accustomed to having this presented as a theme within the

five-year plan and budget work that will be coming up as far as maintaining current levels of service. He said this was a standard benchmark for staff's work and the Board's work, recognizing at the very least that the Board's constituents and the community is expecting the County to maintain its current position. He said that often times, this is characterized as a correlation between staffing levels, units of service delivered, and population growth.

Mr. Walker said this is seen on the general government side, with standards that are used to help guide their thinking. He said this is seen on the Schools side as well, with student-teacher ratios as it relates to the County's dynamic with a growing population.

Mr. Walker said this tension is also sensed when a community is changing. He said Mr. Richardson had just mentioned urban development pressures and how this is changing expectations with respect, at least in some areas of the County, about different levels of service that the community now expects because the County is more urban. He said this can be seen on the Schools side in terms of the equity initiative and change in demographics. He said even without population growth or student enrollment growth, the needs of students are different. He said that the stresses are felt on both sides of the house.

Mr. Walker said the particular example on the Fire Rescue side, and that what they wanted to illustrate prioritize or single out in the five-year plan, not the budget, are the consequences that they are now confronted with and challenges they are trying to resolve related to the Fire Rescue system.

Mr. Walker said the first example had been reported in the newspaper, with a recent editorial in regard to the Crozet Volunteer Fire Department formally asking the Board for support for coverage during the day and week. He said they have provided all-career, all the time, coverage for many years and are now being authentic with their acknowledgement and service to their community that they need some help and cannot continue to provide that service. He said they are currently providing it with an engine during the day coming from Ivy, if Crozet cannot respond.

Mr. Walker said the other issue that has not gotten as much attention, but is still incredibly relevant, is the Charlottesville Area Rescue Squad (CARS) has demonstrated a reduced capacity to provide Advanced Life Support coverage into the County during the day and during the week. He said many years ago, the County added daytime, weekday coverage for ALS at both Pantops and Ivy and were relying on the rest of the system, volunteers and other career crews, and CARS specifically, to cover those calls in the close-in, urban area.

Mr. Walker said with this change, they are now confronted with what they would expect to be the consequence, which is then having to pull crews from outside the urban area to cover where CARS is unable to provide the level of support that they have in the past.

Mr. Walker said CARS has indicated to ACFR that this is not an anomaly but should be considered a new normal. He said they were not sure how this would translate in the fullness of it, and that they do anticipate that they will continue to provide some extremely valuable BLS (Basic Life Support) service. He said the County needs to confront the reality that if they are going to maintain levels of service, regardless of population growth, they need to try to provide a recommendation to do that.

Mr. Walker noted this was not a recommendation at this time but was the acknowledgement of changing circumstance that has been captured in the context of the five-year plan, for planning purposes.

Mr. Walker said the system response considerations, which he noted were not a recommendation at that time, were that expanding the current Emergency Medical Services to 24/7 both at Pantops and at Ivy would deploy what is called a more "distributed model," rather than a "centralized model," that would allow them to overcome the loss of ALS response from CARS.

Mr. Walker said it would also enable new EMS cost recovery for ambulance transports. He said currently, CARS does collect EMS transport revenue when they are transporting patients from the County, but the County is not receiving that revenue. He said the County has what is called a "compassionate billing system" where any balance due is forgiven. He said the CARS model does not follow that particular methodology, and there is inconsistency currently in how it is that the fees to those services are provided. He said he would talk more about the net versus gross costs of providing those types of changes.

Mr. Walker said regarding improving 24/7 supervision, the County is very large, and the Board has seen the benefit in the last many years of the more distributive model that ACPD has deployed with their Blue Ridge District and Jefferson District in trying to address coverage in a 725-square-mile County. He said currently, Fire Rescue does not have that same level of supervision support. He said with 24-7 crews already at Hollymead and now down in Scottsville, and everything in between, CARS specifically has asked for increased supervision, so this is another area where the Board is invited to consider how they can better deploy that.

Mr. Walker said regarding considering reposition of system assets to cover high-volume gaps, it is a sensitive area where there are assets currently deployed throughout the County, and that it is incumbent upon everyone to consider whether the current deployment is the best, most productive, and most efficient deployment with limited resources. He said even as they try to characterize the cost associated with expanding EMS services, they also want to be able to bring to the Board consideration for how current assets can be deployed, or how to take best advantage of what they are already paying for.

Ms. Palmer asked if Mr. Walker was going to suggest some changes to this specifically, and when these changes would come.

Mr. Walker replied that as they transition from the five-year planning process into the budget process, the Board would expect to see specific recommendations on how system changes would be best deployed. He said absent that, the suggestion of the number of new positions, in order to address the loss of ALS coverage from CARS, would have to also then be increased to address the request to provide Fire coverage at Crozet. He said there is a factor of redeployment versus additional staff, and those considerations would be best brought to the Board in the context of budget. He said the Board could then evaluate this, along with all the things that need to be evaluated.

Ms. Mallek asked if “consider repositioning of systems” meant that pulling day staff from Station 4 would be a permanent thing and if those people would be moved somewhere else.

Mr. Walker replied that this would be an example of a reallocation of existing resources, and that it wouldn’t necessarily be Station 4.

Ms. Mallek said her suggestion would be that the Board would be able to talk about this earlier than the budget because the budget is a mad dash, and she is always regretful at the end of the budget that she hasn’t asked the questions she should have because she knew it would be a two-hour discussion. She asked Mr. Walker to consider this.

Ms. Mallek said personally, she would like to learn more about the different methods that have been suggested many times over the years, but never adopted, about not requiring an ALS medic on every single vehicle, but having those people going when needed so that they could have 1-2 people who could do the job. She said many company people can provide the BLS, but they are being thrown aside because they don’t have the highest standard. She said this does not help with recruitment, and it also centralizes all the power in one place so they cannot participate because they don’t have the extra 400 hours of training to be able to get there.

Ms. Mallek said another model that is often discussed, and has been for the past 12 years, has been allowing more dispatch from home. She said North Garden was a perfect example of how this works, as they do not have people in their station every single minute of every day, but they do get the job done. She said many communities, especially ones in rural areas, do that as a way to provide service and that it has worked well in Crozet for its first 109 years. She said that Earlysville also operated this way for a long time before they had a decent house.

Ms. Mallek asked Mr. Walker to consider these things and hopefully get the Board more information sooner than budget time.

Mr. Randolph agreed and expressed this was a good recommendation as a standard operating procedure, especially because this was so significant, moving forward. He said they had already started with Scottsville Volunteer Rescue Squad, with five additional personnel, and now they are looking at having five additional personnel at Crozet. He said looking at the next five years realistically, this wouldn’t be the end. He said the Board likely needs to dedicate some time in an afternoon session to talk about where the overall direction is going to be, and factor this into the five years so that it is not just the equivalent of “rate shock” for this budget. He said the new Board, especially, would be well-served to be part of that discussion in January.

Mr. Walker said the next slide included some points that have largely, if not completely, already been made in his commentary. He said he didn’t see a need to talk through it again, if it had already been heard. He offered to answer any questions.

Mr. Randolph suggested looking at having some different paradigms on the table for delivery of Emergency Medical Services through different ways of delivering those services that are being engaged in nationally, simply because Albemarle was not alone in facing the reduction of volunteerism, and also because of being a geographically widespread time and having longer arrival times.

Mr. Randolph said Mr. Eggleston had access to this and could come in with some creative suggestions and discussion points, not necessarily that year, but could begin to cultivate a conversation with the Board about different options, going forward. He said they should not be doing stop gap every step of the way, but should look at this strategically and ask how the County will deliver the highest quality services possible while understanding the constraints that are arising in the operational field.

Ms. Mallek said “possible” is an important term because in some ways, having the ALS standard means that the County is getting fewer applicants to come join because they can’t provide it, or they have a very long training time that they have to go through at great expense, and then they go to work elsewhere. She said this is a major problem that they put in the effort and money, and then the people go to work elsewhere.

Mr. Randolph agreed, noting that the standards are a challenge in terms of recruitment. He said there was a challenge because members of the public don’t understand the differential between the urban development area and the rural area in terms of being able to deliver services. He said the public is increasingly expecting that rural services be delivered in as timely a manner as urban services in the development area, which is difficult for any operation to handle, whether it be Greenwich, Connecticut or

Orange County, California and that Albemarle was not in the kind of fiscal positions of those communities to tackle that.

Mr. Randolph said they have to make choices moving forward and must have the public understand the choices and why they were made. He said the report done two years before spelled out much of this for the public, but that not everyone wants to read 144 pages.

Ms. Mallek asked Mr. Walker to say a few words about the part of the slide that said, "Improve the EMS response time to rural areas."

Mr. Walker said the distributive model where they are going from daytime, weekday coverage at Pantops and Ivy to 24/7 enables them, then, to extend their reach further into not just the urban area, but the rural area as well. He said this was one consequence, and that the other is that when there is a need to respond into the area covered by CARS, they have to be pulled in from areas that are outside. He said it may remove assets that are currently positioned to serve the rural area, and so by positioning them outside focusing in, rather than from the inside going out, the combination of this can create overall better coverage both in terms of service from that point, and also then not pulling service that would otherwise be there to support the rural area.

Ms. Mallek said that East Rivanna and Stony Point do not currently have ambulances now. She said Earlysville does. She asked if North Garden has an ambulance.

Mr. Walker replied no.

Ms. Mallek said there were a few rural stations that have ambulances and that they need drivers and people to at least provide BLS on those ambulances.

Mr. Walker said they know most recently from the Scottsville example that where there was a gap in coverage before the 24/7, they were providing coverage from Monticello. He said this pulled a valuable unit into the far rural that made other areas of the County, then, less covered. He said it is always a demanding model with moving parts.

Mr. Randolph recommended that when the Board actually looks at the ambulance transport insurance-only billing, one thing that would be helpful would be to have a breakdown of when there is currently a call for EMS, what the overall percentage is of the population in the rural area of those calls versus the percentage in the development area.

Mr. Randolph said his suspicion is that there is a higher frequency of ambulance transport in the rural areas than there actually is in the urban area, when measured per capita. He said it would be higher in the urban area, but given how geographically disperse the County is, with the current system being one in which the development areas are actually helping subsidize the delivery of emergency services (EMS) in the rural area, his supposition is that they may be, and that this needs to be part of the conversation going forward.

Mr. Randolph said he was not trying to set up a "Hatfield-McCoy" development area versus rural area, but that he thinks that the people in the rural area take for granted the level of services and don't understand the costs that are built in for the delivery of those services. He said there will need to be some homework in that conversation with the Board about those fiscal realities that exist that the County confronts. He said in the current system, they are hidden because they don't really reveal them and talk about them, but that they need to be identified. He asked if this information would be accessible.

Mr. Walker indicated that it is.

Ms. Mallek said that for future information sharing, looking at the insurance-only cost recovery and when the program was finally adopted after eight years of long, hard work, the 2% was what the agency was getting. She said she heard some outrageous percentage from someone recently and that she would like to know what it actually is. She said if it is 7%, that's one thing, but if it is 40%, perhaps they need to find a new person.

Ms. Mallek said many jurisdictions have their own staff person who takes care of it and that it is a controlled amount of money. She said WARS told her they had put in over \$300,000 in one year in cost sharing, and their budget back to them is \$120,000, so they feel like they are doing their part. She said if a huge amount of that coverage is going to a company elsewhere, that is a problem. She said she would really like this to stay local.

Mr. Walker said this could be evaluated.

Ms. Palmer said she would like an update on the frequent flyer program. She said every time they go to the community and talk about rescue services, this is the first thing that comes up as far as why the County doesn't do something about this. She said they are doing something about it, and that she would appreciate an update as the Supervisors go out to the community to speak about it.

Mr. Walker replied that he would be happy to provide an update on the status of that program.

Mr. Walker presented a final slide to finish up on the net versus gross cost implications. He said it also speaks to the point about the fee recovery system that is in place. He said there is a lag time in the

receipt of funding, so if a change is made where the County is delivering the service and transporting the patients from the County rather than CARS, for example, then there would be about a 15-month delay in receiving revenues, which they would then look to try to cover with some one-time costs. He said that once they get into the cycle of reimbursement, they anticipate that in direct support for the ambulance units, for the transports that they currently have, based on assumptions, that they could cover at least 50% of the cost of that program.

Mr. Walker said it was a recognition that the gross costs and the net costs do factor in, in terms of the County's thinking about the value of the system change and their suggestions to the Board, as they get into the budget process, as to what the cost implications are.

Ms. Mallek asked if this was a licensing issue and was why this takes so long.

Mr. Walker said he would have to defer to experts.

Ms. Mallek said they already have an operating license and shouldn't have to wait that amount of time, in terms of the 15-month lag to get the money.

Mr. Walker said it was 12 months to get them on the street and then 3 months to actually get the payments coming in through [inaudible].

Ms. Mallek said that when it says, "lag of receipt of insurance payments," that is not just an insurance delay, but includes hiring and training.

Mr. Walker said this was correct.

Ms. McKeel said she would like to better understand, because what she was hearing was that much of the transports are from the facilities.

Mr. Walker said this was correct.

Ms. McKeel said she was talking about long-care facilities, such as Westminster Canterbury and the Colonnades. She said there were many of these in the community.

Mr. Walker agreed.

Ms. McKeel said that for many of the transports for responders, they are to those facilities to take them essentially from one side of Pantops to the other. She said she would be interested in what this looks like and what the percentages are. She asked how best practices factor in and if there is some way to work with facilities to reduce the demand to be more efficient with the County's transports that need to happen.

Mr. Walker said this seemed reasonable to evaluate and come back to the Board.

Ms. Palmer said this got back to what she asked about with the frequent flyer program. She said this conversation was had the year before and that it was explained to the Board that this was being addressed.

Ms. McKeel said that to her, frequent flyer is about the gentleman in her neighborhood who doesn't have a doctor or any way to get help if he falls, needs to get out of bed, or needs company and is using the emergency room as a medical doctor.

Ms. Palmer said this was part of the conversation a year or two before.

Ms. McKeel said perhaps the ideas needed to be separated out.

Mr. Walker said though they are similar, they are distinct.

Ms. Mallek said she was personally horrified at what Ms. McKeel had just said because she thought the transfer was the role of Life Care and those types of companies who are moving able, but not in crisis, patients from Northridge to elsewhere. She said if the County has its Emergency ALS people doing this, this is a real problem, from her perspective.

Ms. McKeel said the Affordable Care Act is trying to get at some of this as well.

Ms. Mallek said they had been through this years ago and that this was supposed to be fixed.

Mr. Walker said the distinction that is made is medical transport, which is what Life Care may do, versus an emergency.

Ms. Mallek said if it is an emergency, it's different.

Mr. Walker said it is coming from the facility.

Ms. Allshouse said she believed this was useful. She said the OMB feels that it is important to put issues before the Board that do have long-range implications, and that they saw this issue as one that

was emerging as part of the long-range financial planning conversation. She said the Board has already had good discussion and that she wanted to provide time, until 3:00 p.m., to the Board to provide any other suggestions on long-range solutions to the financial picture.

Ms. Allshouse presented a picture of the general government five-year plan. She said often times, they do get into budget issues very quickly, as they know budget is right around the corner. She said OMB felt it was a good time also to step back and look at the longer-range challenges. She said she believed that many of the organizational efficiencies that the Board heard Ms. Shifflett and others talk about are the types of things that help, long-range, and so they would keep the conversation there for a few moments as they end the work session.

Ms. Allshouse said as OMB put the slide together, they considered the efforts that were completed or underway that they felt had long-reaching impacts. She said a few examples included were prioritizing adjustments and health insurance. She said there have been adjustments there that have had positive long-range impacts on health insurance costs. She thanked HR staff for their work on this. She said regarding energy efficiencies, there has been a lot of good work done over the years in the County's buildings that OMB feels have long-range impacts to the financial situation.

Ms. Allshouse said there were several things that were undertaken in Fire Rescue, such as fuel consolidation. She said Mr. Bowman did a lot of work to assist with that, and that OMB feels that this has some long-range positive implications. She said the same goes for the turnout gear savings that was recently undertaken.

Ms. Allshouse said regarding business process optimization, as well as economic development and public-private partnerships, would have positive long-range impacts.

Ms. Allshouse said the Board started the discussion on November 13, and that OMB agrees that advocating together with the School Board for increases in State funding should have some long-range positive impacts. She said the coordination on transit service with the School Division and others could also have some long-range, structural, positive impacts.

Ms. Allshouse presented a slide that she said had been used throughout the CIP process as they consider funding. She said they have to think about growth because they are a growing community. She said they have operations and challenges to maintain current levels of services. She said they have to remind themselves that the CIP is a very important part of the long-range picture. She said they also have to take the taxpayers into consideration as they think long-range.

Ms. Allshouse presented the question they started on November 13 with the School Division, noting that they now have information about the general government's challenges and some of the additional information that was provided that day. She said the questions that were asked when the Supervisors were with the School Board were still very appropriate. She said they were about what they could do together to meet their longer-term community needs and what balancing options could be pursued long-term. She listed some bullet points as discussion starters. She said there was time left for this agenda item, for any other discussion or suggestions from the Board.

Ms. Palmer said she had one that she knew that everyone had talked and thought about, but perhaps there hadn't been a public discussion about it yet. She said in seeking alternative revenue sources with respect to development of Biscuit Run, it seems like a prime project, especially with the athletic fields, to have citizens develop a campaign for fundraising. She said several people had suggested this to her and that perhaps it had happened to other Board members, too. She said it was not for discussion at that moment, but that later that evening, Ms. Mallek would be bringing up the CIP process and that one of her concerns was about artificial turf.

Ms. Palmer said what the community really wants is more fields, and there have been partnerships in the past with the YMCA and Senior Center where they have matching funds. She said it seems like they may want to consider possibly having those artificial turf funds, at some point, have matching funds for a capital campaign for a private organization who wants to raise money to get those fields in sooner rather than later. She said this was just a thought as an alternative way to perhaps get the fields put in quicker.

Ms. Palmer said another thing that she believed was a discussion for the future is that there is a Climate Action Plan coming out, but there isn't much in the way in the future budget of money set aside to address that. She said she hoped that in the future, they could have a discussion about using some of that economic development money towards businesses that help the County further this future goal.

Mr. Dill said to add on to this as far as fundraising goes, that rather than seeing it as project-by-project, there could be some kind of structure as to how groups could do this. He gave the pickleball group, who raised money, but that there wasn't a way to say that if they raise a percentage of the money, that the County would match it. He said the Brook Hill park by the dam had the same situation where people in the community offered to help finance it, but that there isn't a mechanism to donate money and perhaps receive naming rights for certain things. He said perhaps this would be fruitful for a staff person to investigate having a structure for donating instead of simply hoping that people will donate.

Mr. Gallaway said he assumed that the business process optimization piece, as they look out with the current gap issue and with the points about not adding staff to DSS, should shift up to allow for some FTE shuffling so that even though they may not be able to add staff capacity by adding to the budget in

terms of increased revenue, they will find places to repurpose what people are doing. He asked if this was the right line of thought of where they would be heading with this.

Mr. Richardson said that with business systems optimization, they are looking at the human touch factor and at systems optimization, with an eye on people processes that are redundant and need to be reengineered. He said he did not want to mislead the Board into thinking that the County is to a point, as an organization, where this is going to be a vibrant budget-balancing strategy in the coming budget. He said frankly, they are not there yet. He said they are working diligently through the three levels that Ms. Shifflett talked to when spoke earlier, but that they were not seeing the fruits of those efforts, at that point, where they are reengineering makeup positions that can be put back into the organization elsewhere.

Mr. Richardson said that he was not trying to speak for the Project Management Office (PMO), but long-term, this is absolutely where the County has to be where they can see modernization of systems, processes, and design to where they don't just see the human hours necessary to do some of the things that they do every week. He said this was labor-intensive to get to this point.

Mr. Gallaway said it is easy to use the word "efficiency," but when he was running for the School Board years ago, a constituent reminded him not to forget the word "effective" when using the word "efficient." He said the effective use of resources can sometimes be as powerful if not more so, than being efficient.

Mr. Gallaway said the other piece he wanted to go after was the opportunity the Board would have the next week to speak to Ms. Sally Hudson, the new delegate, coming out of the School Board's conversation about State funding of schooling and to drive this conversation next week. He said page 25 of the five-year plan for general government shows its gap, then slide 14 shows the Schools' gap. He asked if there was a way to theorize that if the State did provide the \$600 or so they have short-funded the County since 2008 on education, what this would mean for the gaps on both the local government and schools side. He said this could be an effective visual for Ms. Hudson.

Mr. Gallaway said his presumption on the Schools side is that if they have \$600 more per student, this shortens the gap significantly. He said if the general government is not filling that gap with local dollars, it could shorten its gap, so it could be a perfect opportunity to explain how, when the State is underfunding application, it limits the resource buckets for general government to pay for DSS, EMS, and other issues that are being discussed. He said if there was a way to use those two charts and do this, it could be a compelling graphic for the Board to have at its disposal the next week.

Ms. McKeel said that based on the discussion at the joint meeting, she called Mr. Alcaro, School Board Chair, before Thanksgiving to let him know the Board would be meeting with Ms. Hudson and let him know that the discussion Mr. Gallaway was alluding to was important. She said Mr. Alcaro said he would ask his staff to put together a one-page document that gets to the issue. She said this wouldn't take the place of what Mr. Gallaway suggested, but that she recommended Ms. Allshouse get with the Schools' staff because they are working on something they could provide to Ms. Hudson.

Ms. McKeel said the School Board was thrilled, and that Mr. Alcaro had expressed that having this message not always come from the School Board, but to come directly from the Board of Supervisors, could be very powerful.

Mr. Gallaway said he would never shy away from advocating for more education dollars from the State. He stressed that they have to trace the line to how, what the State has done over the past 11 years, has sucked resources away from other places where if they step back up and do their part, it allows the County to continue to do the services that they have been meaning to do. He said if they don't draw that connection, it just stops at dollars for education. He said that although this is a worthy argument, they have to continue drawing the thread for Ms. Hudson.

Ms. Palmer said that as a new delegate, perhaps Ms. Hudson could use some information on how that pathway would be reached. She said she personally didn't know how this is addressed. She said one doesn't go about saying they want more money, but that they have to say they want it in a particular bucket and in a particular way.

Ms. Mallek said an effective way of using this in the past is having the State having their own rules, which means \$8.4 million for Albemarle County Schools in 2019. She said if they multiply that by 11, they could have solved all their capital and would have knocked out \$100 million over the past 12 years if the State had only followed their own rules and funded according to their own balance sheets. She said no new legislation is required, as far as she understood, because it was a matter of having the State live up to its own obligations. She said if the Schools are projecting a \$4 million gap for next year, this was half of the money they should be receiving.

Ms. Mallek said another thing she was concerned about was whenever the legislature or Governor says they are going to give a 2% raise, the localities have to match it and half of them can't, which results in a problem. She said this gets great headlines, but half the burden is put on the taxpayers locally.

Ms. McKeel said Ms. Allshouse may want to reach out to Schools' staff and that she hoped they were already working on something.

Ms. Mallek said looking down the list and remembering the term "effective," when she sees

"increase prevention services," they wear the staff out going out to do zoning enforcements or having APOs chasing around trying to solve citizen concerns with animals because they do not have strong enough rules to give them the tools with which to act when they get there. She said the citizens are able to say they don't have rules for this, and it becomes a repeated effort.

Ms. Mallek said she was very glad that over the past year or so, Mr. Kamptner has led the Board to try to solve some of the problems with Animal Control and with the Water Protection Ordinance. She said if they keep on with this, it will help them to have much more effective time for enforcement staff, and they won't have to keep making repeated visits.

Ms. Mallek said as far as "reducing services," she personally would not call basic life support (BLS) as a reduction of service, although someone in Fire Rescue might as it is not perfect. She said it is the perfect getting in the way of the good to be able to get an ambulance to a place. She said if it is a matter of a slip and fall, they don't need to have someone who is able to do cardiac intervention, but they need to get someone there to help with the situation. She said there are lots of ways for the more technically-skilled people to figure that out.

Ms. Mallek said regarding what Ms. Palmer said about the business investment, if there are businesses being developed that can help solid waste diversion, this is taking care of economic development and climate change. She said having this linkage, going forward, was very important.

Ms. McKeel asked Ms. Allshouse if she was asking for suggestions on areas where the organization might look together at some efficiencies, especially from staff.

Ms. Allshouse replied that it was an open question. She said she thought that the conversation on November 13 went well, and since there was a lot of positive information, it would be good to provide the Board with another opportunity when they saw some more information.

Ms. McKeel said she has been closely looking at the staffing being utilized for the many committees and boards. She said there would be a discussion with Lettie Bien about boards and commissions. She said she was hopeful they would be able to ask good questions. She said she was not talking so much about the Planning Commission and other major commissions, but about the multiple committees. She said she thought they needed to take some time to start considering those committees through the lens of adding committees often, but not ever going back to look at how many they have, what they are doing, or if they are meeting the goals or Strategic Plan.

Ms. McKeel said this discussion is needed because staff is spending an amazing amount of time staffing all those committees. She said perhaps they don't need to make any changes at all, but that their discussion with Ms. Bien next week might be a springboard for the Board to consider looking at the committees. She said it certainly wouldn't happen in a month, but it would be a way to perhaps free up some staff time if they were able to determine that some of the committees could be combined, or if some of them are no longer matching the Strategic Plan.

Ms. McKeel said though she didn't know where this discussion would go, it was worthy for the Board to at least think about. She said it somewhat ties in with staff time efficiencies and whether or not they are really meeting the goals of the Strategic Plan.

Mr. Dill agreed. He said the fact that they have so many people on committees indicates that there is a lot of interest in the community in being involved, but then they don't use them as effectively as they could if the committees were more cohesive and had a more defined mission. He said if they looked at those committees with the same intensity as they look at their paid staff, the staff all works hard and has good supervision, and perhaps if people who are working for free could be organized better, that would be beneficial.

Ms. McKeel said in general, over the years, the Board had not had a long strong look at this, at least in the 22 years she has been around. She said they have a wonderful team of volunteers, but that they perhaps need to look through the lens of the diversity of the committees. She said they are not looking at this when they are putting people on committees. She said it could be beneficial to begin that discussion as well.

Mr. Dill said high school students are so involved in the world than when the Board members were in high school.

Ms. McKeel suggested the Board begin to look at this and see where it might play into what they are discussing, especially as they are talking about staff time and meeting strategic work.

Mr. Gallaway said if the approach doesn't include adding FTEs, the Board members should be considering ideas of how the needs can be met without adding staff. He said they should all be brainstorming that so that on December 18, they can revisit the topic. He directed them to pass their ideas along to Ms. Allshouse, as they come up, via email.

Ms. Allshouse said the conversation had been helpful. She said the long-range plan provides the context for the FY 21 budget. She said the ideas are very important to OMB as they put together next year's budget, and they always like to think about it in the context of the long-range challenges they have, based on the model.

Ms. Allshouse said that on December 18, OMB would also be bringing information where they will tie the long-range plan to the Strategic Plan. She said this would bring operations and capital together in a different way for the Board to look at it. She said they will also bring some information to the Board about FY 19 year-end funding. She said one-time funding is often a way to be a catalyst to some important solutions. She said they would also provide some guidance, as they move into the annual budget, based on the discussions.

Ms. Allshouse said OMB would return before the Board on February 19, when Mr. Richardson will bring the County Executive's recommended budget forward.

Mr. Richardson said he wanted to be clear that Ms. Allshouse was correct to say the Board would not see OMB again until February 19, when they bring the balanced budget. He noted, however, that based on the discussion and direction from the conversation regarding some of the information that Mr. Walker and the Fire Rescue group presented, he heard the Board say they would be interested in talking further about Fire Rescue service delivery, exploration of options, and such. He said he heard a January timeframe for this. He said he would be leaving that day with this direction and that he didn't see Board members disputing this. He said, therefore, the goal is to come back to the Board prior to February 19.

Recess. At 3:03 p.m. the Board recessed and at 3:20 p.m. they reconvened.

Agenda Item No. 10. **Presentation:** Animal Protection Unit - Activity and Enforcement Update.

The Executive Summary forwarded to the Board states that, following the 2019 General Assembly's amendment of Virginia Code § 3.2-6500 to expand the definition of "Adequate shelter" to address the protection of animals during hot and cold weather, and to expand the definition of "Adequate space" to address tethering restrictions, the Albemarle County Board of Supervisors amended County Code § 4-103 to incorporate those changes.

The Board of Supervisors directed staff to return with a follow-up report after one year of implementing the changes.

This presentation provides an overview of services provided by the Animal Protection Unit with specific emphasis on inquiries from the Board of Supervisors regarding the effectiveness of the County's "tethering" ordinance.

No budget impact is anticipated.

Lt. Terry Walls, Albemarle County Police Department, presented. He said he would provide an update from last October, when the code was amended.

Lt. Walls said that in the past couple years, there were some positions upgraded to sworn police officers who work in the unit, and the name was changed to the Animal Protection Unit (APU).

Lt. Walls said that in terms of current staffing levels, there are four officers assigned to the APU. He said there is a sworn police officer, who serves as the supervisor; another sworn police officer; and two civilian Animal Control officers. He said the staffing level has not increased, but that one of the positions was made a supervisor's position within the unit.

Lt. Walls said the APU's responsibilities include handling calls related to animals and wildlife in the County. He said this includes bites, welfare issues with animals and livestock, animal hazards such as animals in the roadway and on I-64, strays running at large, leash laws, barking dogs, aggressive animals, animals left in vehicles, and wildlife calls for service

Lt. Walls said during the spring and summer, the APU receives many wildlife calls regarding sick raccoons and foxes. He said every day, they receive several calls relating to wildlife.

Lt. Walls said in October 2018, there were many discussions, and some changes were made to the Code statute that addressed extreme temperatures and adequate shelter, and placed restrictions on tethering for animals in the County Code.

Lt. Walls provided statistics related to the APU's tasks. He said the stats were run from September 2018 to August 2019. He said the Albemarle County Police Department has responded to 2,886 calls related to animals in that timeframe. He said this averages to about 262 calls per month, and the Animal Protection Unit (APU) handles about 75% of those calls. He said the other 25% of the calls either occur during the weekend or at night, when they are not assigned.

Lt. Walls said historically, the numbers are fairly consistent. He said there is some change, and most of this is due to staffing. He said in 2015 and 2018, there were periods where the APU was down to two officers working, so the officers' self-generated activity was less. He said in 2018, Officer Crickenberger was in the Police Academy, so there was an extended period where he was absent and there was a vacant position. He said the APU's calls average from about 2,900 to 3,000 calls per year, noting it has been fairly consistent. He added it was still fairly consistent if taking into account the people who were absent during 2015 and 2018.

Lt. Walls said the charges that have been placed in the past three years have been fairly consistent, with 41 in 2016, 45 in 2017, and 36 in 2018. He said there have been 32 in the same timeframe, since October. He explained that the differences are likely due to having multiple charges for multiple animals, but that the number of charges is fairly similar per year.

Lt. Walls said between October 2018 to October 2019, when there were 2,800 calls received, there have been 32 charges through the APU. He said those 32 charges range from failing to obtain the dog or rabies license, running at large, animals killing livestock, dangerous dog, animal welfare, and the barking dog complaints.

Lt. Walls presented an example of one of the calls the APU would have responded to relating to tethering. He explained that there were multiple animals on the property that were tethered, and shelter was a question as well. He said this was a situation where the owner built some kennels on the property to correct the issue.

Lt. Walls presented another example of a tethering call the APU responded to. He said this situation was worse, as there was no shelter, and the animal was tethered to a tree. He mentioned trash as well, and noted that there was an animal welfare charge pressed against this owner.

Mr. Randolph asked what kind of potential penalty a property owner incurs with an animal welfare charge.

Lt. Walls replied that it is a Class I Misdemeanor, so it could result in a fine and jail time. He said typically, it is much like a traffic violation, and the court usually looks to see if the owner has corrected the issues between the time charged and the time they go to court.

Lt. Walls said specifically to tethering, there have been 13 calls for service between September 2018 and August 2019. He said these 13 calls were for 6 different locations, and so there were numerous calls at some locations spread across the County with no one area in particular.

Lt. Walls said the dispositions of the calls are similar. He said one thing the APU pushed during the last year was education. He said anywhere where they went to a situation where there was an animal tethered or where they would have addressed the new welfare concerns, they try to educate the owner. He said he felt that the APU was very successful, with many people who would comply.

Lt. Walls said in the 13 particular situations, there were animals surrendered on two of the occasions. He said with one of the incidents, over 10 animals were surrendered. He said there were two locations that actually complied by building new kennels for their animals. He said one of the owners agreed to take a doghouse, so they worked with the house project and had a doghouse delivered to the owner.

Lt. Walls said that one of the owners decided they didn't want to follow the Code, and so they relocated to a different jurisdiction with the animal. He said there was also a charge of animal welfare.

Lt. Walls said this was a summary of activity as it directly related to tethering over the past year. He offered to answer any questions relating to Animal Control or the APU.

Mr. Dill asked if the County has breeders and if the APU is responsible for if someone does commercial dog breeding or breeding for other animals.

Lt. Walls replied that there is a process for obtaining a kennel license that the owner would go through, and they would be registered with the County. He said the APU would respond if given a call for service there and would not necessarily do a check at that residence without a reason to respond.

Mr. Dill acknowledged that a business license was needed and asked if there were other licenses the breeders would need.

Lt. Walls replied that though he was not an expert on the business license side, he believed that if the owner was selling animals, they would have to comply with this as well as any of the breeder regulations.

Mr. Randolph asked when the APU comes on to a site such as the one Lt. Walls presented on the screen, noting how horrifically depicted it was, and sees this level of abuse of a dog, if the officers, whether sworn or civilian, notify DSS. He said if someone treats their dog this way, he couldn't imagine that they would also treat their spouse, children, or the elderly with a similar level of disregard of the welfare of that human or other animals. He asked if, procedurally, this was something done as part of due process.

Lt. Walls replied that it would involve an evaluation of the circumstances, and that APU works closely with Social Services, whether for adults or children. He said if the APU is aware of circumstances or a house that is in that state, and if there are children, they would refer it over to the appropriate division in Social Services.

Ms. Mallek said she was encouraged to hear Lt. Walls say that owners, when they visit with the rules in hand, seem to respond much more to the education now. She said she took this as a good sign.

Lt. Walls agreed.

Ms. Mallek said this was why the Board fought for many years to improve the rules so that APU would have tools when they went to calls and that they would be requirements, not options.

Ms. McKeel said she was hearing that education is working.

Lt. Walls replied yes.

Ms. McKeel said she was told by one of the officers that the tethering rules were not actually enforceable, based on the amount of time and the way they are structured. She said she was recently told this because of an animal that is tethered in her neighborhood.

Lt. Walls acknowledged that enforcement is difficult. He said the education piece is easy and if APU sees a tethering situation, they can provide information on the statute. He said it is difficult to enforce with a charge because APU would essentially have to watch the animal for the two-hour period, which is difficult to do in a day when there are typically 1-2 officers working.

Lt. Walls noted, however, that most of the time when there is a situation that will require a charge, there are more circumstances than simply the one violation, e.g., no shelter, no food, no water, or the dog's health is in jeopardy. He said with those types of charges, there is usually more going on than simply tethering. He said though it is difficult to enforce, it is not impossible, and the APU is looking for all those factors anyway.

Ms. McKeel said this made perfect sense. She said what she was hearing was, even though she had an officer express the enforcement issue to her and she understood the problem, the APU feels comfortable that the County is in a better place now, and that education is working, at least to some degree.

Lt. Walls replied yes.

Ms. McKeel said there was a long discussion, when discussing this ordinance, about how the charges were received from the judges if the case had to go to a judge. She asked if Lt. Walls had any comment on this.

Lt. Walls replied that there were three welfare charges. He said he was not aware of any issues that any of the judges had.

Ms. McKeel asked if the judges threw any out.

Lt. Walls replied he was not aware of this. He said many times, if the person has complied, e.g., built a shelter, added a doghouse, or made improvements to conditions, the judges will dismiss the charges.

Ms. McKeel said this was fine, in that case. She recalled the Board's discussion about how this was being interpreted by the local judges and that she was trying to figure out if Lt. Walls had a sense of this.

Lt. Walls said he didn't have any sense that they were having issues and that everything was being handled appropriately. He said they look out for the animal's welfare when they take charges before the court.

Ms. Palmer said Lt. Walls had gone over everything she had asked him to. She said this is helping with education, which had been the hope. She thanked Lt. Walls for the APU's work.

Ms. Mallek said she wasn't sure if the APU gets calls for hunting violations and shifts those to Mr. Ferguson and the DGIF team, or if the APU handles them themselves.

Lt. Walls explained that many of those calls will depend on who is working and whether or not the Game Department is out. He said many times, patrol officers will respond to those calls. He said these happen during this time of year.

Ms. Mallek said she did have an email exchange with Mr. Ferguson, the Game Warden, about a carcass dump at the end of her driveway that is foul. She said she supposed there was no process other than the landowner cleaning it up. She offered her property when Mr. Ferguson told her they sometimes set up cameras when there is a place with repeated droppings.

Lt. Walls said if this continues, they could speak another time about this.

Ms. Mallek said the first response from receiving her photographs was that one or two people give a thousand people a bad name. She said there was a decoy in her area for a long time and that they caught many people a number of years ago.

Mr. Dill asked if the County allows trapping of animals, such as coyotes.

Lt. Walls replied that there are trapping regulations and a season to trap. He said this is mostly monitored by the Game Department and that there are people in the area who trap.

Ms. Palmer said these were State laws, not County laws.

Lt. Walls said there were not many people who trap, but there are some.

Mr. Gallaway remarked on the number of calls per year. He said when he did the math on these, it resulted in an average of 7 calls per day. He said if someone would have asked him how many calls the County's APU officers receive, he wouldn't have said 7 per day, as he had thought it was a couple times a week. He said seeing the numbers, this results in a full workday.

Ms. McKeel noted that these were some of the County's busiest employees.

Lt. Walls said they were extremely busy. He said when the upgrades to the police officer positions were made, it also increased the Police Department's capacity. He said one of the sworn officers who is going to a barking dog complaint or a bite call can turn and be right on location of a domestic issue or robbery, which has greatly helped response and with having an extra officer there. He said they were not necessarily looking to take calls for service from the Police Department but that when it is an emergency, it is an extra body to use and has been a great help.

Ms. Mallek asked if the point was that that person could then make charges, but that the civilians could not do that.

Lt. Walls replied this was correct. He said the sworn officers can serve the paperwork, executive search and arrest warrants, and make summons that the non-sworn officers cannot do.

Mr. Gallaway said the reverse is that 25% of the 7 calls are pulling non-Animal Control officers over for two of the seven calls each day.

Ms. Mallek said this was true for nights and weekends.

Ms. Palmer said Lt. Walls did explain to the Board, at one point, was that it was not uncommon for there to be other violations on these sites that have nothing to do with the animal.

Lt. Walls agreed.

Ms. Palmer said they find out a lot when they go to check on the animal, such as domestic abuse.

Lt. Walls said there could be drug violations. He said these officers can now handle that.

Ms. Mallek remarked that they were making baby steps towards progress every year.

Agenda Item No. 11. **Presentation:** FY19 Audit Results and Comprehensive Annual Financial Report (CAFR).

Mr. Bill Letteri, Chief Financial Officer, presented. He said each year, the County is required to produce the Comprehensive Annual Financial Report (CAFR). He said these reports are required to be submitted to the State and, in addition, they are required to be audited, or reviewed, by a public accounting firm. He said he was pleased to present the firm of Robinson, Farmer, and Cox, who has reviewed and prepared the audit for the County, noting that Mr. David Foley was present.

Mr. Letteri said he was very pleased with the results of the report. He said the firm has rendered what they call an "unmodified opinion," which means a clean audit. He said it reflects a lot of hard work on the part of the staff to arrive to that point as he credited the staff for their work.

Mr. Letteri noted that no action was required from the Board that day and that it was simply a report.

Mr. David Foley introduced himself as a partner with Robinson, Farmer, Cox, and Associates. He said they have completed their audit for the County's fiscal year ending June 30, 2019. He said he would present the results to the Board.

Mr. Foley said included in the County's CAFR are four different sections including Introduction, Financial, Statistical, and Compliance. He said included within the CAFR are three different reports from the firm that report the results of the audit.

Mr. Foley explained that there are three different reports from the firm because there are three pieces of the audit done for the County. He said one piece is the audit of the financial statements to ensure that the County's financial statements have been prepared in accordance with generally accepted accounting principles.

Mr. Foley said the other two pieces done are in accordance with government auditing standards. He said one of those is that in addition to looking at the numbers themselves, they look at the internal controls that the County has over its financial reporting.

Mr. Foley said the third and final piece of the audit is called the Federal Compliance Audit. He said OMB provides a compliance supplement with a list of requirements that the County has to go through and comply with as it is carrying out and expending its federal grants programs. He said as part of the audit, the firm takes this compliance supplements and, for the County's major federal programs, go through and test those to make sure the County is complying with those grant requirements.

Mr. Foley said the first report is located in the Financial section of the County's CAFR, on page 1, which is the Independent Auditor's Report. He said in this report, the firm states they did perform an audit on the County's financial statements, and speaks to management's responsibility for the financial statements, as management is responsible for the preparation and fair presentation of the financial statements. He said the report talks about the firm's responsibilities as auditors, which they are to issue an opinion on the County's financial statements.

Mr. Foley said at the top of page 2 is the opinion that the firm has issued on the County's financial statements and that they have issued an unmodified opinion, which is the cleanest opinion an auditor can give on a set of financial statements. He said "unmodified opinion" means that the County's financial statements have been prepared in accordance with generally accepted accounting principles.

Mr. Foley said the other two reports from the firm are in the back of the report, in the Compliance section. He said the first report is on page 183, which is the firm's report over the County's internal control over financial reporting. He said this report was clean as well, and there were no significant deficiencies or material weaknesses over the County's internal control over financial reporting. He said the firm felt that the County does have strong internal controls in place over its financial reporting.

Mr. Foley said the third and final report from the firm was on page 185, which is their report over the County's compliance with their major federal grant programs. He said this report was clean as well, with no significant deficiencies or material weaknesses noted with the County's compliance with major federal grants program-s. He said no other instances of noncompliance were noted as part of the audit.

Mr. Foley said all three reports were clean and that it was another very clean audit for the County that year.

Ms. Mallek expressed her gratitude for the Finance Committee and staff.

Mr. Dill said it was particularly dramatic that year, as they had lost several people and positions changed. He said staff had to work very hard and that it was up to the last few days to make sure everything was in order. He said Mr. Foley stayed in Charlottesville for about a week to make sure everything went well and so the County could get it done on time. He said they were perfect, as they had been for years, but that this year was more challenging. He said this was a testimony to Mr. Letteri and his team to be able to do it, and Mr. Foley guided them along the way.

Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said Mr. Jonno Alcaro, Chair of the School Board, had not yet arrived and asked the Board if they could hold Agenda Item 21. From the Board: Committee Reports and Matters Not Listed on the Agenda at that time.

Ms. Mallek apologized for not having many days in advance to read the history she had sent out the day before. She said she has been engaged in long conversations over many years with Parks and Recreation regarding the turf field issue.

Ms. Mallek said she was invited to listen in to a presentation of the next step of the process. She said the staff had provided to the company many good questions about types of things they thought Board members might want to know about as it enters into the more public phase. She said she was concerned because the company didn't answer most of the questions and put them aside.

Ms. Mallek said this sent her into seeking her own answers and she discovered that there were some scary things that the Board needs to understand about the process, and the capability or incapability of the most popular consultant or contractor to move forward because of a more abbreviated RFP process that was being considered. She said that instead of starting out with their own RFP, they would pile onto another County's RFP.

Ms. Mallek said there did not seem to be an interest on the part of the applicant, who seemed to already have a sense that he was hired, to truly fulfill the questions given to him. She said this made her think that perhaps moving forward with a design contract right now, before these kinds of answers were given, was not a good idea. She said this was the reason she sent out the questions to the Board.

Ms. Mallek suggested that, going forward, they pause the funding process, noting that by the end of November, this early contract was to be signed, which would have then given that particular company ability to move forward all the way through. She suggested that at the same time, they give staff the time to complete the projects they have ongoing now but have not been completed.

Ms. Mallek said one project was the fee study, which has been promised for many years and

most recently, was promised to be finished during FY 20. She said this analysis would give actual, unique numbers about the participants in the different sports activities, which they do not have now. She said all they have now are the offerings of the various player groups, but many jurisdictions in the Commonwealth, especially the larger ones that do provide fields for this kind of activity, require the teams to pay to the County a certain amount per registered player.

Ms. Mallek said having this set up, which staff has considered for a number of months, would ensure they are getting bona fide numbers from all the different groups, and would also provide some responsibility to them to be approved in a formal way to use the fields and provide funding in the department to oversee the use of the fields and make sure that they are being used in the proper way.

Ms. Mallek said another issue that has come up that she did not know about ahead of time was about how when communities move from grass to turf, there is often a deflection or change in the people who use those fields. She said this raised the question of if the County even knows what the impact will be, such as smaller pickup groups or unaffiliated athletes who like to be able to use an open field being less likely to do that when they are adjacent to a big soccer organization that is using another turf field at the time. She said she would like to understand what the true impacts to citizenry and users are going to be.

Ms. Mallek said she wants to get real answers to these good questions that staff put forth, from whatever company is chosen to go forward, and make sure that whatever company is chosen is someone who is not facing lots of lawsuits and class action suits from other communities due to non-delivery of services. She said this was the most alarming thing she had learned during home research, which came as a surprise.

Ms. Mallek said a lot of money is involved and that she wants to make sure that the Board has time to get the information it wants, to discuss everything, and make a choice in the public about how to go forward. She said they would then not have a situation where they have "put the cart before the horse" and have spent money on design that turns out not to be appropriate for the users who are actually real, bona fide, and registered.

Ms. Mallek said they would also avoid the situation they had with the chloramines, where the Board representative on that board did not come back to the Board and say these are real questions they have to deal with. She said the question was whether to go with something cheap, highly questionable, and under lawsuits in other places in the country; or spend a little more and go with the granular activated carbon. She said the latter was one of the best things they have done, as it gets the County ahead of the game as new regulations are coming in for other elements in the drinking water and granularly-activated carbon is taking care of it.

Ms. Mallek said in the same situation for the turf fields, there are components in the turf fields she is now learning about that were not known 5-10 years ago, and these are things that the federal government is very much interested in learning more about and will perhaps be regulating in the future.

Ms. Mallek said to her, it is very important that the Board takes the time to learn about those things, and that she knows people have not had time to even read thoroughly what she had sent, but that she hoped they would take the time and allow themselves and the community the time to do that by pausing the contracting process and allowing some other things to happen. She said she knew staff would have good suggestions in the next month about how they can go forward with this.

Ms. Palmer added that this has been in the CIP for a very long time, as the County needs more fields. She said she understood why they were going this way, but that one of her other concerns is that the turf is plastic or polypropylene, that the base of them is shredded-up tires, but that the green grass is polypropylene, for the most part. She said this puts more plastic into the environment.

Ms. Palmer said they were also looking at waste streams. She said she read the report that will be given to the Board of Visitors at UVA on Friday, and they are asking the Board of Visitors to approve a 30% reduction in their waste footprint by 2030. She said they are putting in a new field and grass and that she didn't know if this was the reason.

Ms. Palmer said when the turf does have to be disposed of, it weighs several hundred tons. She said she checked with Rivanna about the one at UVA and that unfortunately, UVA didn't do this but that the contractor they had dumped it in White Hall. She said she checked with RSWA to see what the weight was that came across the scales when they picked this up. She noted she didn't know what size field this was, but that her understanding was that it was one field and that the artificial turf weighed 200 tons, which she thought was an amazing number.

Ms. Palmer said if the County does decide to pause and look at how they can get more fields, they may be able to use that money for a launching point, or matching fund, for a fundraising situation to get Biscuit Run in sooner, or at least the fields in sooner. She said this was just an idea and that she wasn't sure if this was feasible with the timing. She said she did call Bob Crickenberger recently to understand process and timing, and that his department is still working through this.

Ms. Palmer said much of her objection to this is the solid waste issue and putting more plastics into the environment, soil, and air. She expressed concerns about small children playing on this turf. She said it seemed like something the Board should be talking about.

Ms. Mallek said that whatever decision comes out of the Board, she thinks it is very important that this be debated in public and made for people to understand. She said the information she received was that 180,000 square feet was the size of the field at UVA that was pulled up. She said this compares slightly smaller to what the County was intending in the plans.

Mr. Gallaway said he was struggling with what he was being asked to do. He asked if the Board was questioning the company, or the use of turf fields.

Ms. Palmer said she would like to question the use of turf fields, but that Ms. Mallek was questioning the use of the company.

Ms. Mallek said she thinks it is all linked together and if they take the time to go through all the different elements, they will have a better decision, whatever that is. She said the most important thing as far as desired outcomes was that numbers 2, 3, and 4 are already things that staff is indicating they are working on or going to be doing, and that with number 5, staff told her they were planning on bringing out a similar presentation to the Board. She said answers need to be provided, and that is why time is needed for the proper answers to be delivered, which is why number 1 is so important.

Ms. Mallek said if the County goes forward and signs a contract with someone who turns out not to be the best because of the fact they haven't gotten all the information so far, this would be a mistake. She said number 1 is to pause the process while they get more information and give staff the time to complete the things they are working on. She said staff was well aware, at the end of the presentation made recently, that they have much more work to do to get it ready for prime time.

Mr. Gallaway said at some point, when the decision was made to go forward with turf fields, he assumed the work was done.

Ms. Mallek replied no, stating that it had not been done. She said she has raised this issue yearly.

Mr. Gallaway said at some point, there had to be an analysis to determine if they are replacing this with turf or grass. He said they have a process that goes through CIP and that this has been there for a long time. He said perhaps Ms. Mallek was taking it to another level of scrutiny, which was fine, but the basic question of "why grass" or "why turf" should have been done.

Ms. McKeel said she was on the School Board when this decision came forward.

Ms. Mallek said it was a very close vote by the Board of Supervisors at the time, which was a very different time in terms of knowledge about turf fields in 2009 than it is today.

Ms. McKeel said there was a very energetic and detailed study that was talked about at length. She said it was not something that was just rushed through, as she remembered those conversations and studies. She said she personally remembered that they had talked to people at UVA, coaches, and people in the scientific community.

Mr. Gallaway said he was not personally ready to deal with this. He said simply looking at it and reading it, he didn't know what he was being asked to decide. He said it was important for him to understand, if they were asking his opinion on something, what the questions are and then be able to do his due diligence to figure out what his answer would be.

Mr. Gallaway said that was why he was asking if they were questioning turf fields, the company, the money, or everything because some of the information from Ms. Mallek didn't seem to take into account everything that he thinks it would when comparing grass versus turf, in terms of cost. He said if they want to have what the turf fields do and replace this with grass, the upkeep is going to involve a significant difference than what was explained.

Ms. Mallek said they need to find out all those details, which were lacking because they haven't done the research yet.

Mr. Gallaway said he assumed that this had been done and asked why this wasn't done as part of the CIP process.

Ms. McKeel said it was true that the drainage systems that UVA is putting under the fields to take care of the mud and water problems are huge. She said UVA can afford to do this and isn't simply putting in grass. She told Ms. Mallek she had to push back because this was vetted very carefully by the School Board and that she was a part of that vetting.

Ms. Mallek pointed out that there was information available at that time, but it is a very different world now.

Ms. Palmer said knowing that the process was likely very extensive, this was one of the reasons why she called Mr. Crickenberger to ask about the process and what was looked at. She said he gave her a short and good answer, noting that he was also in the room if the Board would like to hear his answer.

Ms. Mallek noted that she was not trying to get this solved today, but that she wanted to start the

discussion.

Ms. Palmer said she was trying to get Mr. Gallaway's question answered.

Mr. Crickenberger, Director of Parks and Recreation, said he wasn't entirely sure that he understood the question. He asked if they were asking about the overall process.

Mr. Gallaway said that an analysis was done of grass versus turf, and that a decision was made to go with turf.

Mr. Crickenberger said this was correct.

Mr. Gallaway said that all that work, then, was done.

Mr. Crickenberger said all that work with done. He said this request has been in the CIP for a number of years. He said the main reason for the request is, just in the springtime alone, there are over 7,000 participants. He said the fields at Darden Towe are used almost 11 months out of the year, 7 days a week.

Mr. Crickenberger said it is impossible to grow and maintain a good playing surface on natural turf. He said the synthetic fields will provide less maintenance, though he didn't have the figures on this. He said in any kind of weather, with the exception of snow, the field is playable. He said with synthetic fields, it will not shorten the seasons for the particular groups because there are so many that are using the fields at Darden Towe and have a small window to work out of. He said if there is a lot of rain and bad weather, those seasons are reduced.

Mr. Crickenberger said the process involved recommending turf and looking into it. He said there was still more research and information that they need to gather, but that he felt comfortable in saying that they have done their due diligence in terms of getting to this point and making the recommendation.

Ms. McKeel said she was very involved in this decision and these discussions. She said it was awkward to say, but that at Monticello High School, the children using the field there were leaving their practices covered with geese feces. She said she would rather them not be playing in this, as it was a health concern, and that the water below the field was causing this. She said she understood that this was not the totality of the decision, but that there were extenuating circumstances and that this was what she was saying in response to what she was hearing. She said they have to look at the total picture.

Ms. McKeel said that at Albemarle High School, the kids could hardly play on it and the band could not practice on it because it couldn't be maintained. She said it was a mudhole, in addition to the problems with geese on a couple of the other fields. She said the good thing is that geese do not eat this particular material, so they were able to do away with the geese problem that she, as a School Board member, heard a lot about from parents and families who were very upset.

Mr. Gallaway said he was not trying to rehash the arguments, but that he wanted to consider it. He said he didn't think the Board was being expected to make a decision that day, but that the information was being brought up to consider. He said he believed he understood where they were and that he would have to go back and revisit the information. He asked Mr. Richardson if he had any reaction to the concerns about the company.

Mr. Richardson replied that the Parks and Recreation staff has identified a State contract, and that this is a company that is on State contract. He said what this offers the County is the expedited ability to move faster than if they were to handle it through the normal RFP process. He said this didn't mean that the County was bound to use that, but that it is an option from timing and efficiency standpoints. He said this is a large company that is large in the field of expertise, which means that when the County starts looking at the options with synthetic turf, that is some of the work that staff is talking about.

Mr. Richardson said that Ms. Mallek, in bringing forth the concerns she did, is raising the question for the Board, and the staff needs direction, on whether they need to take one step back and have the discussion about whether synthetic turf versus natural grass fields is still something that the Board wants to explore and talk about.

Mr. Richardson said the staff is looking for the direction from the Board. He said if it is the Board's pleasure that they take a step back, pause the contract, and talk about the more basic question of synthetic turf versus natural grass, they will need some time to gather information and come to the Board to go through that process. He said if it is just a matter of pausing and exploring the decision on State contract or whether to RFP and look at different companies, that is a different question and process.

Mr. Richardson said that in either case, staff is prepared to pause, take a step back, and go in either direction, but the Board needs to give them some indication of whether they need more information and discussion, as Ms. Mallek has asked, on synthetic turf/artificial versus natural grass fields.

Ms. Mallek added she would like more information on a company that is not facing lawsuits.

Mr. Gallaway said this would be a part of option 2 in terms of stepping back and going through with the RFP process to get multiple contracts.

Ms. Mallek agreed and said this was very important.

Ms. McKeel said she understood that Ms. Mallek was concerned about the lawsuits against the company. She asked if, given the number of the thousands of fields the company puts down each year, the company has an undue number of lawsuits against it. She said companies have lawsuits and it is not realistic to expect a big company not to have at least an occasional lawsuit. She asked for the percentage of the lawsuits the company is facing and if it was concerning.

Mr. Trevor Henry, Assistant County Executive, said he wanted to add some clarification on this vendor and the program moving forward. He said he didn't have the exact answer to Ms. McKeel's question, though he believed the numbers are low. He said there was some discussion about former lawsuits through the contracting process. He said staff is looking into what Ms. Mallek sent them earlier that week.

Mr. Henry said he wanted the Board to understand that the reason why staff was looking at this contractor was not just because of the fact it is on a State contract. He said when the CIP project was approved for turf fields, the action that was loud and clear to staff was to come back with an assessment of the kinds of turf and the impacts from the perspectives of health, safety, and stormwater. He said this particular vendor was chosen because they have an offering that could provide those technical solutions. He said the work staff has been doing with the vendor has been due diligence through the fall on the different kinds of infill and blades.

Mr. Henry said he sat in a meeting with Ms. Mallek and was not satisfied in the performance of that contractor in answering the questions, and so there was absolutely more work to do on that. He said the contractor could be contracted through the State because they lead in class for the U.S. from professional fields down to high schools, including many in the State of Virginia.

Mr. Henry said due diligence has been done and that has to be done. He said the suggestion from Mr. Richardson is that staff can come back and do a more prepared and formal work session with the Board on the proposed plan ahead and the contractor.

Mr. Henry said the other piece of this that creates some schedule pressure is that they have to do a site plan, and this contract allows for them to bundle this work to the one contract. He said as a result, they would have the engineering done and the actual delivery of the field. He said there is some optimal efficiency to that because they then take away the design versus construction conflicts that often happen.

Mr. Henry said they were going to move forward in November, and now December, with the first phase of the contract, which was design. He said they could hold on that, come back and have a work session with the Board about this project as it is currently scoped; or, they can step back even further and have a discussion about having turf fields versus not.

Mr. Gallaway asked if others wished to weigh in. He asked if timing wise, the Board members wanted to consider this themselves about where they stand and come back at their next meeting to express if they are interested in doing one of those options, it would be okay to do this.

Ms. McKeel said Mr. Henry said there was more work staff would be doing with this specific contractor.

Mr. Henry said the time-sensitive piece is needing to get the engineering underway, as this is a set time to do design and clear the approvals. He said some delay into January or February could happen, which may affect the window of opportunity to do the installation. He said staff will take the time the Board wants and needs on this to do it right and answer the questions.

Mr. Gallaway said he was personally not interested in rehashing the grass versus turf debate.

Ms. McKeel said she was not, either.

Mr. Gallaway said this has come before the Board as a project, which could have been brought up, if this was truly the debate.

Ms. Mallek said she brought this up multiple times and that every time, she was told, not with the Board, but with various others during the CIP and budget processes, that it was coming, and they would do this six months to a year later. She said they are now, all of a sudden, ready to sign a contract with a company where all the background work has not yet been finished, and that this somehow gives them the inside track to do whatever they want when they do have a record that is questionable about being able to deliver on what they say.

Ms. Mallek asked the Board to take a few minutes to read over some of the background and follow some of the references, where they will find out that they cannot control the things that their salespeople say, and living up to the promises that the salespeople misrepresent is how they got into trouble to begin with. She said there is a lot of information that the Board members all need to learn.

Mr. Gallaway said this was about question 2 and not about the "grass versus turf" debate. He said if there are really questions about the company, the work, and things like this, this is different than debating whether it should be grass or turf. He said he was not interested in revisiting the grass versus

turf issue. He said if they want to scrutinize the company and have some time to spend on that, he couldn't imagine being against this as it seemed logical that this should be happening.

Ms. McKeel said Mr. Henry indicated that this will be done.

Mr. Gallaway said if the company didn't answer the questions to staff's satisfaction, he would imagine they would need to be brought back into the room and told so. He said he was happy to revisit and do this, but he didn't know if this was a continuation of what they would typically be doing or if they needed to do something different.

Ms. Mallek said there were other people who hadn't weighed in. She said she thought that compared to 2009, there is a whole host of information which is now out in the public, including different industry standards. She said someone had mentioned that UVA is putting in grass fields, and that drainage can be put under grass fields that function. She said that the dollars are almost the same by the time the maintenance has been scoped out. She said this was part of the discussion that the Board has never had the details of the information, and they did not have it back in 2009. She said they were told that everything was fine, there was no maintenance, and that they will save on water.

Ms. Mallek said there was no understanding in the community at large, nor likely in the country, about some of the other consequences that she hoped the Board would at least talk about and see how it goes. She said the citizens deserve to have a public discussion about these issues.

Ms. Mallek said PFOS in the turf was something that people didn't know about before five years ago, and now this was something that comes up the grass spines, separate from the issue of the infill that comes off and gets on kids, and is airborne as well. She said these are things that they will be held responsible for, as a community, in the future sometime.

Ms. Mallek said if they have saddled themselves, community, and taxpayers without proper discussion with fields that then have to be disposed at a huge expense because new regulations have come down from the State, just as the new water regulations are coming down from the federal government, she fears they will regret the burden they put on the community.

Ms. Mallek said this is a window of time to have proper discussion and get all the information first, which cannot be done if one particular agency has been contracted to then move forward and bundle everything else.

Mr. Gallaway said he has spoken on the "grass versus turf" debate. He asked if others wished to weigh in on this, in order to get an idea of consensus.

Mr. Dill said his sense was that, from an environmental and health point of view, the plastic is dangerous. He said whether this can be balanced by the convenience and the money savings, perhaps he could be convinced, but that he would like to hear more about it. He agreed that they are finding out more and more about the dangers of microparticles on health and that he was not satisfied that this was a good decision, but that he had went along with it because it seemed like everyone had talked about it and it was the logical thing to do. He said he would be interested in hearing from the parents of the kids playing on the turf. He said if it was his kids, he would research it more, but that it wasn't an issue for his kids as they had played on grass.

Mr. Gallaway said the soccer organizations are on the record where they stand on this. He said they were at the public meetings this past year advocating for turf.

Ms. Mallek said they have been part of the discussion with staff when the rest of the Board had not.

Ms. McKeel said the soccer organizations were included in the discussions with the School Board years ago, when the decision was made.

Ms. Palmer said they did not know that they had the potential for additional fields, however, at Biscuit Run at that point, when they were discussing it.

Mr. Gallaway said they have the potential for additional fields in many places, and whether they come online or not is another question. He asked where Ms. Palmer stood on grass versus turf and if she was interested in revisiting that debate.

Ms. Palmer said she would like to find out more about it and do more research on the plastic aspect of it. She said it bothers her that they are trying to reduce their waste footprint, yet they are bringing in huge fields that are polypropylene.

Mr. Randolph said in 1969, a school in downtown Philadelphia opened a new building because they reached a creative private-public partnership with the Pemble Corporation, allowing Pemble to build a 20-story office building on their property. He said in exchange for getting the property fee simple, Pemble built a new school which surrounds the Pemble building on two sides. He said that on top of that two-story school was constructed a synthetic turf field, and five years after the school had opened, he went to work as a teacher there and took on the responsibility of working with his middle school students on them learning how to play tennis on the roof, which was an entertaining sight.

Mr. Randolph said he shared this because he called the school that day and unfortunately, Mike Noonan, with whom he had worked, had retired after 41 years as a business manager, and if Mr. Noonan had been there, he would have been able to take him through all the nuances and the companies who had provided the turf field. He said in essence, the school is looking in 2021 to put down their fourth synthetic turf field, and the current business manager told him that when the new one goes in, it will have been about 17 years. He said he did the math, going back to the opening in 1969, and it works out to being about every 17-18 years that the turf has been replaced.

Mr. Randolph said he did ask the current business manager whether there had been any reported concerns about continuing to keep a synthetic turf roof on the school. He said the business manager indicated there were none. He said he was surprised to see that on the school's website, they now play varsity field hockey on top of the roof. He said going to a UVA field hockey game, one will find that the game is ideal for synthetic turf because it moves even faster, and the athleticism is nothing short of exciting to watch.

Mr. Randolph said the second point he wanted to make is that it is easy to cast synthetic turf as problematic. He said looking at professional football, many football fields have gone back to natural turf. He said the injuries, however, have not stopped, and that they are different injuries based on being on turf versus synthetic turf. He said players do not experience the abrasions on regular turf that they do on synthetic turf, but that natural turf can still result in serious injury, especially when trying to cut sharply on a field, or if it is wet.

Mr. Randolph said there are environmental consequences of turf, no matter the type, synthetic or natural, and they must be careful to be fair and balanced about it, despite the fact that not all that is synthetic is evil, nor is all that is natural good. He said diseases can thrive in both, and the concern had correctly been raised that someone can contract a disease through an abrasion untreated properly on synthetic turf. He noted, however, that ticks can appear on grass fields and that someone can pick up Lyme and associated diseases from regular turf. He said this is a debate that has likely already occurred at the School Division.

Mr. Randolph said that Ms. Mallek has made a request for pausing, and his only question would be about the costs and consequences for pausing. He said the question is if the status of the current field in such negative shape that a pause would allow the field to be better or, if with additional time, they would continue to see further degradation in the field. He said this was one question for Mr. Crickenberger.

Mr. Randolph said the second question was to how they could possibly know the number of users at Darden Towe when the City uses the park as well, and there are citizens that come in when there are not organized sports taking place, as he has witnessed. He said there is pickup baseball on those fields. He asked how they could control and actually predict the number of citizens. He said when Mr. Crickenberger answers both of those questions, he would like to come to four other points.

Mr. Crickenberger said the first question was about the cost of pausing. He said the issue they have had ever since they opened Darden Towe is that there is not a period where the fields can rest. He said for natural grass, the premier time for renovation is April, and then again in the fall. He said those are also the peak seasons for most of the users. He said if they were to close the fields during some of those times for renovation, there would be a tremendous number of participants displaced, and they do not have additional field space to move them to another facility while a field is being renovated. He said this was one of many reasons why they were advocating for synthetic turf.

Mr. Randolph asked if Mr. Crickenberger could come up with an estimate of the number of users.

Mr. Crickenberger replied that in the past spring, there were over 7,000 participants, and that this was the number provided from contacting the various youth and adult organizations.

Mr. Randolph said in conclusion, he wanted to say that addressing the disposal issue within the MOU with the company, or as part of the agreement of the company, would mean that they will follow best management practices for disposal and that the County has an opportunity to know what the disposal plan for the field will be.

Mr. Randolph said that if, in fact, the company is responsible for the product when it is disposed, the agreement may be that once the County gets the field, the County becomes legally responsible, which raises the question of the agreement. He said if they can make the company responsible, Ms. Mallek's point was good that they have an MOU in the agreement that makes the company responsible for the disposal so that best management practices are followed.

Mr. Randolph said Ms. Mallek's point about competitive bidding is absolutely critical. He said while there may be a supplier that is approved at the State level, it is a good idea to look out nationally and see if, in fact, they cannot get a better bid with a better company with an equal product, potentially at equal cost.

Mr. Randolph said he believes that Facilities Management will hold the company accountable, whichever company it is, to meet the goals and objectives of the agreement. He said they have seen an outstanding track record of success in Facilities Management in companies being held responsible and having them actually come in ahead of schedule, rather than at the end of schedule.

Mr. Randolph said the last observation he would make was that one of the reasons why there may be lawsuits with this large company is that when it comes to liability, it is very hard to go after government to get money when there has been an injury. He said someone wants to blame someone, and the lawyer will suggest suing the company that made the field, as they have deeper pockets. He said a company like this is very much like sugar with yellow jackets in the summer, and it will attract lawsuits simply because they have deeper pockets, and liabilities will arise.

Mr. Randolph said the key question, which Ms. Mallek raised, is in the due diligence on these companies, to find out the number of lawsuits and the types of lawsuits that have been filed. He said this would inform if this company is a bad actor or simply a case where, because they are a major player, they tend to attract liability lawsuits because of the deeper pockets.

Mr. Randolph said that Ms. Mallek came up with some excellent suggestions to make this a tighter agreement in looking after the best interest of the County and the welfare of the users, longer term.

Ms. McKeel asked if Mr. Randolph was looking at the agreement but not debating the turf.

Mr. Randolph said yes.

Ms. McKeel said she was as well.

Ms. Mallek said as a first step, this was a good way to start and it gets them to January, where staff has a chance to answer the other questions they have already said they have been working on for months, e.g., fee schedules, so they can get a better assessment of who is using what. She said it also gives the new Board members a chance to participate in this decision as well, as they will be there for the whole time the project is being carried out.

Ms. Mallek said the Board members could do their own research on the lawsuits. She clarified the only ones she mentioned were ones that were made by local governments because, instead of a ten-year warranty, the fields needed to be replaced at three years, and the company refused to live up to the warranties. She said these were not individuals whose children fell down, but local governments who did not get compliance because of the chain of information that goes around the company. She said having their legal team diligently looking into this and making sure that we are doing these things, which have not been done yet, will get them much more information.

Ms. Mallek said the question about the picnickers really illustrates what she meant about user groups. She said there will be displacement from ordinary citizens who are not paying \$1,000 a year to have their kid play in some organized sport who will be displaced from using the field areas that are there now, available to them for kite flying and other things, at Darden Towe. She said this is a fact they need to research and understand because it was something that must be understood, going in, for the public discussion.

Mr. Randolph said he was glad that Ms. Mallek clarified the lawsuits because perhaps another condition will be that the company needs to provide a bond that would be held for a period of time. He said a company cannot control what the wear and tear on a product is going to be, and he could see from the company's standpoint that they would think it would last ten years under normal use. He said if there are kids on the fields all day, seven days a week, ten years could suddenly become five years and under. He said one of the things to help with this is to ensure they have a bond so that if the field fails in five years, but they guaranteed it will last for ten, the taxpayers of the County get something back on that to cover it.

Ms. Mallek said she was sure that Mr. Kamptner's staff would find out all the details because all she had read was the citizen-level reading of it. She said the company found that their materials were failing, and they sued the producer of the company, got a financial settlement from the producer of the green stuff, but continued to sell the substandard material for some number of years. She said those are things on which the lawsuits are based. She asked everyone to do their own research. She said she wouldn't pretend to be the expert on all this, but that she and citizens have been gathering the information because it is important that the Board has it before them as they go into the new year on the project.

Mr. Gallaway told Mr. Richardson that it was a 3-3 on the grass versus turf issue, but that it sounded like there was no objection to exploring the different details related to the project and the RFP process. He asked Mr. Richardson if this was what he was hearing.

Mr. Richardson replied yes.

Ms. McKeel said Mr. Randolph made a great point about disposal, as there was a bad experience in the community, which Ms. Mallek was well aware of, around artificial turf. She said they do need to tighten down on this piece of it and that she didn't disagree with this at all.

Ms. Mallek said it is a national problem because there is no place for any of it to go.

Ms. McKeel said she was not interested in debating the merits on this.

Mr. Gallaway asked Mr. Henry if he had what he needed to come back with a game plan.

Mr. Henry replied yes. He said regarding disposal, this would be more appropriate when being in

the situation of wanting to replace a turf field after 10, 12, or 15 years. He said to put that on the installation side of it with a five-year or ten-year warranty, he would work with Legal on this, but he wasn't sure if this was an avenue they could go down. He said that certainly on the replacement side, down range, that could be a requirement of the contract.

Ms. Mallek said the cost of that replacement and the intervals need to be factored in when they are looking at the money for a well-drained grass field that can last for decades versus the every-eight-years replacement. She said if the County doesn't anticipate the \$400,000 or more cost, plus whatever the unknown amount is for the disposal ahead of time, those are different categories than what they are doing.

Mr. Henry said that to be clear, that is not what staff is bringing back. He said they are going back and evaluating grass versus turf, as he understood what the Board just asked them to do. He said what they would do is come back with a project review to move forward with turf, look at the RFP process and different options, and have that discussion.

Ms. Mallek said the cost for turf needs to be clearly laid out about when it is replaced and what that is going to cost. She said this is not a grass versus turf question, but a turf question.

Mr. Henry said he understood.

Ms. Mallek said that in 6-10 years, there is maintenance that was discussed at the recent meeting that has to be done that, in order to get more than 6 years, they have to maintain the turf. She said this is not what they were told in 2009, but apparently, it has happened with the high school fields. She said the County needs to understand what the costs are every 10 years so that they can plan, or otherwise, they are looking at \$2 million that pops up out of nowhere.

Mr. Henry said this was replacement costs.

Ms. Mallek said it included replacement, refurbishing, and disposal. She said to keep in mind that new regulations are coming and that there is no place in the United States that can recycle the turf right now. She said she did not want to be the one who has approved something that then requires communities to have excessive disposal costs when even more of this information becomes common place, going forward.

Mr. Dill said there is no place to dispose of it. He said there might be a place that is legal, but that it will still result in tons of plastic that will be around for a million years.

Ms. Mallek added that the plastic leaches out its contents.

Mr. Dill said they are adding to that pollution.

Mr. Richardson said he would like to have an opportunity to talk to staff about the turnaround time on when they can come back to the Board so that he can coordinate with Mr. Henry, Mr. Crickenberger, and his team. He said he would get back to the Board as quickly as he can, and will pause on any of the contracting, but that they will need an opportunity to go back and pull everything together so that they can get back to the Board. He said they will also have to work with the timing of when they can get back.

Ms. Mallek said that fast is not the issue. She said getting a good job done is the issue.

Ms. McKeel said staff always does a great job of vetting the projects.

Ms. Mallek agreed, as long as they have the time to do it.

Agenda Item No. 12. **Presentation:** Board to Board, November 2019, A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

Mr. Jonno Alcaro, School Board Chair, presented. He said there is a new link on every page in the K-12 Albemarle.org website. He said it goes to the Schools' antiracism policy as well as other related subjects. He presented a website page, pointing out a poster that is on display in the 15 elementary schools, which makes up 60% of the schools. He said the other 40% have a poster that is similar but shows older students on it. He said these posters are now on display in every school, and they are also posting both posters in the School Board meetings indefinitely. He invited the Board members to visit any of the webpages to find the link to the antiracism policy.

Mr. Alcaro said he had few comments coming from the November Board-to-Board report. He said the local composite index has been recalculated for the 2020-22 period for the biennium, which will begin on July 1, 2020. He said it was released last month and calculated using the 2017 base year. He said the numbers came out in the Schools' favor. He said based on a population of 107,697, the final composite index was calculated at 0.6449, down from 0.6780. He said this is not quite back to where they were in the previous calculation in 2015, using the 2013 base.

Mr. Alcaro said the last uptick cost the Schools about \$4 million over a two-year period. He said they did not know the exact numbers yet but will forward them on to the Board of Supervisors as soon as the Schools get them and calculate them after the Governor's budget is announced in late December. He

said he didn't think they would be getting it all from where they were a couple years prior, but that it was a step in the right direction.

Several Supervisors expressed that this was good news.

Mr. Alcaro said the Cale Advisory Committee met on November 20 to narrow down potential names for the Paul H. Cale Elementary School from more than 250 individual suggestions down to six finalists. He said those six finalists are: Mountain View, Avon, Southside (the original name suggested long ago), Avon Ridge, Biscuit Run, and Mill Creek. He said the suggestions all reflect the school's geographic area.

Mr. Alcaro said community members can weigh in on the finalists during a meeting next week, which was tentatively scheduled for December 10, next Tuesday. He said the committee will vote on a final recommendation in January, according to a timeline that was announced in October. He said the School Board has the final say on the new name.

Mr. Alcaro said the 11-person committee is made up of parents, community members, and teachers. He said they received more than 550 submissions through an online survey and a suggestion box at the school, according to Chairman Dennis Rooker. He said more than 300 suggestions came from students and staff at Cale. He said the finalists were all among those submitted.

Mr. Alcaro said School Board policy stipulates that the schools could be named after a theme, value, place, or individual. He said, however, that committee members decided at the beginning of the renaming process that they would not name the school after an individual.

Mr. Alcaro said that on January 8, the committee will have a final meeting, and the decision should be rolled out to the School Board either on their first meeting of the year (on January 9), or the second meeting of the year (on January 23).

Mr. Alcaro said nominations are now open for the 2020 Golden Apple Awards, expressing that this was a happy time. He said that the program, which began in 2001, honors outstanding teachers in public and private schools in Albemarle County and Charlottesville City. He said sponsored by Better Living Building Supply and Cabinetry, the program recognizes educators from pre-K through 12th grade for their outstanding classroom performance and influence on the success of their students.

Mr. Alcaro said honorees are selected for a Golden Apple based upon demonstrated excellence in the classroom, innovative instructional strategies and techniques, and involvement in their local communities. He said students, parents, educators, and other members of the community may submit nominations. He said teachers selected for the award represent less than 2% of all teachers in Albemarle County and Charlottesville City public and private schools. He said each year, one teacher is selected from the 40 public and private schools.

Mr. Alcaro said that in addition to receiving a Golden Apple, and for the first time in the program's history, every Golden Apple recipient will also receive a grant of \$500 which can be used for classroom materials or to support the teacher's professional development.

Mr. Alcaro said nomination forms are available at individual schools, or online at www.k12albemarle.org. He said the deadline for school principals to receive nominations is January 27. He said the ceremony honoring the 2020 recipients will be held at 4:30 p.m. on Thursday, May 21, in Lane Auditorium.

Mr. Alcaro said the Western Albemarle and Albemarle High School cross country teams have both won the State Championships in their divisions. He said the seven-person teams from each school will be traveling to Portland, Oregon that weekend to compete in the national championships. He added that this was the first time either of the schools has been to the nationals.

Mr. Alcaro said, as he has mentioned before in joint sessions, that there is a wonderful program called Building Bridges Through Bread that takes place about eight times a year and brings together immigrants in communities who teach other people how to cook their native food. He said it is a wonderful time, and there are speeches given. He said the program has won a national grant and that he would be happy to share the book that shows all the grants that have been given nationwide. He said it was quite a read and not one to go through quickly, as they were all very stirring.

Ms. Palmer said the Board of Supervisors, Solid Waste Authority, and Solid Waste Committee have often said how wonderful it would be to get education programs into the schools. She said the RSWA, in their strategic plan, has an action item that is to reach out to the schools and develop a program for the students, which would most likely be delivered by Rivanna staff. She said they would like to know who the best person is in the school system to reach out to about this and have a preliminary discussion about how to get a program going.

Mr. Alcaro asked Ms. Palmer to ask Rivanna to contact him and he will have an answer for them.

Ms. McKeel said the School Board adopted a form that came out of the Equity and Diversity group's work that the School Board uses as they are creating policy to run it through an equity and diversity lens. She asked if the School Board had begun using that form.

Mr. Alcaro replied yes.

Ms. McKeel asked him if they have been using it long enough to have a sense of how well it is working.

Mr. Alcaro said they have been doing it full-time for about three months, and what they are doing is actively using it on new policies. He said they go through policies on a regular basis as part of their meetings to reapprove any adjustments to them. He said many of the policies have been run through the antiracism worksheet, and so it has been actively done. He said he would talk to Dr. Harris to see if he can quantify the numbers of those policies.

Ms. McKeel said she was wondering if he had had a sense that, in fact, it was giving them pause and they were perhaps tweaking or looking at some of the policies differently, acknowledging that three months was likely not long enough to have used a new form.

Mr. Alcaro replied that they have definitely done this, and it has been of great value.

Ms. McKeel said she would very much appreciate Mr. Alcaro sending a copy of this to all the Supervisors so they can look at it. She said a form that the School Board was using wouldn't work for the Board of Supervisors, but that a similar policy that gets at the same idea could.

Mr. Alcaro agreed.

Ms. McKeel said the Board of Supervisors had their meeting coming up with the new delegate, Ms. Hudson, on December 11 and they had talked earlier about the School Division working up a one-pager for the Board. She asked if the School Board was working on this.

Mr. Alcaro replied yes and said he had not forgotten about this.

Ms. McKeel said she wanted to make sure this didn't get lost. She said her understanding was that at Whole Foods, the CATEC food truck was going to be available on Wednesday, December 11. She said while Mr. Alcaro was there, it reminded her that if people wanted to buy some food from the CATEC food truck, they would be there Wednesday morning, December 11, 10:30-11:30 a.m.

Mr. Alcaro thanked Ms. McKeel for mentioning this. He said Whole Foods is a big supporter of not only the food truck, as they donate much of the food that goes into the food that is sold on the food truck, but also to the Culinary Arts Program at CATEC.

Mr. Gallaway said he hoped Mr. Alcaro would be able to attend the meeting with Ms. Hudson next Wednesday.

Mr. Alcaro replied that he would be there.

Agenda Item No. 13. Closed Meeting.

At 4:56 p.m., Mr. Dill **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider appointments to the Charlottesville-Albemarle Joint Airport Commission and two County committees; and
- Under Subsection (3), to discuss the acquisition of property for a County facility, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and
- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation between the Board of Supervisors and the Scottsville Volunteer Rescue Squad; and
- Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to the community's use of the County Office Buildings.

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

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

Agenda Item No. 14. Certify Closed Meeting.

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

Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following

recorded vote:

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

Agenda Item No. 15. Boards and Commissions: Vacancies and Appointments.

Mr. Randolph **moved** to appoint the following people to Boards and Commissions:

- **Appointed** Ms. Rosemary L. Miller to the Places 29 Hydraulic Community Advisory Committee, with said term to expire August 5, 2021.
- **Reappointed** Mr. Roger W. Ray to the Acquisition of Conservation Easement (ACE) Appraisal Review Committee, with said term to expire December 31, 2020.

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

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

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

Mr. David Webb, Rivanna District, said he is a fifth-generation Navy retiree and that during the 25 years he spent serving his country, he upheld the Constitution of the United States to the best of his ability. He said that after that, he served locally as a law enforcement officer for 26 years in the County. He said there was not one time that he ever had to use his weapon, but that if he had to use it, he had it.

Mr. Webb said he wanted to talk to the Board about considering making Albemarle County a sanctuary county only because the retired police officers he already knows, as well as himself, will be, based on what is happening in January in Richmond, felons. He said the weapon he carried on duty carries more ammunition than the new law proposes. He said it automatically makes him a felon.

Mr. Webb said he wanted to speak to Marbury vs. Madison. He said he was lucky enough to hear about this case for the first time in high school, when he had a history teacher who knew U.S. history. He said this is a court case that established the principle of judicial review in the U.S., meaning that American courts have the power to strike down laws, statutes, and some government actions that violate the Constitution of the U.S.

Mr. Webb said Marbury remains the single most important decision in American Constitutional law. He said the court's landmark decision established that the U.S. Constitution is actual law, not just a statement of political principles and ideas. He said it helped define the boundary between the constitutionality, separate executive and judicial branches, and the American form of government. He said he wanted the Board to consider what will happen to all of those people. He said his whole life, he received one speeding ticket, and he deserved it, but it will make him a felon for serving his country for 51 years. He said he will not go quietly into the night and let this happen. He said the people in the audience would not either.

Mr. Gregory Quinn said he has been a resident of the County for a long time. He said he would go back before Marbury vs. Madison, to Royal Governor Keith in Pennsylvania, who was called back to England by the subordinates of the king at the time. He said the subordinates asked him how they could take down the colonies, and he basically said that they would have to disarm them, but that they would have to disarm them, not all at once, but a little at a time. He said General Gates showed up in Boston and they went door to door trying to confiscate weapon, and then there was the Revolutionary War.

Mr. Quinn said reading the founding documents and Federalist Papers where there were anti-federalists who believed in state's rights, and then federalists who believed in a strong central government, they all agreed it was an individual right to keep and bear arms, and that no man should be disbarred from his right to bear arms. He said this is what Thomas Jefferson said.

Mr. Quinn said that going through the Declaration of Independence, Americans were guaranteed life, liberty, and the pursuit of happiness not from government, but from God. He said a person is allowed to defend themselves. He said once this was done and they got through the Articles of the Confederation, they wrote the Constitution and added the Bill of Rights to it.

Mr. Quinn said the first two amendments in the Bill of Rights are the right to free speech, which he said is being destroyed by the progressive left, and the right to keep and bear arms. He said this right is an individual right, and individuals can come together to stand up for their community, homes, state, and country. He said if it gets very bad, they can stand up against the tyrants of their own government, noting that he prayed it would never happen. He said they have this individual right, and if someone breaks down a door in his house, he has the right to defend himself and his family with deadly force as necessary. He said he does not ever want to do this because he doesn't want to die ever having to take someone's life, as this would ruin the rest of his life. He said if he had to, he would do so.

Mr. Quinn said there is no condition which the Governor of Virginia and the new Democratic-elected legislature, or the judiciary, has a right through the Commonwealth Attorney to infringe upon his Second Amendment rights. He said if they do this and pass this legislation, it is illegal. He said this is seen with the Founders, what America is about and what the country is based on.

Mr. Quinn said he had people fighting in the Revolutionary War for his family that came through Jamestown. He said two went and died at the Alamo. He said the youngest man to die at the Alamo was his ancestor. He said his father was a World War II veteran. He said his son works in the Navy as an operator. He said he loves his country, but that the government will not disbar him, nor anyone else, of firearms.

Mr. David Garth said he and his wife moved to Albemarle County about 13 years before. He said he is a gun owner and supports the Second Amendment. He read the entire Second Amendment to the Board of Supervisors: "Well regulated militia being necessary to the security of a free state the right of the people to keep and bear arms shall not be infringed."

Mr. Garth said while he supported the Second Amendment, what he did not support was the fear and division in the country today. He said perhaps, the resolution before the Board is of interest to many people. He said what he thinks is necessary is conversation about gun safety, and about preventing gun violence in ways that do not necessitate shooting and killing someone else as the first and only alternative. He said there should be a conversation about storing guns where little children cannot accidentally shoot a parent or friend. He said there should be a conversation about suicide.

Mr. Garth said he has found that it is not easy for him to have those kinds of conversations with people, as he gets defensive and wants to argue. He said that he believes, however, that talking about gun safety is absolutely necessary in their own time. He challenged other supporters of the Second Amendment, as well as all elected officials, and in Richmond especially, to talk about solutions to the problem of 39,000 gun deaths every year in the United States. He said there are some ways to begin to slow down the increase of shootings if people will work together instead of spreading fear. He said this is a serious patriotic challenge to elected officials and to all citizens.

Mr. Ken Reisig said he is a citizen of the United States of America and a resident of the Rio District. He said that assembled here in the shadow of Thomas Jefferson, he would like to read a quote from him. He read: "Experience has shown that even under the best forms of government, those entrusted with power have, in time, and by slow operations, reverted into tyranny."

Mr. Reisig said he said this because it was his firm belief that the proposed bills SB-16 and SB-64, which would essentially make felons out of the majority of the people standing behind him, was a form of tyranny. He said that as a consequence of that, he would respectfully suggest that the Board of Supervisors adopt and approve a resolution for Albemarle County to become a Second Amendment sanctuary. He said as of 3:41 a.m. that morning the count was 41 counties in the Commonwealth adopting such resolutions. He said as a measure of support, he would like the individuals sitting behind them, if they are in agreement, to raise their hands so that the Board can get a true measure of the level of interest in that motion.

Mr. Jay Saren, Rivanna District, thanked the Board for taking the time to listen to the voices of their constituents. He asked the Board to pass the resolution declaring Albemarle County a Second Amendment sanctuary. He said the Second Amendment of the Constitution of the United States is very clear that the rights of all citizens to keep and bear arms shall not be infringed by anyone, and most importantly by the government. He said the Virginia Constitution (Article I, Section 13) also included, "It is the right of people to bear arms in maintaining a free state."

Mr. Saren said the Board members have all taken an oath to uphold the Constitution of the United States in the Commonwealth of Virginia. He said they were all there today asking them to do just that. He said he needed the Board to stand with them to show Richmond that they will not allow their rights to be trampled on.

Mr. Saren said whenever something bad happens with a firearm, some people are quick to blame the gun. He said it is an inanimate object that does not walk out his door and decide it will kill many people. He said the terribly disturbed, mentally ill person is the one who does this. He said a firearm is no different than a car that drives the wrong way on a road and inadvertently kills an entire family. He said it was not the car's fault, but the drunk driver that got behind the wheel, yet no one is advocating to ban cars as the drunk driver is the one who is punishable, as it should be.

Mr. Saren said he has dedicated over 23 years of his life as an EMT, firefighter, 911 dispatch, and deputy sheriff. He said he takes public safety extremely seriously. He said he also knows that the police cannot be everywhere all the time, and the only person responsible for their own safety is that person. He said that there are, in fact, many firefighters, police officers, and EMTs in the audience that all feel the exact same way that he does.

Mr. Saren said he has seen the worst in everyone. He said he has seen women beaten to a pulp who survived only because they had a firearm to protect themselves. He said he has seen families

survive because they defended their home against two men breaking down the door while they slept that night. He said the CDC reports across the country that firearms have been used anywhere between 500,000 and 3 million times per year in self-defense. He said Chicago has one of the strictest gun laws in the country, with a population the quarter of the size of Virginia, yet they have more gun-related homicides than they do. He said that gun control does not work.

Mr. Saren said that the only people who follows laws are law-abiding citizens. He said a criminal never follows the law, and criminals support gun control because they know they will have more people to attack without the means to protect themselves. He asked if the Board honestly believed that if gun control laws are passed, local criminals would turn them in. He said there is no gun law that can be presented that will keep a gun out of the hands of a criminal or someone who wants it badly enough. He said it will, however, prevent good people from having the means to protect themselves from that individual.

Mr. Saren said SB 16 is a gun control bill being presented in January as one of the most egregious violations of the Second Amendment he has ever seen. He said there is no grandfather clause for anyone and that it would literally make just about any firearm owner a felon overnight. He said the bill goes far beyond banning a specific subset of rifles, as it only impacts handguns, shotguns, and all rifles even popular ones used to hunt.

Mr. Saren said there are solutions that exist, however, to limit tragedies from happening better access is needed to health care for mentally ill people.

Mr. Andy Eckert, resident of Esmont, said the Fugitive Slave Law of 1850 gave teeth to Article IV, Section 2, Clause 3 of the United States Constitution by, among other things, making it a federal crime for law enforcement officers to refuse participation in the recapture of runaway slaves. He said about this law, the abolitionist Frederick Douglass wrote in his newspaper in 1854, "The true remedy for the Fugitive Slave Bill is a good revolver, a steady hand, and a determination to shoot down any man attempting to kidnap."

Mr. Eckert asked what proponents of Virginia SB 16 make of Douglass' statement, especially considering that the revolver was king among personal weapons in 1854 and just the thing one would want to stop a Deputy U.S. Marshall in the midst of a capital crime against a black person. He said it is an awkward question for gun grabbers to have to answer. He said if they support Douglass, they checkmate their interpretation of the Second Amendment by acknowledging that people have the right to keep and bear arms against criminal aggression by their own government. He said if they oppose him, however, they checkmate their political careers by revealing that they don't care about black people being kidnapped.

Mr. Eckert said the only other possible answer is for them to claim a shifting standard of ethics, but that, too, is problematic and should strengthen Virginians' resolve to not be disarmed by them, since it means there is no telling what will be right or wrong in their eyes tomorrow.

Mr. Eckert said they may be 150 years removed from the formal institution of slavery, but that evil men and women still abound. He said the kings and judges of the earth mostly hate and do not serve Jesus Christ, despite the warning of Psalm 2. He said accordingly, they often don't punish evildoers as they ought, and do arrest, incarcerate, and murder people who have done no wrong. He said it is understandable that they are afraid of a formidably armed people, they want such people to no longer be so, and that they want those who never were to think that this is all about helping people and saving children.

Mr. Eckert said if the General Assembly and Governor Northam really wanted to save children, they would abolish abortion, among other State-sanctioned or sponsored contrivances.

Because of applause from the audience (which Mr. Gallaway had asked the audience to refrain from doing), Mr. Gallaway said that the comments are being recorded for the record and that they are very hard to hear over applause. He said that if the disruptions continue, he does have the authority to declare those people out of the order and that they would take the necessary steps from there. He asked Mr. Eckert to continue his remarks.

Mr. Eckert said that gun control agendas, on the other hand, have never been fundamentally about saving lives, but always about the State consolidating power to render itself an unopposable idol, having exalted itself against the knowledge of God.

Mr. Eckert urged the Supervisors to avoid complicity with this entirely. He also offered his time, should any of the Supervisors wish to discuss it with him.

Ms. Judy Freeman said this was an important topic to be discussing and she appreciated monitoring and making sure they are heard. She said she is not a gun owner, but having said that, she expects that some will stop listening to what she would have to say. She said she is not against guns in total. She said her father was a hunter, and her brother collected guns and enjoyed target shooting.

Ms. Freeman said what she was in favor of was reasonable gun safety conversations between both those who see the need for public and personal safety, which she believes is a mutual goal between

gun owners and non-gun owners. She said she supports conversations between reasonable Second Amendment proponents and reasonable First Amendment proponents who believe in the right to peacefully assemble without fear of violence.

Ms. Freeman said she was also for reasonable gun safety legislation, which the majority of Virginians and Americans support, given the current number of suicides by guns and mass shootings using military-style weapons with high-capacity magazines and other enhancements, which allow a single shooter to kill or maim the maximum number of people. She said they are unfortunately all too well aware of what happened at Virginia Tech and, most recently, at Virginia Beach, and in the mass and domestic shootings in between and going forward.

Ms. Freeman said she does not believe Albemarle County becoming a Second Amendment sanctuary will enable those conversations to go forward. She said it is time to look beyond people's own personal wants to what is in the common good for all of the residents of Albemarle County and for the Commonwealth of Virginia as a whole.

Ms. Bekah Saxon said she is not a resident of Albemarle County but spends a lot of time in its schools. She said she works with the students, teachers, and families of Albemarle County. She said she grew up in Nelson County, so she was no stranger to hunting and gun ownership.

Ms. Saxon said that things have gotten to a point where she doesn't know that there are many people who don't come into a large public place and wonder how they would get out if gunfire were to erupt. She said students are constantly bracing themselves in their schools, and their teachers are constantly thinking of this in the schools. She said she is thinking it at that moment, explaining that she intentionally picked a seat close to an exit, and that she knew she was not the only person in the room with that thought. She said she simply didn't choose to carry a gun to try and resolve that because she doesn't have the thinking that she is somehow going to make anything better.

Ms. Saxon said legislative priorities have already been passed that include reasonable gun control measures. She applauded the Board for doing so and said she supported what they have done so far. She said the children of the County support what they have done so far, and the residents of the County who voted in the last election have proved that they support what they have done so far. She thanked the Board for what they have done.

Mr. Chase Welch, White Hall resident, thanked the Board members for their time and attention, as well as the residents there that day to voice their opinions. He said many people had spoken to the Board about different precedents that have been well-established, noting that anyone in the position of power the Supervisors currently occupy should be very familiar with all written documents, as well as current case law, that support the Second Amendment as an unalienable, individual, human right, as all amendments on the Bill of Rights are.

Mr. Welch said he would like to speak briefly about personal experience. He said he was a member of the United States Marine Corps and that during his time there, he was an infantryman who served in Afghanistan. He said he came into direct contact with tyranny on a local and state level and fought, killed, and had friends die to defeat that tyranny. He said that he did not do that for a nation that would then turn on its own citizens and seek to enact that tyranny upon them. He said members of the military also did not serve in that capacity where they would come home and see their nation so fundamentally changed.

Mr. Welch asked the Board to take the first step in sending a message to those in Richmond that the citizens of Albemarle County, while they do have an interest in law and peaceful cooperation and cohabitation, they have no interest in rejecting and refuting basic human rights as enumerated by both the founding documents of the nation and the State.

Mr. Welch urged the Board to consider the words of John Adams, that the constitution was made only to govern a moral and religious people, and it is wholly inadequate to govern any other kind of people. He said they must all accept basic human rights and foundational principles of the nation and the State, and move forward in a way that will encourage public safety, but also with the fundamental understanding that violence has always been a human condition and cannot be legislated away. He said therefore, if they remove any individual's right or ability to protect themselves, they are only subjecting them to the inevitable violence that will befall someone at some point.

Mr. Welch urged the Board to take no action that would further endanger any citizen in the County.

Mr. Will Nelson, Rio District resident, asked the Board to propose a vote to make Albemarle County a Second Amendment sanctuary county. He asked the Board to take a stand and let the State know that they will not stand with them as they try to pass unconstitutional laws. He said that Article I, Section 13 of the Virginia Constitution states, "A well-regulated militia composed of the body of the people trained to arms is the proper, natural, and safe defense to a free state. Therefore, the right of the people to keep and bear arms shall not be infringed."

Mr. Nelson said he would break down who the militia is made up of. He said 44-1 of the Virginia

Code describes the militia as all able-bodied residents of the Commonwealth who are citizens of the United States, and all other able-bodied residents in the Commonwealth who have declared their intention to become citizens of the United States who are at least 16 years of age and accept, as hereinafter provided, not more than 55 years of age. He said thus, the proposed laws are directly contradicting the Virginia Constitution by infringing upon the rights of the residents of the Commonwealth.

Mr. Nelson said in addition to that, they have seen that these types of gun laws do not lower crime. He said there was a federal assault weapon ban from 1994 to 2004, yet according to a book published by Oxford University Press, "There is no compelling evidence that the ban saved lives." He said multiple other studies have come to the same conclusion. He asked the Board to take a look around at places with strict gun control in the U.S. today. He asked them to look at Baltimore, Chicago, and Oakland, CA. He said these were some of the most dangerous cities in America, despite strict gun control.

Mr. Nelson concluded by saying that he hoped the Board would choose to do the right thing and let the State know that it won't support them trying to go against the Constitution of Virginia, that it wouldn't support them trying to turn good people into felons overnight, and that it will show its constituents that it is willing to stand up for their constitutional rights. He asked the Board to, at the very least, bring the resolution to a vote and show its constituents where it stands.

Mr. Matthew Christensen, Rio District resident, said a couple years before, Charlottesville City Council voted to remove Confederate statues from the public square. He said they were then personally sued and held liable for that vote, and that judges are currently deciding just how much they are going to have to pay out of pocket for making that vote.

Mr. Christensen said he cannot wait to sue every single Councilor and Supervisor in the State of Virginia when they decide not to enforce the law. He said precedent has been set, as Councilors and Supervisors can be held personally liable for passing laws and making votes and resolutions to not uphold the law. He said he cannot wait for sheriffs, deputies, Councilors, and Supervisors to refuse to support and uphold the law.

Mr. Christensen said it was bad when many White Supremacists got their feelings hurt because someone said that they should remove the statues, noting that they are still there. He said to imagine what will happen when someone gets killed. He said people will be lining up to sue and bring charges against every single individual who refused to enforce the law. He said he looked forward to doing this.

Mr. Christensen told someone (unknown) that he was glad they were laughing. He said if gun control laws are not passed, he is going to be right there on the front lines helping to arm every single marginalized individual in the State to defend themselves, likely from many people in the room. He said historically, gun control laws have not been enacted fairly, and that people are not treated fairly and the same under the law.

Mr. Christensen asked the Board to consider this and asked them if this was something they wanted to go to court over or to be held personally liable for every gunshot fired after the laws are passed.

Mr. Joe Thomas thanked the Board for hearing the comments from the public that evening on what is, at that point, hypothesis. He said they have seen the pre-filed bills, including those that say that being a part of a militia would be illegal, which seems countermanding to the idea that some have that in order to own a gun, one should be a member of the militia. He said these will end up in court because that is what happens. He said laws are written and then their constitutionality is challenged. He said the most important part of the Constitution is the phrase that begins with, "We the people."

Mr. Thomas said he would talk about something that hasn't been discussed, because the word "gun" actually doesn't appear in the Second Amendment. He said the word "arms" does. He said he would talk about equality and the ability of somebody who is 5'4" and 100 pounds, if need be, to defend themselves against someone who is 6'2" and 200 pounds. He said this is not about a gun, or a bullet, or a claymore hanging from a belt at a Renaissance Fair, but this is about the ability for someone to defend themselves. He said, however, that it cannot be taken in isolation from the other amendments. He said the First, Fourth, and Fifth Amendments are defended by the Second Amendment.

Mr. Thomas said the protestors in Hong Kong are being shot at by their government for one of the most obscure amendments, the Sixth Amendment, the right of the trial. He said the most important is the Tenth Amendment, which says, "The powers not designated to the United States by the Constitution, nor prohibited to the states, are reserved to the states, respectively, or to the people." He said therefore, the Second Amendment is the rule of the land, and whatever passes in Richmond will be challenged in court.

Mr. Thomas said he appreciated the Board's time. He said he would love to think that Albemarle County would consider themselves a sanctuary of all the Bill of Rights, not just one of them.

Mr. Earl Smith, Scottsville resident, said he had run against Mr. Randolph back in 2015. He said he didn't prepare a speech because he always speaks from his heart. He said he would like to apologize to the woman who doesn't feel safe and always has to be next to an exit. He said he also drives a school

bus and has let all his children know that if anything ever happens, he will shield them and be in front of them because he is a person of action and not someone who will let something happen to someone who cannot take care of themselves. He said this is a part of being an American. He said he would protect this woman.

Mr. Smith said he became an NRA instructor in basic pistol and rifle for the simple fact that he has too many friends who do not know how to properly handle a firearm. He said they don't know how to take it apart and not point the "business end" at people. He said what they have is not bad people, but bad instructions. He said with Albemarle County being one of the leaders in education in the whole nation, he would implore people to understand that education is missing from what people do now. He said people are too busy, and nobody takes the time to teach people that they don't point the "business end" at people, among other things. He said this is why he became an instructor.

Mr. Smith said he has a concealed carry and just recently obtained his Utah concealed carry because it affords him 32 more states that he can conceal carry in. He said he never carries a pistol as he doesn't feel he needs to. He said he pays attention to what is around him and encourages others to do so. He said he has the right, however, to carry and use that firearm if he chooses.

Mr. Smith said the proposals being made in Richmond by a Bloomberg-spawned \$15 million inflection of cash into Virginia was appalling. He said the letter Mr. Randolph had written to a constituent thoroughly upset him, noting that he would not debate that here because it was not the issue. He said he did not like being closed-minded as that and already making a decision before hearing what everybody wants to talk about. He asked that if anyone wishes to learn how an AR-15 or pistol works, to ask someone who is qualified to show them and let them learn and do. He said he hates dividing people and labeling people, but that most of the times they do things and say no is because they are uneducated, fearful, and don't want to learn.

Mr. Thomas Sikes, White Hall resident, said he has been a resident of the State of Virginia since 1960 and comes from a military family. He said he has a concealed permit. He said he is a military member of 22 years, an NRA life member, an RRPC member, and a VFW post commander. He said he is a hunter and sportsman, and also a Virginia militiaperson, as was everyone in the hall who can legally bear arms.

Mr. Sikes said that gun restrictions do not make the public safer. He said they are, in fact, counter to the safety of citizens. He said some examples of this would be Australia, Canada, and England who have all regretted the removal of guns, particularly in recent days. He said in World War II, England had to borrow guns from the United States in order to defend themselves from the Germans. He said many countries now require their citizens to maintain guns, citing Switzerland and Israel as examples.

Mr. Sikes said the purpose of the Second Amendment is not to guarantee hunting or even self-defense, but rather to prevent the overreach of government and the impertinent use of laws upon citizens' rights. He said, for example, King George, Lexington, Concord, and many others overreach by government tyrannically. He said George Washington and Thomas Jefferson agreed in all this, and the founding fathers placed no restrictions whatsoever on the Second Amendment and were right to do so. He said they realized what would happen in the future.

Mr. Sikes said this is the basis of the Constitution and allows for the opposition to an out of control government. He said the Board members' oath of office even states that they will abide by the Constitution of the state and federal government, and if they do not support it, they must step down or be removed. He said the first act of a tyrannical government is to remove the means of opposition by its citizens. He asked if they all remembered what Hitler's first act was during World War II. He said it was to remove guns and arms from its citizens.

Mr. Sikes said he knew Ms. Mallek's views, and she had stated them to him. He said he hoped he had done his part to change her views that evening.

Ms. Nancy Rodland, Charlottesville resident, said she was asked by some Albemarle County citizens to speak to support citizens' Constitutional rights, and most specifically, the Second Amendment. She said ultimately, the Second Amendment does not grant the people the right to bear arms, but it denies the government the authority to infringe upon their rights to bear arms. She said that evening, many speakers would be saying the same thing using different words.

Ms. Rodland said she would be sharing a portion of an impromptu speech given by an ordinary citizen, Mr. Mark Robinson from Greensboro, North Carolina to his town councilmen addressing their discussion regarding intended regulations and restrictions to the Second Amendment after reported national shootings. She said to keep in mind that this is a quote, so the word "you" was not directly referring to the Board.

Ms. Rodland read Mr. Robinson's quote: "When are you all going to start standing up for the majority? And here is who the majority is -- I'm the majority. I'm the law-abiding citizen who has never shot anybody, never committed a serious crime, never committed a felony. I've never done anything like that, but it seems like every time we have one of these shootings, nobody wants to put the blame where it should go, which is at the shooter's feet. You want to put it at my feet. You want to turn around and

restrict my Constitutional right that is spelled out, in black and white, to buy a firearm and protect myself.”

“It does not make any sense to the law-abiding citizens of this community and many communities around this country. We’re the first ones taxed, and the last ones considered, and the first ones punished when things like this happen because our rights are the first ones being taken away. That’s the reason why I came out here today, gun show or no gun show, NRA or no NRA. I’m here to stand up for law-abiding citizens of this community, because I’m going to tell you what’s going to happen.”

“You can take the guns away from us all you want. You all write a law; I’ll follow them all. So, the criminals are going to hold on to their guns. We demonize the police, criminalize them, vilify them, and we make the criminals individuals. And we’re talking about restricting guns? So, the criminals are still going to have their guns, and guess who’s going to be the one that suffers? It’s going to be me.”

“The majority of the people are law-abiding, and they follow the law and want their Constitutional rights to be able to bear arms. They want to be able to go to the gun show and buy hunting rifles or sport rifles. There are no military-grade weapons sold at a gun show. An AR-15 is not a military-grade weapon. Anybody who would go into combat with an AR-15 is a fool. It’s a semi-automatic .22 rifle. You’d have been killed in 15 minutes in combat with that thing.”

“So we need to dispel all these myths, and we drop all of this, all of the division we’ve got going on here, because the bottom line is when that Second Amendment was written, the framers wrote it for everybody, and the law-abiding citizens of this city are everybody, and we want to keep our rights. And by God, we are going to keep our rights.”

Ms. Rodland thanked Mr. Robinson and all the Mr. Robinsons represented there tonight and throughout the land. She asked the Board to support its Albemarle County citizens with its consideration and future vote for a two-way preservation ordinance and sanctuary.

Mr. Mason Pickett, Rio District resident, said he would first touch on something Mr. Thomas said relating to Hong Kong. He said everyone could learn something from those kids, and older folks too, noting that they are brave and out there “doing it.” He said they’re out there doing it in the face of mainland China, and they should be supported.

Mr. Pickett said he saw someone, noting he can’t read their mind, but their facial expression, and could be wrong, from a news staff turned around earlier today, looked at the crowd, and grimace. He said perhaps these were Hillary’s “deplorables,” the people who built one’s house, fixed one’s car, delivered one’s gasoline, or do many things that one cannot do. He said maybe they are people who live an entirely different lifestyle than this person does. He said maybe they live in the country. He said maybe their lifestyle is so different that they would never understand each other.

Mr. Pickett said he had a major message for the people behind him. He told them not to sit there and moan and groan, but to go vote. He said they can vote, but more importantly, there are people who cannot vote, citing a grandmother or people with anxiety as examples. He encouraged the crowd to show these people how to absentee vote, noting that the “leftists” are good at it. He said if they hang around Charlottesville as much as he does, they would learn something. He said so folks go vote.

Mr. John Haynes, Charlottesville resident, said his speech would be short. He said out of his cold, dead hands would they get his weapons.

Mr. Keith Follett, a lifelong resident of Albemarle County, said he would tell a joke. He said the police officers are doing the County a good service and that people must realize that there are many officers in the County serving the citizens that cannot afford to live in Albemarle County because his wage isn’t high enough, with the taxes and everything else.

Mr. Follett said he would tell a joke. He said an officer was on duty one day, and someone was speeding through town. He said the officer pulled him over, looked at this driver’s license and said, “Sir, did you know you were speeding?” He said the man replied, “A little bit.” He said the officer asked if the man had any firearms. He said the man replied, “Oh yeah, I have a .357 magnum laying under the seat.” He said the officer asked him if he had any more firearms. He said the man replied he had a .44 laying under another seat. The officer asked again, and the man replied that he had a .25 automatic in his pocket. He said the officer asked who the man was scared of, and the man replied, “Absolutely nobody.”

Mr. Jason Perry, White Hall resident, said he is an active shooter expert who travels around the country teaching schools, organizations, churches, and everyone who will listen. He said he fled from Massachusetts to come to Virginia for the laws, and now he is fleeing Virginia to go to Maine, where he can find laws that make sense to him. He said he was a former Navy SEAL for 16 years, former Boston SWAT officer, former Albemarle County officer, bodyguard to a man worth \$52 billion who had 100 guys like him, and all he could say was how many times they didn’t make it in time, and how many victims he had to hug, how much blood he had to wash off, and how many tears he had to dry because the cops couldn’t get there soon enough.

Mr. Perry asked how many officers work in Albemarle County at midnight. He said it was seven,

at best, and nine if they are full. He said they are serving 750 square miles, and it is broken down to about 100 square miles per officer. He asked what the chances are that they will make it to someone in time, and said it was next to none. He said people in Albemarle do not live in Boston, MA where the police response time is 90 seconds and that even there, they were not in time, far too often. He said people are on their own, and the officers will tell them they will not make it in time.

Mr. Perry said he was leaving, and this was no longer his problem, but that he would pray for every victim who would be there, and that the Board would realize what they are doing when they disarm them.

Mr. Perry said active shooters are not the only problem. He said a huge problem is an active driver. He said to imagine they are at Scotts Stadium emptying out 50,000 people if it sold out, and someone in a Ford F-250 pickup truck is driving on those packed streets. He said active stabbers are happening all the time. He said the tactics change, and the people are denied the rights to defend themselves.

Mr. Perry said he loved everyone and prayed to God that people would look after and watch over them. He said this was no longer his issue and that he hoped the Board understood what it was doing.

Ms. Karen Thorpe, Albemarle County resident, said she was a Military Police Officer in the United States Army and is currently serving for the Department of Defense in Charlottesville. She said she is a Second Amendment supporter 100% and that she has a military family.

Ms. Thorpe said that during her time in the military, she deployed to Iraq and Kosovo. She said after countries have been waged by war, the MPO went in as a clean-up crew to enforce martial law because there was no law in those countries. She said one thing they often did was go to crime scenes and murders. She said anyone who didn't like someone were killing each other. She said the people receiving the blunt end of the gun were the people that did not have the weapons because the majority had the weapons, and after a country is torn apart, all the jewelry, valuables, and everything is taken away from them by this stronger society. She said she did not want to see this happen to her country.

Ms. Thorpe said criminals are like water and look for the easiest path. She said if someone's car got broken into, she would respond and that person would say, "My car was locked," but that their purse was on the front seat. She said criminals shop around and look for the easy target. She said the people will be that target. She said there are very educated people in Charlottesville and Albemarle County and there is a lot of money there. She said there are also other areas of Charlottesville that aren't doing as well but as a whole, they are a complete society and they need to protect and take care of each other.

Ms. Thorpe said as Mr. Perry said, law enforcement cannot always respond in time and that people need to take care of each other with their weapons, support each other, and be able to arm themselves when needed.

Mr. Timothy Faulkner, Scottsville District, said he grew up in the area his whole life, lives in the woods, and loves hunting and fishing. He said he admires the beauty of the area and loves it, but that it has been changing for the worse as laws have progressively become more "left" and pushing for more safety, which he sees as control. He said he wants to see an area where the rural people can live whose families have been there for hundreds of years. He said he lived next to his fourth great-grandfather's grave and that he knew he would not want what is going on now today, the right to protect themselves removed from them. He said it hurts his feelings that people who are just moving to the area are trying to change things.

Mr. Thomas McClure, resident of Charlottesville City, said the people before him had stated what he wanted to say very clearly, but there was one further point he wanted to make. He said there is something called a Category 3 gun owner and this person can operate and own full-automatics and machine guns. He asked if the Board had ever seen a case where there is a massacre by a full-automatic or machine gun, at least in the five years he was a resident there he did not see any. He said his point is that dangerous firearms themselves do not kill. He said those things are much more dangerous than an AR-15, but they didn't kill.

Mr. McClure said he comes from China and that some people have stabbed 30 people with a chef's knife at a train station. He said there is no way that they can prevent massacres if someone is ill-minded, and that powerful firearms themselves do not kill.

Mr. Steve Winenburg, Albemarle County, said he was originally born in South Africa, expressing it is a wonderful and beautiful country, and that he became an American citizen in August 2017 and was very proud. He said he honors the flag, police officers, and military of the country.

Mr. Winenburg said it was very sad to see what is happening there, as he went through this in South Africa, noting it is a country full of law-abiding citizens and a safe country. He said he did time in the military there and that his life was saved because he had a personal firearm on him. He said he would not be standing there today if he did not have that. He said in South Africa, they went through firearms being taken away from the citizens and they went from being one of the safest countries in the

world to now being one of the most dangerous.

Mr. Winenburg said he was there in America because of the Second Amendment. He said he was there to protect the Second Amendment because he didn't want to see the same thing happening there as it did in South Africa, where the right of a man has been taken away that he cannot protect his family. He said it wasn't the case of "if" your wife and kids were going to be attacked and raped, but it was "when," and they could not protect them. He asked the Board not to let this happen to its society. He asked them to protect their rights to have their firearms.

Mr. Matt Kiser, Rio District, said he is a 19-year resident of Albemarle County and has four kids that he has raised with respect and taught them how to handle firearms safely. He said he brings this up because they talked a lot about the Constitution and theories. He said that as an attorney, he has drafted legislation and knows how lofty this can be.

Mr. Kiser said his son was married in August of that year. He said on the fifth day after he was married, he and his wife were asleep in Virginia, and a man tried to break down their door. He said his daughter-in-law immediately called 911, and it was put on hold. He said his son grabbed his firearm, which was in a safe by his bedside, a firearm which, by this legislation, would make him a felon because the firearm was sold with a 20-round magazine. He said his son defended himself and his new wife by meeting the intruder at the door. He said they kept the man at bay, at gunpoint, until police arrived.

Mr. Kiser said he was there today to tell the Board that this was a very personal example of what the Second Amendment means to him. He said that this was a lesson that his son and daughter-in-law will never forget. He said the next morning, they went to the gun range because his daughter-in-law, who, up until that time, was familiar with weapons, but not familiar enough, admitted that if something had happened to his son, she would have been defenseless. He said this is something that the people in the hall wants to make sure does not happen in this country.

Mr. Jeffrey Eice, Jack Jouett District, said he was a recent transport to the area from California. He said he would like to apologize because it appeared he brought some bad ideas with him. He said one of the things being considered is the assault weapons ban, and that he wanted to remind everyone that these laws have all been passed in places like California and New York. He said those places are still deadly dangerous and there are still problems with mass shootings. He said mass shootings and killings have been around throughout history, and if they look at places like Mexico right now, where there are complete gun bans, there are still mass killings and shootings.

Mr. Eice said it is a social phenomenon that they are witnessing. He said in America, they had all these weapons available 20-30 years ago but still didn't have these mass killings. He said what they are seeing is a decline in social order, and this is not going to be improved by eliminating weapons or access to weapons to people who were never the problem in the first place.

Mr. Eice urged the Board to consider the Second Amendment sanctuary movement and proceed with the resolution.

Mr. Eice said he moved and doesn't intend to move again as a result of gun control laws passed there. He said the property he purchased and the things he owns are defended by the Second Amendment as well as the Constitution of Virginia. He said he has no intention of moving or turning in any of his things when the time comes. He asked the Board not to drive a wedge between the community, the police, and themselves.

Mr. Eice said other people talk about lawsuits between themselves and the Board. He asked the Board to consider the consequences for the rest of the people and believe that they are defending their sacred rights. He said he had no intention of complying with the nonsense.

Mr. Todd Ivasek, Albemarle County resident, said he is the father of two amazing kids and husband to a gorgeous wife.

Mr. Ivasek said they moved to the area about three years ago from South Florida in search of a better life for his family and a better place to raise his kids surrounded by nature, mountains, and everything that is amazing and natural. He said part of what brought them there is the right and ability to safely protect his family. He said when they were looking for places to relocate, they hadn't thought of Virginia, and looking at the temperature and topography, it was very attractive. He said they then visited and loved it. He said he loved the history of the founding forefathers, who wrote parts of the Constitution there. He said the area is rich in history and in everything that made the country awesome.

Mr. Ivasek asked the Board not to take away his right and ability to protect his family. He said it is illegal to kill someone, but people are still doing it. He said if they take away people's ability to protect their family, the only people that are going to have those weapons are the people that shouldn't have them anyway. As a resident, father, and husband, he begged the Board to not make him a criminal. He said he has a concealed carry permit and has weapons at home he has locked up that his kids cannot get to. He said he is a very responsible gun owner, and he guaranteed that there are many people in the audience that are in that same vein of thinking of responsible gun ownership. He said all the Board would be doing is taking responsible people and turning them into criminals. He asked the Board not to do this.

Mr. Tom Dolan, Earlysville resident, said he moved to the area in 2012, when he retired from his local County Police Department on March 31 and was out of there by April 1 to get away from the governor in New York and some of the laws they have there. He said he didn't want the new governor in Virginia to take his rights away to be able to defend himself.

Mr. Dolan said on his front door, he has a sign that says, "There will be no warning shots due to the increase of ammunition prices." He said when people come to his door who don't know him, they will ring the bell and stand next to a big tree there. He said though he didn't want to scare them, he wants them to be on notice. He said he is going to defend himself, his neighbor, and his family as it is something he believes in.

Mr. Dolan said currently, the gun he retired with would be considered illegal if they pass the law. He said he is friends with many police officers and that this cannot happen to Albemarle County.

Mr. Dolan said they need to take a step back from this and determine where the problem is. He said mental health is a huge problem, and there has to be a lot of education and understanding of what is going on in the schools and what happened with these people. He expressed disbelief that many of the shooters went through school and no one knew they were troubled.

Mr. Dolan said he was willing to pay more expensive taxes to live in the area to put the right people into schools and to start teaching businesses that if they fire someone and think there is a problem with them, call the authorities, as there must be ways and solutions to deal with this other than taking it out on good citizens who have the Board's back, whether they voted for them or not.

Recess. At 7:14 p.m., Mr. Gallaway closed matters from the public and expressed his appreciation for everyone coming out to speak. He said that with the large volume of people they had for public hearings on the agenda, they would take a recess to allow those who did not wish to stay for the public hearings to exit. At 7:23 p.m., Mr. Gallaway called the meeting back to order.

Agenda Item No. 17. **Public Hearing: Ordinance to Change the Branchlands Precinct Polling Place Location.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 2, Administration, Article I, Elections, by amending § 2-102, Rio Magisterial District, to change the polling place in the Branchlands District from the Senior Center on Hillsdale Drive to the Church of the Incarnation Activity Center at 1455 Incarnation Drive. (*Advertised in the Daily Progress on November 18 and November 25, 2019*)

The Executive Summary forwarded to the Board states that Virginia Code § 24.2-307 requires that the Board of Supervisors establish polling places by ordinance. Albemarle County Code § 2-102(C)(2) establishes the Senior Center as the polling place for the Branchlands Precinct in the Rio Magisterial District. The Senior Center provided written notice on November 6, 2018 of its intent to terminate its Polling Place Agreement with Albemarle County (Attachment A). The Agreement terminates after the November 5, 2019 general election.

The Albemarle County Electoral Board investigated alternative polling place locations for the Branchlands Precinct and recommends that the polling place be relocated to the Church of the Incarnation Activity Center. The Church of the Incarnation has agreed to have the Activity Center serve as a polling place. The attached map (Attachment B) shows the former Senior Center location and the proposed new Church of the Incarnation location. The County Attorney has prepared the attached proposed ordinance (Attachment C) to reflect this polling place change in County Code Chapter 2, Administration, Article I, Elections, Section 2-102(C)(2), Rio Magisterial District, Polling Places, Branchlands Precinct.

The adoption of the proposed ordinance will have no budget impact.

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

Ms. Clarice Schermerhorn, Elections Manager, said she was asking that the Board change the Branchlands Precinct's polling place from The Senior Center on Hillsdale Drive to the Activities Center at the Church of the Incarnation. She said The Senior Center is closing and had let her know some time ago that this November 5 election was the last one they would be able to host there. She said the Electoral Board and registrar has looked in the precinct and that the best location they could find was the Activity Center at the Church of the Incarnation. She said they have entered into a polling place agreement with the church, and they are ready to host the Super Tuesday March Primary if the Board will change the ordinance.

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 for further comments, discussion, or a motion.

Mr. Randolph observed that it is rare that a precinct polling place is changed and that it results in a better, more central location. He congratulated Ms. Schermerhorn on having done that.

Mr. Gallaway added that the parking there would be much better.

Mr. Gallaway **moved** to adopt the attached proposed Ordinance No. 19-2(3). Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ORDINANCE NO. 19-2(3)

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE 1, ELECTIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article 1, Elections, is hereby amended and reordained as follows:

By Amending:

Sec. 2-102 Rio Magisterial District.

Chapter 2. Administration

Article 1. Elections

.....

Sec. 2-102 Rio Magisterial District.

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

A. *Description of district.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the South Fork Rivanna River; then northeast along Seminole Trail to its intersection with Dickerson Lane (State Route 763); then west along Dickerson Lane to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then south along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east along Whitewood Road to its intersection with Greenbrier Drive; then southeast along Greenbrier Drive to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with Charlottesville's northern city limits; then along the Charlottesville city limits east to its intersection with the Rivanna River; then meandering north along the Rivanna River to its confluence with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River, to Seminole Trail (U.S. Route 29), the point of origin.

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

1. *Agnor-Hurt Precinct.* Beginning at Seminole Trail (U.S. Route 29) and its intersection with Greenbrier Drive; then northeast along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering west and south along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east along Whitewood Road to its intersection with Greenbrier Drive; then southeast along Greenbrier Drive to its intersection with Seminole Trail, the point of origin.

2. *Branchlands Precinct.* Beginning at Charlottesville's northern city limits and its intersection with Denice Lane and Rio Road East (State Route 631); then northwest along Rio Road East to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to Charlottesville's northern city limits; then east along the Charlottesville city limits to its intersection with Denice Lane and Rio Road East, the point of origin.

3. *Dunlora Precinct.* Beginning at Rio Road East (State Route 631) at its intersection with the Norfolk Southern Railway right-of way and the Charlottesville city limits; then northeast along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and the Rivanna River; then running south along the Rivanna River to its intersection with the Charlottesville city limits; then south and west along the Charlottesville city limits to its intersection with the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way and the Charlottesville city limits to its intersection with Rio Road East, the point of origin.

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

5. *Woodbrook Precinct.* Beginning at Charlottesville's northern city limits and its intersection with Rio Road East (State Route 631) and the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River; then meandering northwest along the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with Rio Road East (State Route 631); then southeast along Rio Road East to its intersection with the Norfolk Southern Railway right-of-way and Charlottesville's northern city limits, the point of origin.

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

1. *Agnor-Hurt Precinct.* Agnor-Hurt Elementary School, 3201 Berkmar Drive.
2. *Branchlands Precinct.* Church of the Incarnation, Activity Center, 1455 Incarnation Drive.
3. *Dunlora Precinct.* Charlottesville-Albemarle Technical Education Center, 1000 East Rio Road.
4. *Northside Precinct.* Earlysville Volunteer Fire Station, 283 Reas Ford Road.
5. *Woodbrook Precinct.* Woodbrook Elementary School, 100 Woodbrook Drive.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(1), § 2-101; Ord. 01-2(1), 5-9-01; Ord. 02-2(3), 5-1-02; Ord. 06-2(2), 7-12-06; Ord. 11-2(2), 5-4-11; Ord. 15-2(2), 10-7-15; Ord. 18-2(2), 4-11-18; Ord. 19-2(2), 8-7-19; Ord. 19-2(3), adopted 12-4-19, effective 1-1-20)

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

This Ordinance shall be effective on and after January 1, 2020.

Agenda Item No. 18. **Public Hearing: ZMA201900013 Biscuit Run Park.**

PROJECT: ZMA201900013 Biscuit Run Park

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 090A0-00-00-001A0, 090A0-00-00-001B0, 090A0-00-00-00300, 090A1-00-00-00100, 09000-00-00-00500, 09000-00-00-006D0 (portion), and 09000-00-00-017D0

LOCATION: Multiple parcels between Route 20 South and Old Lynchburg Road (State Route 631).

PROPOSAL: Proposal to rezone from Neighborhood Model District (NMD) to Rural Areas (RA) to allow for a large public park.

PETITION: Rezone a total of 1,171 acres from Neighborhood Model District (NMD) (portion of ZMA200500017), which allows residential uses at a density of 3-34 units per acres, mixed with commercial, service, and industrial uses, to Rural Area which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). No residential is proposed.

ZONING: Neighborhood Model District (NMD)- residential (3 – 34 units/acre) mixed with commercial, service and industrial uses

OVERLAY DISTRICT(S): Flood Hazard Overlay District; Steep Slopes- Managed and Preserved

PROFFERS: No

COMPREHENSIVE PLAN: Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams in the Southern Neighborhood within the Southern and Western Urban Area Master Plan.

MONTICELLO VIEWSHED: Yes (portion). (Advertised in the Daily Progress on November 18 and November 25, 2019)

The Executive Summary forwarded to the Board states that, at its meeting on November 5, 2019, the Planning Commission voted to recommend approval of ZMA201900013. The Commission's staff report, action letter, and minutes are attached (Attachments A, B, and C).

The County Attorney has prepared the attached Ordinance (Attachment D) reflecting the recommendation of the Planning Commission.

Staff recommends that the Board adopt the attached Ordinance to approve ZMA201900013 (Attachment D).

Ms. Megan Nedostup, Principal Planner with Community Development, presented the rezoning application.

Ms. Nedostup presented a map on the screen for Biscuit Run Park. She indicated on the map to Avon Street, which turns into Route 20, noting that Old Lynchburg Road is on the other side of the parcels. She said there is a proposal to rezone Neighborhood Model District zoned parcels to Rural Area (RA) to allow the development of Biscuit Run Park. She explained that the red line on the map is a development area boundary, and that the park would include all of Parcel 90-60. She noted that only a portion of that property, however, is currently zoned NMD to the north of the development area, and it is already zoned RA on the south of that boundary, though it is the same parcel.

Ms. Nedostup presented a brief history and timeline on the screen, recalling that a rezoning was approved in 2007 for 3,000 residential units and 150,000 square feet of nonresidential. She said the rezoning is necessary in order to develop the property as a park. She said the County is leasing the property and is therefore subject to the zoning laws. She said the current Neighborhood Model District (NMD) zoning does not permit a public park over the entirety of the property, and so in order to change the condition and begin development of the park, the County needs to rezone the property to a more appropriate designation that allows for a large public park.

Ms. Nedostup said that while the Commonwealth is not subject to local zoning regulations, the Department of Conservation Recreation did provide its consent for the rezoning for Biscuit Run Park.

Ms. Nedostup presented a map of the Comprehensive Plan. She indicated on the map to Avon Street, Route 20, and Old Lynchburg Road. She said the Comprehensive Plan does designate the parcels as Parks and Green Systems for future Biscuit Run Park, and so the rezoning is aligned with the Comprehensive Plan.

Ms. Nedostup said she would give a brief overview of the Master Plan for the park. She said Phase I is currently in design and includes an entrance off of Avon Extended. She said the opening of the trails to the public will be broken into two subphases. She said Phase I-A includes a rustic parking area, trail access, and an entrance off of Avon. She said Phase I-B includes an expanded parking area, a maintenance shed, and other entrance and trail improvements.

Ms. Nedostup said the anticipated completion of Phase I-A is the fall of 2021, and that the completion of Phase I-B is unknown at this time. She said future phases will include the playing fields and other amenities, as shown in the Master Plan.

Ms. Nedostup said staff recommends approval of the rezoning.

Mr. Gallaway opened the public hearing.

Mr. Neil Williamson, with the Free Enterprise Forum, said that one benefit for doing his job as long as he has is institutional memory, and he remembered the excitement the community had about Biscuit Run and the proffers that were supposed to come with it. He said that none came to pass, and then the State decided that the development area needed a state park. He said the State gave the County this without the funding, but they didn't have to get a rezoning because they are the State.

Mr. Williamson said the County is now leasing it back, and it doesn't have the power the State does, so it needs to have a rezoning. He said what the County is actually doing with this action, while it is in compliance with the Comprehensive Plan because they did a Comprehensive Plan Amendment, is shrinking the development area. He said there was no doubt about this, and the question was to when they are going to replace it. He asked when the Board would have this discussion because the community was excited before the recession about Biscuit Run and about the things the new Neighborhood Model development would bring, such as affordable houses. He asked where they were going to grow.

Mr. Williamson asked when the Board was going to have this conversation. He said he has asked about it several times that year, and in years past. He said it was not going to be a one-year conversation but would be a four- or five-year conversation. He asked where they are going to grow next.

Mr. Gallaway closed the public hearing and brought the matter back to the Board for further comments and discussion.

Ms. Palmer recalled when it came out in the newspaper that the deal was going through and that it was going to become a park. She admitted that she was upset as they had put in the sewer lines and spent a lot of money when she thought it was going to be the development area. She said that now that she sees what has happened in the area with the amount of development they have had and the more development that will go into Southwood, and considering the traffic, she is glad it will be a park. She said this is needed also.

Mr. Randolph expressed that the park will have educational and institutional impacts.

Ms. Palmer said the Board likely will have the conversation that Mr. Williamson talked about eventually, admitting that she was in no hurry because they are spending a lot of time catching up with the growth they have right now and with the new growth they are seeing in the area.

Mr. Randolph echoed Ms. Palmer's thoughts.

Ms. McKeel said her memory of the development proposal was sitting down with the developer and a couple others and talking about the elementary school they were going to proffer. She said there is still, of course, a middle school and high school. She said it does seem that, more often than not, land that is proffered for schools somehow doesn't get used very often for schools. She noted that having said this, this was a whole different discussion.

Ms. Palmer expressed that when a school costs \$100 million, it's nice to have the land, but there was more to it.

Mr. Gallaway admitted that regarding Mr. Williamson's comment, it was an intellectual exercise he had to go through to think about this in terms of the development area being constrained. He said the reverse is that they talk about where to have green space and park activities in the development area. He said they are carving out niches around the river on Route 29, and that this is a nice amenity that those in the urban and development area will be able to access in a very convenient way that they cannot always say they are able to do when they live in the urban area.

Mr. Randolph said it is also true that when this was officially agreed upon by the Board, there was a lack of recognition of the externalities of development. He said there was a supposition that additional growth was automatically a net positive for the County and that additionally, the educational and institutional adjustment, and that the capacity that arose to adjust with added growth, was going to occur easily.

Mr. Randolph said what they have come to recognize during the time that he and Mr. Dill have sat on the Board is that there are tremendous constraints that exist with growth, and that growth going forward has to be more holistically managed when looking at all the ramifications to ensure that that growth also helps pay for the ramifications, rather than it being subsidized solely by existing taxpayers.

Mr. Randolph **moved** to adopt the attached Ordinance to approve ZMA201900013 (Attachment D). Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

ORDINANCE NO. 19-A(17)
ZMA 2019-00013

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX PARCELS 09000-00-00-001A0, 090A0-00-00-001B0, 090A0-00-00-00300, 090A1-0-00-0010,
09000-00-00-00500, 09000-00-00-006D0 (PORTION), AND 09000-00-00-017D0**

WHEREAS, the application to rezone 1,171 acres from Neighborhood Model District (NMD) to Rural Areas (RA) on Tax Parcels 09000-00-00-001A0, 090A0-00-00-001B0, 090A0-00-00-00300, 090A1-0-00-0010, 09000-00-00-00500, 09000-00-00-006D0 (Portion), and 09000-00-00-017D0, is identified as ZMA 2019-00013 Biscuit Run Park ("ZMA 2019-00013"); and

WHEREAS, on July 17, 2019, the Board of Supervisors approved a Resolution of Intent for a County Initiated rezoning for the properties; and

WHEREAS, on November 5, 2019, the Planning Commission voted to recommend approval of ZMA 2019-00013

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2019-00013 and their attachments, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-10.1, the Southern and Western Neighborhoods Master Plan and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2019-00013.

Agenda Item No. 19. **Public Hearing: ZMA201800012 Galaxie Farm.**

PROJECT: ZMA201800012 Galaxie Farm

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 09100000000900; 09100000001500.

LOCATION: 193 Galaxie Farm Lane.

PROPOSAL: Rezone property from residential to a higher density residential development with a mixture of unit types.

PETITION: Rezone 13.36 acres from R1 Residential zoning district, which allows residential uses at a density of 1 unit per acre to Planned Residential Development (PRD) that allows residential (3 – 34 units/acre) with limited commercial uses. A maximum of 65 units are proposed for a gross density of approximately 5 units per acre and a net density of 6 units per acre.

OVERLAY DISTRICT(S): Entrance Corridor; Steep Slopes- Managed and Preserved; Scenic Byways.

PROFFERS: Yes.

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial; Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams in the Southern Neighborhood 4 within the Southern and Western Urban Area Master Plan.

MONTICELLO VIEWSHED: No. (Advertised in the Daily Progress on November 18 and November 25, 2019)

The Executive Summary forwarded to the Board states that, at its meeting on October 15, 2019, the Planning Commission voted to recommend approval of ZMA201800012 with a recommendation that the density be reduced to match the Comprehensive Plan and that additional changes recommended by staff be made to the application plan. The Commission also recommended approval of the Special Exception request to allow the front and rear setbacks to be modified. In addition, the Commission approved requests for private streets, sidewalk, planting strip and curb and gutter modifications. The Commission's staff report, action letter, and minutes are attached (Attachments A, B, and C).

Since the Planning Commission meeting, the applicant has submitted a revised application plan that reduced the density from 72 units to 65 units, as recommended by the Commission. The applicant also made the following modification to the application plan, as recommended by staff and the Commission:

1. Private Road D was revised to be two public streets with a future right of way extension to the County property line to the north for future dedication upon demand of the County.
2. Note B on Sheet 7 was revised to match the recommendation of the Commission for setbacks.
3. Street sections were revised to match the recommendation of the Commission.

Staff has reviewed the revised application plan and found that it meets the recommendations by the Commission.

Staff recommends that the Board adopt the attached Ordinance to approve ZMA201800012 (Attachment E), and the Resolution to approve the Special Exception (Attachment F).

Ms. Nedostup presented. She mentioned that the site is located just north of Biscuit Run Park. She said there are two parcels totaling 13.36 acres that are proposed to be rezoned from R1 Residential to Planned Residential Development (PRD).

Ms. Nedostup presented a map and indicated to the two highlighted parcels, Route 20 along the south, and Mill Creek Drive. She said there are adjacent County-owned properties to the north, the Avinity subdivision and the Kappa Sigma building to the south, and Cale Elementary to the west. She said across from Route 20 is the Rural Area.

Ms. Nedostup said the Comprehensive Plan designates these properties as Neighborhood Density Residential, which recommends a density of 3-6 units per acre. She said the adjacent County-owned properties are designated as institutional to the north. She presented the land use map and indicated to Scottsville Road, the highlighted subject properties, and the institutional County-owned properties.

Ms. Nedostup presented a map of the parks and green systems map, explaining that it shows a buffer along Scottsville Road/Route 20, along the frontage of the properties. She said there is a multi-use trail along both Route 20 and the connector road, as shown on the green systems plan.

Ms. Nedostup said that in addition, the Comprehensive Plan discusses the Center designation, as indicated on the map, which is on County-owned property, but that the plan states that a collaborative community process is needed prior to the decision on the uses of the County properties.

Ms. Nedostup restated that the applicant is requesting to rezone from R1 Residential to PRD. She said the development is proposed to have a variety of housing types, including single-family detached, single-family attached townhomes, or a mixture.

Ms. Nedostup presented the application plan, noting that a buffer and open space is proposed along Route 20 to include the existing stream buffer and some steep slopes. She said Road A is a portion of the connector road that is recommended in the Comprehensive Plan and includes bike lanes.

Ms. Nedostup said a number of changes have been made based upon the Planning

Commission's recommendation. She said the density was reduced from 72 units to 65 units. She said Private Road D was revised to be two public streets, with a future right-of-way extension to the County property line to the north for future dedication, upon demand of the County. She said a note on Sheet 7 was revised to match the recommendation of the Commission for the setbacks, and that street sections were revised to match the recommendations of the Commission as well.

Ms. Nedostup said there were modification requests in addition to the rezoning, including a private street authorization, street standards for sidewalks, planting strips, curb and gutter modifications, and a modification of setbacks. She said the private street and street standards request require Planning Commission approval only, and that the Planning Commission approved those unanimously. She noted that no action by the Board is needed for those requests but, however, the setback modification is a Board approval and that the Board would need to act on that evening. She said there would therefore be two motions that evening.

Ms. Nedostup said the applicant is requesting a modification to the front and rear setbacks for the lots that are adjacent to access by Road E on the application plan. She indicated on the plan to Road E, explaining that this request is to accommodate some amenity-oriented lots that they envision over the open space.

Ms. Nedostup said that since the Planning Commission meeting, she has updated the favorable and unfavorable factors to reflect the change in density. She said that in her staff report, she had had an unfavorable factor listed that the density was over that of the Comprehensive Plan, but since then, the applicant did reduce that, so this unfavorable factor was removed. She noted, however, that the other factors remain the same.

Ms. Mallek asked how the numbers will play out as far as affordable housing within the 65 units.

Ms. Nedostup replied that page 7 of the staff report explains that if the applicant builds to the 65 units, there will be 10 affordable units provided.

Ms. Mallek asked if these were guaranteed as part of the stipulation.

Ms. Nedostup replied yes.

Mr. Randolph said he wanted to be sure that given the fact that the number came down, that what the Board was looking at that evening was a total of 65 units, 10 of which are affordable housing and the other 55 of which are undefined housing types.

Ms. Nedostup said this was correct.

Ms. Mallek asked if it was now commonplace to have undefined housing types with the new process. She said in the past, they used to determine a certain number of different types, not necessarily where, but some stipulation about how it was going to be done.

Ms. Nedostup replied that for a number of years, there has been a cap of a maximum number of units, or minimum number of units. She said that within certain blocks, there were some mixtures, but that this is a smaller development where staff does not necessarily see the need for that.

Ms. Mallek asked if it was because the development was small, it was almost like one block of a bigger project.

Ms. Nedostup replied yes, explaining that for a bigger project like Brookhill or Old Trail, staff would want to have a mixture.

Mr. Gallaway invited the applicant to come forward.

Ms. Nicole Scro said she was representing the real estate development company Gallafray along with Justin Shimp from Shimp Engineering. She said the property is 13 acres off of Route 20 designated as Neighborhood Density Residential, with 3-6 units per acre coming to 65 total units, excluding the green area.

Ms. Scro said that since submitting the timeline in September 2018, the project has gone through several evolutions. She said there was a work session about density and that the original vision was to create smaller units, with some bungalows or cottages. She said they were looking to have doubled the density of what Neighborhood Residential Density would have been to put in the smaller cottages. She said they had also proposed building more of the connector road that is in the Comprehensive Plan that Ms. Nedostup, in exchange for County property.

Ms. Scro said they recently resubmitted the application and lowered the density to 76. She said they had proposed 10 units over the density, and those 10 units would have been affordable housing units no longer disturbing the County property. She said they have now reduced the total to 65, which is the Comprehensive Plan designation. She said she had preserved a small bit of 10-11 smaller units in the previous plan, so now it is all larger units.

Ms. Scro said that while the affordable housing number doesn't change, the market rate units change in their price point. She said because the price of the land is fixed, they need to reach a certain

valuation, and this changes based on how big the lot sizes or units are. She said they can still achieve the valuation they need to with lower density but will have bigger or more expensive houses.

Ms. Scro said this was the result of the change. She said they respect the County's policy and Comprehensive Plan and would return to propose some interesting projects at another time.

Ms. Scro said that because there have been many revolutions of the property, the applicant engaged with the community by going twice to the CAC, meeting with the residents of Avinity next door twice, and with residents of a few houses off of Galaxie Farm Lane, as well as with Kappa Sigma, Tandem School, and the nursing home as well. She said the biggest feedback she received, mainly from residents of Avinity, was that they moved into their houses 3-5 years ago and are now ready to purchase a single-family detached house, and so they were excited about this opportunity.

Ms. Scro said that to Ms. Mallek's question in looking at the project and in conjunction with the surrounding Avinity, it is all single-family attached or townhouses. She said the applicant will be able to put in some single-family detached housing there, and so this was exciting for the Avinity residents. She said they have already chosen the lots that they like.

Ms. Scro presented the illustrative plan, indicating to Route 20. She said there was some conflict between having the connector road that is able to accommodate bike lanes, sidewalks, and street trees while also preserving the rural character along Route 20. She said the 3 acres of buffer is actually smaller in width to another area, and that it would still preserve the rural look of Route 20 while also accommodating the connector road. She said this was a great medium there.

Ms. Scro indicated on the plan to the affordable units. She indicated to where the smaller units would have been, noting that the units are taking up much more land now.

Ms. Scro presented the changes, noting that there are now less townhouses and that there are larger homes placed in.

Ms. Scro noted that the property is around three different schools and that Planning Commissioner Tim Keller had mentioned that this was important, as it affords schoolchildren to walk to school and take advantage of that.

Mr. Randolph said the Planning Commission staff report, page 3, under "Specifics of the Proposal" says, "The application does not propose any limitation on the types of residential uses permitted within the development. Therefore, the property could be developed as single-family detached dwellings, single-family attached dwellings, townhomes, or a mixture thereof." He said yet, Ms. Scro was showing a plan identifying single-family detached units A and B, townhomes, and affordable units. He asked if Ms. Scro was committing to that plan that evening for the Board of Supervisors for approval.

Ms. Scro replied no. She said the application does not include this plan because it was only illustrative. She said she was 90% certain that this was what they would build, but that it was not binding. She explained that the way the application plan is written, it allows for building all townhomes or all single-family detached, if they choose. She said she would argue that there would be almost zero chance they would build all townhouses there, as it would not be utilizing the property to its full valuation. She said they could possibly build all single-family detached, and that this would not necessarily be a negative thing, as it is something the community wants, but they wouldn't be able to fit in as many units as they would need there.

Ms. Scro said that since this was discussed earlier, and it is a smaller project with single-family attached and townhouses, that community is all one product type. She said having this is not solely a bad thing. She said they have run across issues with the minimums and maximums as well, in the past.

Ms. Scro said she wouldn't be much opposed if the Board wanted to make the plan binding. She said the only issue with this is that they would want some discretion to change a few things, as the unit types aren't exact.

Mr. Randolph said what Ms. Scro has provided the Board is a hypothetical plan that actually doesn't have any relationship to the application that the Board was approving that evening, though it could. He said on the other hand, it might not. He asked if this was correct.

Ms. Scro replied that this would be the most likely plan to be developed because it maximizes the value of the property. She said it is highly unlikely that another plan would be built there that would look substantially different from it. She said the illustrative plan is not divorced from the application plan because it is based on the application plan. She said this wasn't something that cannot be built because of the application plan.

Ms. Scro said that much like many other applications, they are providing an illustrative plan and that she didn't think this was something that was outside the realm of what happens in the typical County process.

Mr. Justin Shimp, engineer for the project with Shimp Engineering, clarified that the road alignment and location of Road E are happening. He said the only question was about any one block, and if it was a 40-foot-wide house or 20-foot-wide house because it may shift from place to place. He said the location of green space and park, and other things that are features, are set more or less in

stone. He said the project would look much like the illustrative plan, with houses perhaps shifting. He said the builder may come along and decide where to place the houses, and that although it would follow the form and function, it may not be the exact unit locations on the plan.

Mr. Randolph said that therefore, to the unpracticed eye, what the Board and audience were looking at was a reasonable facsimile of what will be the final plan.

Mr. Shimp said this was an accurate way to describe it.

Mr. Kamptner said that page 7 of the application plan, which has the residential areas laid out in blocks and the housing types that would be allowed in each block, is what the Board would be approving that evening, unless there are further revisions.

Mr. Gallaway opened the public hearing.

Mr. Dennis Mennorick, a County resident of 48 years, said he had been an engineer in the past and that the plan looked like a fine design. He said, however, that the school there is already overcrowded and that there are no plans to expand it. He said his rhetorical question to the Board was what they will do with the 100 or so children who will live there, and where they would go to school. He said the County needs to plan the infrastructure to go along with the development.

Mr. Gallaway said he knew that the Cale expansion was in the five-year plan, though it was not yet funded.

Mr. Gallaway closed the public hearing and asked Mr. David Benish to address the question about schools.

Mr. Benish said he was confident about the facts and that it was what was proposed to the Planning Commission. He said there is a proposal in the CIP for an additional 11,800-square-foot expansion at Cale with six classrooms, cafeteria expansion, support facilities, additional parking, and enhanced playground, and outdoor learning area. He said the capacity is increased from 668 to 770, which is the information provided in the CIP that was proposed, yet not adopted.

Mr. Gallaway said the point was not lost and that the Board has talked about trying to get ahead of infrastructure on many projects, especially when density is increasing. He said the point was well-taken.

Ms. Mallek asked if there was any trail that leads to neighboring neighborhoods, such as Avinity, or other properties.

Ms. Scro replied that there is County property located in between the applicant's property and Avinity. She said they could not put that in the application plan, but that she had talked to someone at Cale about providing that connection. She said currently, it states in the application plan that if the County wants to extend the right of way, they have the ability to demand that, and it will therefore be up to the County.

Ms. Mallek asked if this was the cul-de-sac at the end of Block 4-5.

Ms. Scro replied yes.

Mr. Randolph complimented Ms. Scro and Mr. Shimp on a far-better application they have submitted to the Board from what was originally submitted to the Planning Commission. He said it is much better than what was originally proposed when the Citizens Advisory Committee (CAC) saw the application.

Mr. Randolph said he did want to note, however, that it really has been staff with the Planning Commission's support that indicated that the streets going in would have stormwater and gutter capabilities. He said he does have concerns with this small a community and the ability to pay on a Homeowner's Association to meet the maintenance needs of private streets, going forward.

Mr. Randolph said this is an issue, and what the Board has become aware of in the past is the private streets don't get maintained, and then the community comes to the Board and says they would like the streets to become public, asking the Board to bail them out. He said he didn't want to repeatedly extend this issue going forward, as they are creating obligations for future Boards that they have to address and that this didn't seem reasonable.

Mr. Randolph said that Cale is something that Ms. Palmer rightfully brought up earlier in terms of capacity of the schools. He said he asked the School Board and Superintendent that day to give him information about how the School Division plans to address Royal Fern ABC, because there are apartment units there. He said even though it is presented as a business park, the fact is there are residential units included there. He said there is Southwood Phase I, with Phase II forthcoming, and there are potentially three other phases after Phase II. He said there is Avon Park II, and then Galaxie Farm.

Mr. Randolph said cumulatively, all these developments and redevelopments are in the catchment area for Cale Elementary, or another elementary school, which has not been identified, though

they know the need, but the School Board has not yet identified the justification.

Mr. Randolph said the fact of the matter is that there is money in the five-year CIP (\$55 million), which would add 100 seats to Cale. He said in 2018, Cale was over enrollment by 70 or so students, and that was just in one year. He said by the time that increased capacity is added, it will not even cover the enrollment of Cale, and the School Board rightfully recognizes they do not want to create a mega-elementary school that has 1,000 students in it because it breaks down the entire smaller home environment for an elementary school.

Mr. Randolph told Ms. Scro that this really wasn't her issue, but if the Board approves the application, they are leaving it to the future to have the issue resolved. He said his only observation would be that, given the development and redevelopment proposals, they have to get better at projecting what the educational capacity needs are and get them parked in the CIP.

Mr. Randolph said that if they are able to get authority to move away from proffers to impact fees, they then have a basis to be able to collect money from development and redevelopment that can be applied to infrastructure in the community, which will benefit the community. He said otherwise, as will occur there that evening, the developer, nor the new residents coming in, will not have to pay one penny towards the capacity needs of the elementary school in the catchment area, going forward. He said this plainly is unfair, but it is also not an adept way for local government to be operating, because they keep digging themselves further into a hole every year they do this.

Mr. Randolph said he could not hold up the application and vote against it on that basis because it was unfair and prejudicial against the application. He said if that were the case, he should have voted against all the others, some of which he hasn't had a chance to vote on and may not. He said he did believe it was an issue that needs to be resolve, and it's unfair to move forward with the way they are right now, as it is not economically smart for the County.

Ms. Palmer asked how long the affordable houses would remain affordable.

Ms. Nedostup replied it is the standard policy that they are for the first sale.

Ms. Palmer asked if there is any provision for the HOA for street maintenance.

Ms. Nedostup said there is only one private street proposed (Road E). She said everything else is public, but that there will be HOA documents submitted with the subdivision plat.

Mr. Benish said all the open spaces and public roads would be subject to a maintenance agreement that is required.

Ms. McKeel said Mr. Randolph brought up a good point that the Board talked about regarding the roads and many of the areas they are approving that depend on HOAs, as they know what eventually happens. She said that while there are minimum roads in the application, every time they get one, they think it is different but that at some point, the Board does need to talk about this and State standards for roads. She said when considering what it costs currently to pave roads and bring them up to date, the discussion needs to be started.

Mr. Randolph **moved** to adopt the attached Ordinance to approve ZMA201800012 (Attachment E). Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Mr. Randolph **moved** to the Resolution to approve the Special Exception (Attachment F). Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ORDINANCE NO. 19-A(18)
ZMA 2018-00012

AN ORDINANCE TO AMEND THE ZONING MAP FOR TAX PARCELS
09100-00-00-00900 AND 09100-00-00-01500

WHEREAS, the application to rezone Tax Parcels 09100-00-00-00900 and 09100-00-00-01500 (the "Property") from R1 Residential to Planned Residential Development (PRD) to allow residential use at a proposed density of approximately 6 units per acre is identified as ZMA 2018-00012 Galaxie Farm ("ZMA 2018-12"); and

WHEREAS, the Planning Commission voted to recommend approval of ZMA 2018-12 on October 15, 2019 with the recommendation that the density be reduced to match the Comprehensive Plan and that additional changes recommended by staff be made to the application plan; and

WHEREAS, subsequent to the Planning Commission meeting, the applicant submitted a revised application plan that staff believes addresses the Planning Commission's recommendations.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2018-00012 and their attachments, including the revised application plan dated November 13, 2019, the information presented at the public hearing, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-19.1, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2018-00012.

* * * * *

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA201800012 GALAXIE FARM**

WHEREAS, the Owner of Tax Parcels 09100-00-00-00900 and 09100-00-00-01500 (the "Property") filed a request for a special exception in conjunction with ZMA201800012 Galaxie Farm to modify the required five foot front and 20 foot rear setbacks on lots that are accessed by Road E to three feet and five feet respectively, as depicted in the pending plan under review by the County's Department of Community Development; and

WHEREAS, staff and the Planning Commission recommend that the front setbacks of amenity-oriented lots accessed by Road E only be modified to three feet, that all other lots maintain the required five foot front setback, and that the rear setback for all lots accessed by Road E only be modified to five feet, and all other lots maintain the required 20 foot rear setback; and

WHEREAS, subsequent to the Planning Commission's October 15, 2019 meeting, the applicant submitted a revised plan depicting revised setbacks as recommended by staff and the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Board's approval of ZMA2018-00012, the Staff Report and Transmittal Summary prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-4.19 and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception request to modify the County Code requirement as set forth upon, subject to the condition contained herein.

* * *

ZMA 2018-12 Galaxie Farm Special Exception Condition

1. The modification of County Code § 18-4.19 shall be in accordance with the Application Plan entitled "Zoning Map Amendment, Application Plan, ZMA 201800012, Galaxie Farm, TMP(s) 91-90, 91-15" prepared by Shimp Engineering, P.C., dated September 17, 2018, and last revised on November 13, 2019.

Signed this 4th day of December 2019

Agenda Item No. 20. **Public Hearing: ZTA 2019-05 Submittal of Special Use Permit Applications.** To receive comments on proposed amendments to the following sections of the Albemarle County Code: Section 18-33.32 -- to authorize electric cooperatives to submit special use permit applications and define electric cooperatives; and Section 18-33.34 -- to require written notice to the owner of the parcel for which a special use permit application is sought when an application is filed by an electric cooperative. (*Advertised in the Daily Progress on November 18 and November 25, 2019*)

The Executive Summary forwarded to the Board states that this zoning text amendment was initiated by the Board of Supervisors on July 17, 2019 to allow electric cooperatives to submit a special use permit application prior to acquiring easements on all properties impacted by proposed infrastructure. Currently, rural electric cooperatives must acquire easements or exercise the power of eminent domain prior to applying for a special use permit for energy and communications transmission facilities.

The Planning Commission held a public hearing regarding this text amendment on October 15, 2019. The staff report and minutes from this public hearing are provided as Attachments A and B. The Commission recommended approval of ZTA 2019-05 and did not request any changes. The County Attorney's office made a few non-substantive changes to the proposed ordinance (Attachment D).

The proposed ordinance (Attachment D) would permit electrical cooperatives to file applications for a special use permit for energy or communications transmission facilities prior to acquiring the required easements or exercise of eminent domain that would permit them to build the proposed infrastructure. This proposed ordinance would not remove any level of legislative, public, or administrative review from the process.

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

Ms. Leah Brumfield, Senior Planner, presented. She said the purpose of this ZTA was to permit electrical co-ops to apply for Special Use Permits of their own right.

Ms. Brumfield said the County currently requires Special Use Permits for energy and communication transmission facilities, i.e., power lines and phone lines, all across the County, in all districts. She said the only parties who can apply for Special Use Permits are property owners, contract purchasers with the owner's permission, an owner's authorized agent, or an eligible easement holder. She said an electrical co-op would need to get some kind of permission to apply for a Special Use Permit that they would need in order to do any kind of transmission facilities work.

Ms. Brumfield noted that electricity in Albemarle County is, however, provided in many places by small, member-owned electric co-ops. She said in the development area, it is more for the larger electrical companies, but that all across 95% of the County, it does have many electric co-ops who are providing electricity.

Ms. Brumfield said that as a provider of a vital electric public utility, these co-ops are given the right to exercise the power of eminent domain under the Virginia Code. She said it is a last resort for the co-ops and that they greatly prefer to pursue easements with landowners, as easements are much cheaper, faster, and easier for everyone around. She said the easement holders are often their customers, but they do have the option to exercise this, which she wanted to make clear.

Ms. Brumfield said that as member-owned organizations, electric co-ops are unique in the County and have provided electrical services since the Rural Electrification Act of 1936, in which the federal government funded electrical distribution centers or systems in sparsely populated rural areas. She said people previously had candles and that after this act, they had electricity. She said that while the co-ops are technically private companies, they do provide a vital public service, and this is a situation where they are straddling that line.

Ms. Brumfield said electrical co-ops are very narrowly defined. She said they have specific requirements regarding their governments, their by-laws, the businesses they can engage in, and how they are going to treat their customers and members. She said this definition has been written into the proposed ordinance, which does refer to the very specific Virginia Code definitions and restrictions of electric co-ops.

Ms. Brumfield also noted that due to smaller organizational size and the self-regulating interests of the members, they often do focus on providing a vital service to people where a larger company may not be able to, or may not be interested in providing that service. She said electric co-ops have also historically provided many environmentally focused initiatives, such as solar shares and energy-saving audits, and that they are now providing ancillary broadband services to their customers.

Ms. Brumfield said the public purpose of the ZTA was that they currently have many co-ops that are struggling with the County's requirements for applications for Special Use Permits because they are seeking to add redundancy to the electrical grid, making it easier to keep lights on during storms by having multiple ways to provide electricity to customers.

Ms. Brumfield said in addition to the obvious benefit of providing reliable electricity and solid infrastructure for the rural area residents, the improvements the co-ops are seeking to make would also increase energy efficiency and provide the potential for broadband to additional customers in the rural area. She said that one of the strategic plans staff has identified is the goal of expanding broadband service to underserved rural communities, and that this is in line with that strategic goal.

Ms. Brumfield said that the only parties who are currently able to apply for Special Use Permits are owners, agents, contract purchasers, and easement holders. She said currently, the electrical co-op will seek an easement from the landowner, and if the initial request is unanswered, the co-op will make repeated attempts to contact the landowner through phone calls, emails, letters, registered mail and, at least in one case she has heard of, sending representatives in person across the country to find the person in order to get the permission for the easement.

Ms. Brumfield said that if property owners are unresponsive, which may happen when landowners live across the country or globe, or when a parcel is held by a limited liability company, trusts, or corporations, the co-ops may seek power to exercise the power of eminent domain in order to continue building redundancy and service to their rural area customers.

Ms. Brumfield said the line-up of steps provides the legal passage with which they can apply for the Special Use Permit, noting that it is costly, time-consuming, and uncertain because the co-op may not, in fact, at the end of the process receive a Special Use Permit. She said it is a very large burden on the co-ops and does hamper their long-term planning and building process.

Ms. Brumfield said the ZTA proposes flipping the process order, and not actually changing any steps, but making the second step come first. She said electrical co-ops will still continue to seek easements, as this is easiest for everyone around, but if they cannot easily receive the easements, they will apply for a Special Use Permit before exercising the power of eminent domain to make sure they would even need to do so for a property that they will actually be able to use.

Ms. Brumfield said this does not exempt co-ops from conditions of appropriateness, and actually brings concerns about use of individual properties, environmental impacts, and current or future land use plans to the beginning of the process instead of the end, where there may actually be more pressure to approve a Special Use Permit process.

Ms. Brumfield said that in conclusion, staff recommends approval of the ZTA. She said they believe it will facilitate energy efficiency, reliable infrastructure support to the rural areas, and pursuit of broadband internet in underserved rural areas.

Mr. Gallaway asked if there was an applicant presentation for the application.

Ms. Brumfield replied that there was no applicant because the County had brought it forward.

Mr. Gallaway opened the public hearing.

Ms. Valerie Long, attorney with Williams Mullen, said she represented Rappahannock Electric Cooperative. She thanked Ms. Brumfield and other members of the staff who have been helpful with her over the past 1.5 years discussing the issue and trying to come up with solutions to enable them to submit the application, but also protecting the public interest and rights of landowners in preserving the appropriate opportunities for public input and discussion.

Ms. Long said Ms. Brumfield had covered the process and purpose of this. She said she didn't have anything to add to that other than to emphasize the point that if this is approved and they can, then, submit the application, there will be robust opportunities for public comment, discussion by the Planning Commission, and the Board, and opportunities for conditions of approval where appropriate.

Ms. Long said those conditions could apply or affect each of the different landowners differently, and so all the more reason for it to be appropriate for co-ops to know what the conditions of approval are before they then start negotiating individual easements with each of their member landowners because that will affect not only how the conditions are implemented across each individual's property, but also what the fair market value will be of the easement.

Ms. Long said she thinks this is a great solution and enables the application to be submitted and get to the merits of their proposal, which she looked forward to discussing with the Board, but without having any detrimental impact on public input or discussion.

Ms. Long said there were three representatives of Rappahannock Electric Cooperative present, as well as Susan Stimart, who is on the project team. She offered to answer questions from the Board and expressed her appreciation for their willingness to allow them to work with staff to bring it forward.

Being no further public comment, Mr. Gallaway closed the public hearing bringing the matter before the Board for further discussion and a motion.

Mr. Randolph commented that he thinks this is a forward step for the County in facilitating the capability of the electric co-ops to extend broadband in the rural areas of the County. He said another way of looking at the ZTA is that they are implementing the Albemarle County Broadband Authority Implementation Act in cooperation with the electric co-ops in the County. He applauded this forward step in expanding broadband access, especially through electric co-ops which offer a lower-cost, higher-speed broadband service to rural residents in the County.

Ms. Mallek said she was grateful for Rappahannock to be able to do the work to bring this forward, which would benefit all the co-ops. She said for this particular location and the need for redundancy and better service delivery for both Rivanna Station and all the neighbors in that section of the County, she was very grateful to have this go forward.

Ms. Palmer agreed.

Ms. Mallek **moved** to adopt the attached proposed Ordinance No. 19-18 (Attachment D). Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ORDINANCE NO. 19-18 ()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

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

By Amending:

Sec. 33.32 Application for a special use permit.
Sec. 33.34 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.

Chapter 18. Zoning

Article II. Basic Regulations

Section 33 Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions

Sec. 33.32. Application for a special use permit.

Each application for a special use permit shall be filed as follows:

- A. *Who may file an application.* An owner, a contract purchaser with the owner’s consent, the owner’s authorized agent (collectively in this division, the “owner” or the “applicant”), ~~or an eligible easement holder, or an electric cooperative~~ may file an application for a special use permit. An “eligible easement holder” is a holder of an easement for which the special use permit is sought for a use allowed by the deed of easement or equivalent instrument. For the purposes of this article, “electric cooperative” means (a) a utility consumer services cooperative formed under or subject to the Utility Consumer Services Cooperatives Act (Virginia Code § 56-231.15 et seq.) or (b) a distribution cooperative formed under the former Distribution Cooperatives Act (Virginia Code § 56-209 et seq.).”
- B. *Who must sign an application.* The application shall be signed by the owner or the eligible easement holder of each parcel that is the subject of the special use permit or by any duly authorized agent of an electric cooperative.
- C. *Documentation regarding the authority to apply.* The Director of Planning may require the applicant to submit documentation establishing ownership of, or the easement interest in, any parcel that is the subject of the application, the electric cooperative’s signatory’s authority, and the authority of each signatory to sign the application on behalf of an eligible applicant, ~~the owner, the eligible easement holder.~~
- D. *Application forms.* The Director of Planning may establish appropriate application forms for special use permits.
- E. *Information required to be submitted with an application.* Each application shall include the information identified in Section 33.33 required by the Director of Planning to be submitted. In determining what information the applicant must submit, the Director shall consider the proposed use and other relevant considerations applying sound zoning principles.

...

Sec. 33.34. Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.

Each application for a special use permit shall be filed as follows:

...

- A. *Mailed notice to the owner that an application for a special use permit has been filed by an easement holder or an electric cooperative.* The Department of Community Development shall provide written notice to the owner of the parcel for which a special use permit is sought when an application is filed by an eligible easement holder or an electric cooperative. The notice shall be provided within 10 days after the application for the special use permit is determined to be complete. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.
- B. *Mailed notice to certain easement holders that an application for a special use permit has been filed.* For special use permit applications pertaining to a parcel subject to an open-space easement or a conservation easement, the Director of Planning shall provide written notice within 10 days after the application is determined to be complete to each holder of the open-space easement, other than the County, or the conservation easement. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.

Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

At 8:19 p.m., Mr. Dill left the meeting.

Ms. Palmer said she had raised the issue with Champion Brewery on Earlysville Road and the ABC.

Mr. Gallaway said next Wednesday, December 11 at 6:30 p.m. at Agnor-Hurt Elementary School's cafeteria, there will be a community meeting, and many questions around what is regulated by the State and what is lined up by the County will be reviewed so that all people concerned can have that information and ask the questions from there.

Ms. Palmer asked if staff could send out an email about this so that she could pass it on to her constituents.

Mr. Gallaway asked that whoever sends this email include Frequently Asked Questions.

Mr. Walker said staff would send out this email and include the FAQ sheet as soon as it was ready.

Ms. Palmer said this would help her.

Mr. Gallaway said he knew that he and Ms. McKeel would be in attendance at the meeting. He said Ms. Mallek has a conflict with the CAC, but if another Supervisor intends to come, they will need to let them know right away so that they can advertise.

Ms. Mallek said in response to the discussion about planning ahead for schools and the constant approving of more development, perhaps the alternative to that is outside of the Board's grasp, but that Mr. Kamptner could consider and advise the Board in the future. She asked what the Board's avenues are to say they do not have the capacity to provide service and therefore, a developer will have to wait.

Mr. Kamptner said currently, the County is in an "in-between" phase and that with Cale in particular, the County has proffer standards that require that if there is going to be a cash proffer, that the proffer has to be specifically attributable to the development. He said this means they have to have a level of specificity in what that proffer amount is going to be to, for example, address the per-unit impacts. He said there is currently so much uncertainty and so they cannot come up with a number to justify a proffer with the school impacts.

Mr. Randolph noted that for Galaxie Lane the School Board projected 10 elementary school students out of 65 units, noting that this could be accurate, but asking what would happen if it is off by 100% or 200%. He said they could end up with half the families moving in there having elementary students. He said originally, Ms. Scro had proposed this to be a primarily millennial community and geared it towards that in terms of the type of housing. He said that therefore, they would have young families there that would be having children and could have a much higher rate than 10 students.

Mr. Randolph said Ms. Mallek's point was profoundly important because the tools the County is currently using are so imprecise and vague. He said what he wrote to the Planning Commissioner for the Scottsville District is that every year, this County is seeing millions of dollars going off the table because it is not clear in terms of what its actual impacts are, and it is not asking for those and getting them in terms of development proposals. He said this adds up.

Ms. Mallek said the more complete CIP list gives them the need. She said with their upcoming meeting with Delegate Hudson, this would be an important thing to discuss about helping facilitate the adoption of a repaired proffer bill and/or an impact bill in the session.

Mr. Kamptner said that he and David Blount have had discussions about what to expect that year, and they do not expect that there will be yet another change to the proffer legislation. He said in the General Assembly's practice, they will want to allow the 2019 amendment to take effect to see how this works. He said when he spoke to Mr. Blount recently, they do not expect that there will be impact fee legislation that year because of the work that is being done.

Ms. Mallek said that among the Board's current authorities, taking the CIP approach is the way they can establish more certainty and use the rules which they have. She said they need to get their act together and do this.

Mr. Kamptner agreed. He said he did not know where they are, but that they will start transitioning into the post-July 1, 2019 rezoning applications, which will have rules that are somewhat easier to implement. He said they may have seen the worst of the worst, and there may be some more in the pipeline.

Ms. Mallek said they were nearing the end of the ones that have no obligation whatsoever, as far as applications.

Mr. Kamptner said they may be but that he didn't know. He said a couple of applications had been deferred which would be coming back to the Board, which are under the 2016 proffer legislation. He said the Planning Commission should soon begin to see the ZMAs that are under the July 1, 2019 law.

Ms. Palmer said they would not have to worry about the Earlysville time as she and Mr. Randolph have a broadband authority meeting at that time, so they will not be there. She said she was extremely interested in finding out anything she possibly can, expressing that she couldn't believe that there would be a brewery there, for a variety of reasons.

Mr. Gallaway said he would imagine the FAQ sheet would be step 1.

Ms. Palmer expressed that the idea was depressing.

Ms. Mallek said this was the second attempt by the same company to use an abandoned church, and that the other was in Virginia Beach and was withdrawn. She asked if with the former church properties, where they are allowed to set up anywhere they want within certain size regulations and very little oversight from the process, if this was the new way that commercial enterprises go where they would never be able to go otherwise, and what the Board could do about it.

Ms. Mallek noted that the project popped up quickly and seemed to be on a fast track from the beginning, leaving everyone to flounder and wonder about the matrix. She said she then learned that the matrix is for events and not for regular operations, which frustrated her. She said these were all things they had not anticipated when they thought they had come up with some significant solutions with that matrix, and now it turned out that it may not be as great as they had thought.

Mr. Kamptner said if this was an undeveloped piece of property, given its zoning and the proposed use, nothing would be materially different other than that they would still have to meet all the requirements that apply to a farm brewery.

Ms. Mallek said they would not be able to infringe on the 200-foot setback because it would not be construction. She said this was her major heartburn when the addition was done, when the additional parking lot was made, and that she was outvoted completely back then. She said the sentiment then was that it was a church and would not be a big impact, but that the parking lot is 20 feet from the water. She said she didn't know if any progress was made with RWSA, but it was a curious circumstance that the Board finds itself in, and they were completely unprepared for it.

Ms. Mallek said there are many other church buildings that exist that make her wonder if this would be the new way.

Agenda Item No. 22. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report from the County Executive.

Agenda Item No. 23. Adjourn to December 11, 2019, 1:00 p.m., Lane Auditorium.

At 8:29 p.m., the Board adjourned its meeting to December 11, 2019, at 1:00 p.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

Chair

Approved by Board
Date 06/02/2021
Initials CKB