

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 21, 2020 at 1:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency.

PRESENT: Mr. Ned Gallaway, Ms. Beatrice (Bea) J. S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, and Ms. Donna P. Price.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson, County Attorney, Greg Kamptner, Clerk, Claudette K. Borgersen, and Senior Deputy Clerk, Travis O. Morris.

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

Mr. Gallaway said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(14), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Gallaway said the persons responsible for receiving public comment are the Board of Supervisors of Albemarle County.

Mr. Gallaway said the opportunities for the public to access and participate in the electronic meeting are posted on the Albemarle County website, on the Board of Supervisors homepage and on the Albemarle County calendar.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price said she wanted to add an item for discussion by the Board. She said she understood that the Breezy Hill application was scheduled to come back to the Board, and so she wanted to add this as a topic for discussion, as she would like to propose that it go to the Planning Commission before it comes to the Board.

Mr. Gallaway said if there were no objections, they could speak on this after the Consent Agenda. He said having this discussed earlier in the day would be better.

Mr. Gallaway said he did not review his minutes and therefore needed to pull the minutes for April 19, 2019; June 7, 2019; and February 5, 2020.

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

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price  
NAYS: None.

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Agenda Item No. 5. Brief Announcements by Board Members

Ms. Mallek said she had some good news from the Coalition for Recreational Trails, who provides funding through the recreational trails program for the implementation of all sorts of outdoor activity facilities. She said the Blue Ridge Tunnel has been selected in the category of Construction and Design to receive one of the Coalition for Recreational Trails' respected national awards for 2020. She said the coalition has been key in funding over 25,000 projects in the last 29 years.

Ms. Mallek said there will be a 2:00 p.m. virtual awards ceremony on October 22, and that anyone who wished to have the link could contact her. She said this is a great thing for the multiple counties who have been working together on this spectacular project. She said she could hardly wait to walk through when it is finally open.

Ms. Price said this was the Board's last regular meeting before the General Election, and so she wanted to remind everyone to get out and vote. She said Albemarle County residents can vote early at the County Office Building Annex on 5th Street without having to worry about standing in line on Election Day.

Ms. Price said for those residents in the Scottsville District, as well as to the nearby Samuel Miller District, there will be a joint meeting the following week with the Scottsville Town Council. She encouraged residents to participate in that.

Ms. Price said she wanted to give a shoutout to Dominion Power's response team. She said she woke up that morning with flickering power, then a loss of power. She said within an hour, Dominion was able to have two trucks there and within two hours, they identified the problem on a buried electrical cable and had it fixed. She said this was not the first time she has seen their crews respond when there are

power outages. She said a shoutout needed to be given to those workers who are out in all kinds of weather and who make sure the community has electricity. She specifically named Jeremy and Will who not only fixed the power, but entertained her grandsons while they were doing so.

Ms. LaPisto-Kirtley said she wanted to give a shoutout to Dominion Electric and to Project Plant It. She said there were over 500 redbud seedlings that went out to residents in Albemarle County to plant, which helps the environment. She said these were donated by Dominion Electric and were organized by Project Plant It, as well as the wonderful County staff and volunteers. She said evidently, Albemarle was the only entity that took advantage of the program, and that this should challenge other counties to do the same thing next year.

Ms. Palmer mentioned that the Cove Garden Ruritan holds their fundraiser around this time every year where they sell apple butter and Brunswick stew at the Apple Festival at Virginia Vintage Apple and Cider. She said this year, it would be a drive-thru because of COVID-19. She said on November 7 and 8, one can drive through from 10:00 a.m. to 2:00 p.m. on Saturday, November 7 and from 12:00 p.m. to 3:00 p.m. on Sunday, November 8. She said the apple butter and Brunswick stew are very popular and the apples are available now. She said she was disappointed that the festival would not occur that year.

Ms. McKeel said to add to what Ms. Price said earlier, she continues to receive emails from constituents who have voted early, which emphasize how safe they felt and how speedy the process was. She said she heard from one constituent who said he took his wife in a wheelchair because she had had surgery, and that he was anticipating 45 minutes or an hour to wait. She said he told her they were out in 10 minutes. She said constituents are feeling safe, getting out quickly, and are complimentary of Mr. Jake Washburne, the Electoral Board, and the County. She thanked everyone who has made this possible.

Ms. McKeel added that Ms. Price is exactly right that Dominion Power has been on top of things in helping everyone during the outages. She added that VDOT has as well. She said she has had some instances with VDOT, and that they and Ms. Carrie Shepherd have been wonderful and have responded as best they can.

Ms. Palmer said with regards to voting, there are now drop-off ballot boxes at Western Albemarle and Albemarle High Schools, and that there will be ballot drop-off boxes on the day of the election at all the polling places. She said this is a great addition.

Ms. McKeel said this makes things much easier.

Ms. McKeel said she received a chat from Ms. Emily Kilroy with a correction, that there is not a ballot drop-off box at Western Albemarle. She said the drop-off box is only at Albemarle High School.

Ms. Palmer thanked Ms. Kilroy and Ms. McKeel for the correction.

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

There were none.

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#### Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda or Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Mr. Gary Grant said he is a resident, taxpayer, and voter in the Rio District. He thanked the Board for allowing Albemarle taxpayers to pay for the computer streaming of the Board's meeting. He said it is a worthwhile use of their tax dollars, in his opinion. He said this saves a lot of fossil fuel generated electricity for the electric vehicles and electric buses the Board would normally carpool into their meetings.

Mr. Grant said he also had some other comments that the Board would not debate, comment on, nor reply to as elected Supervisors. He asked the Supervisors if the Chairman is going to insert critical comments about federal politics into local Board of Supervisors meetings like he did on October 7, if they feel he should at least have the integrity to name names and party affiliations. He asked what it was that the Chairman did not like about election security and Democrat Joe Biden.

Mr. Grant asked the Supervisors if since they unanimously adopted a Climate Action Plan, they feel that they should now amend the plan so that its weak local burning ordinance that does not protect the health, safety, and environment of County residents is also improved.

Mr. Grant asked the Supervisors if before the County staff begins recommending its own employee compensation increases for FY 21, they feel like they should consider the lost jobs and lost wages the private sector taxpayers have suffered that year due to COVID-19. He asked if they felt it was now time that they approve an independent citizen review board on local government employee compensation.

Mr. Grant said that the Supervisors (especially Ms. LaPisto-Kirtley) had three public hearings scheduled that day, during which they listen to the public before they vote on something. He asked if the Supervisors feel like this is the correct order for decision making. He said in case they don't, they should recall the comment from Ms. LaPisto-Kirtley at their September 16 retreat: "I think most of us, by the time we get there, if we've done our homework, we already know how we're going to vote."

Mr. Grant thanked the Board for their time and wished them a productive meeting.

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Mr. Waki Wynn said he is a resident and taxpayer of the Rio District (2506 Huntington Road). He said he is also a Realtor at the local ReMax in Glenwood Station. He asked the Board to grant the special exception to Mr. Derek Harris at 2405 Northfields. He said he has been a Realtor in the community for 20 years and is also the Athletic Director at the Peabody School. He said he can speak firsthand to the quality of work of Mr. Derek Harris, and he can also speak to his character.

Mr. Wynn said Mr. Harris has done a phenomenal job with the property at 2405 Northfields. He said before Mr. Harris took over that property, it was in need of a considerable amount of work. He said now with Mr. Harris' excellence and expertise, it is probably one of the top properties in the Northfields subdivision. He said Mr. Harris has provided additional parking, fencing, and landscaping on the property.

Mr. Wynn said in his experience with Mr. Harris, he has done a phenomenal job in managing his Airbnb properties. He said he is very familiar with the high-end quality of clientele Mr. Harris brings to the property. He said he himself was in the hotel business for 8 years, and he likes to think of Mr. Harris' properties as Ritz-Carltons. He said there are other properties that are more like a Hampton Inn, and that Mr. Harris provides the Ritz-Carlton experience of Airbnb.

Mr. Wynn said he did not believe there would be any adverse issues with Mr. Harris' property, as he has done an amazing job with it. He added that there is a property that he was sure the Board may experience issues with, which is the SOCA facility in Belvedere just a couple of streets away. He said there will be traffic and noise that will come with that, and so he did not think that Mr. Harris' property would present that type of an issue.

Mr. Wynn said he knows the Board will grant the special permissions, and that they would not find a better property to grant them on. He said they will grant some in the future and that it would be very difficult to explain how they granted the other properties and not this particular one. He asked the Board to consider granting the special exception to Mr. Harris.

Mr. Wynn said he did not think race was an issue, and that they did not want to think this, but that some people in the community are starting to think that it could be.

Mr. Gallaway said that as Mr. Wynn's time expired, Mr. Wynn could send in his additional comments in writing to be made part of the record.

Mr. Gallaway closed Matters from the Public.

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#### Agenda Item No. 8. Consent Agenda.

Ms. LaPisto-Kirtley **moved** to approve the consent agenda as amended to remove the minutes. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price  
NAYS: None

Ms. Price said as the Board knows, the Breezy Hill application was deferred a number of weeks earlier. She said it was her understanding that the application has been resubmitted with some modifications to come before the Board tentatively in mid-November. She said she believes, however, that this particular application carries such significance that it would be appropriate for it to go back through the Planning Commission before it comes back to the Board. She said she reached out to her Planning Commissioner about this.

Ms. Price **moved** that the Board approve sending the Breezy Hill application back through the Planning Commission before it comes to the Board. Ms. Mallek **seconded** the motion.

In further discussion, Ms. McKeel said she called her Planning Commissioner, Mr. Julian Bivins, who told her that from his viewpoint, if there were changes made, he believed as Chair of the Planning Commission that it would be appropriate for the Commission to review that proposal again in their role as advising council for the Board of Supervisors.

Ms. LaPisto-Kirtley said she understood that the Planning Commission has a light agenda in November and could hear it then, and that she wants to make sure that if this does go before the Planning Commission, the Board can hear the application in December so that it is not delayed. She said this was her condition for approval.

Ms. Price thanked Ms. LaPisto-Kirtley for her comments. She said she did not know if the Board can control the timing of it, and that she recognized that there are expenses incurred by applicants when there are delays. She said nonetheless, she would still move and encourage that the Board send the application through the Planning Commission.

Mr. Kamptner said it may be that the direction from the Board be that the Planning Commission make its recommendation to bring it back to the Board as soon as possible. He said staff will need to

evaluate the revised application to determine whether or not a public hearing would be required again in front of the Planning Commission. He said the little he knew about the revised application was that it may not require another public hearing, but that it will still take time to get to the Commission and then to the Board.

Ms. Palmer said her assumption was that the application would require a public hearing at the Board of Supervisors, which may be difficult to schedule quickly.

Mr. Kamptner said it may or may not be required. He said the practice has been that when projects are revised to any degree, the inclination is to hold another public hearing.

Ms. LaPisto-Kirtley asked if this was for the Planning Commission or for the Board.

Mr. Kamptner replied that it was for the Board.

Ms. LaPisto-Kirtley said she would like to see it moved up as soon as possible. She said she understood that the Planning Commission had a light agenda in November and could hear it and then hopefully, it would come to the Board in December.

Mr. Gallaway said it looked as if it was very likely it could come to the Board in December. He said the Board Clerk was telling him there was space available.

Ms. LaPisto-Kirtley said she had no objection with that.

Ms. Mallek said it is helpful to the applicant that they take the time to explain whatever the substantial changes are that they are proposing so that they have a better chance of getting approval. She said racing in with the same things will not get them anywhere, and so she hoped they were being thoughtful in making some substantial changes (which she was not seeing) in order for the Board to deal with this. She said it was a matter of being a little slower gets them there faster in the end.

Ms. LaPisto-Kirtley added that it was possible the applicant could be delayed after the Planning Commission.

Mr. Gallaway said it looked as if the Board was attempting to get this in in December, and so they would work to make that happen on their end.

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

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price  
NAYS: None

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Item No. 8.1. Approval of Minutes: February 28, April 19, April 30, June 7, July 12, September 28, October 2, October 15, and October 29, and November 14, 2019; and January 24, January 29, February 5, March 3, March 5, March 11, and March 18, 2020.

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Item No. 8.2. Resolution Combining the Office of Management and Budget and the Department of Finance.

The Executive Summary forwarded to the Board states that Under the County Executive form of government, budget functions are assigned to the Department of Finance. Virginia Code § 15.2-519. However, the Board of Supervisors, upon the recommendation of the County Executive, may transfer these functions, and any other County functions, to other departments and offices. For more than 10 years, the County's budget functions have been performed by the Office of Management and Budget, which resides in the County Executive's Office.

Virginia Code § 15.2-518 authorizes the Board, upon the recommendation of the County Executive, to "reassign, rename or combine any county functions, activities, or departments."

The County Executive has recommended that the Office of Management and Budget be combined with the Department of Finance, resulting in a renamed Department of Finance and Budget under the leadership of the Chief Financial Officer. The goal of this merger is to align the technical and strategic responsibilities of the two departments in order to optimize customer service and internal processes. As noted in the Background section, this recommended change also aligns the County's organization with that provided in Virginia Code § 15.2-519.

The proposed resolution (Attachment A) would approve the combination of the two departments and the other changes recommended by the County Executive described above, establish July 1, 2020 as the effective date of those changes, and ratify the actions already taken pertaining to those changes.

Staff recommends the Board adopt the proposed Resolution (Attachment A).

**By the above-recorded vote, the Board adopted the proposed Resolution (Attachment A) Resolution Combining the Office of Management and Budget and the Department of Finance:**

**RESOLUTION COMBINING THE OFFICE OF MANAGEMENT AND BUDGET  
AND THE DEPARTMENT OF FINANCE**

**WHEREAS**, the Office of Management and Budget has functioned within the County Executive's Office for many years; and

**WHEREAS**, the County Executive has recommended that the Office of Management and Budget be combined with the Department of Finance to create a renamed Department of Finance and Budget to align the technical and strategic responsibilities of the two departments in order to optimize customer service and internal processes; and

**WHEREAS**, this recommended merger aligns the County's organization with that provided in Virginia Code § 15.2-519 for the County Executive form of government under which the County of Albemarle exists; and

**WHEREAS**, the County Executive also recommends that the Department of Finance and Budget operate under the direction of the Chief Financial Officer.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia that the Office of Management and Budget is combined with the Department of Finance, operating under the direction of the Chief Financial Officer; and

**BE IT FURTHER RESOLVED** that the Department of Finance is renamed the Department of Finance and Budget; and

**BE IT FURTHER RESOLVED** that the changes described herein are effective as of July 1, 2020; and

**BE IT FURTHER RESOLVED** that the Board ratifies the actions of the County Executive and any other County officers already taken pertaining to the combination of the Office of Management and Budget and the Department of Finance and the renaming of the Department of Finance.

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Item No. 8.3. Endorsement for the Nomination of Ann H. Mallek to the Post of Second Vice President of the Virginia Association of Counties.

**By the above-recorded vote, the Board Endorsed the Nomination of Ann H. Mallek to the Post of Second Vice President of the Virginia Association of Counties:**



Beatrice (Bea) LaPisto-Kirtley  
Rivanna

Donna P. Price  
Scottsville

Ann H. Mallek  
White Hall

**COUNTY OF ALBEMARLE**  
Office of Board of Supervisors  
401 McIntire Road  
Charlottesville, Virginia 22902-4596  
(434) 296-5843 FAX (434) 296-5800

Diantha H. McKeel  
Jack Jouett

Liz A. Palmer  
Samuel Miller

Ned L. Gallaway  
Rio

October 7, 2020

TO: Members of the VACO Nominating Committee

FROM: Ned Gallaway, Chair, Board of Supervisors

The Albemarle County Board of Supervisors at its meeting October 7, 2020, endorsed the nomination of Ann H. Mallek to the post of second vice president of the Virginia Association of Counties.

Ms. Mallek is a teacher and farmer in Albemarle. She has faithfully represented the citizens of the White Hall district for almost thirteen years and served as the Chair of the Board for five of those years. As you see by the list below she has involved herself in local, state and federal efforts on behalf of the County and VACO citizens.

She was the first supervisor in Albemarle to graduate from the Supervisors Certification Course offered by VACO and has served as a guest teacher and constant recruiter ever since. She has served several years as the District 5 director for VACO and represented the issues of the greater region as well as organizing annual events for the district.

She is serving in a fourth four-year term and is eager to represent Albemarle and the greater organization on the Executive Committee of VACO. I hope you will look favorably upon her nomination.

Sincerely,

Ned Gallaway, Chair

**State and National Organizations:**

District 5 Director – VA Association of Counties Board of Directors  
Member and Former Chair, Agricultural and Environment Committee of VA Assoc of Counties  
VACO Study Committees on Fracking, Biosolids, Utility Scale Solar, Conference Planning  
Member, Environment and Land Use Committee, National Assoc of Counties  
Member, Arts and Culture Commission, National Assoc of Counties  
Member, U.S. EPA LGAC Water Workgroup, Small Communities Advisory Subcommittee  
Member, U.S. EPA Local Government Advisory Committee, Air Workgroup  
Albemarle County Representative on High Growth Coalition – VA Assoc of Counties  
Member representing Local Government, State Board for Workforce Development

**Local Appointments:**

Vice Chair, Local Energy Alliance Program (LEAP) Governance Board  
Charlottesville Albemarle Convention and Visitors Bureau Executive Committee  
Board Liaison, Agricultural and Forestal District Advisory Committee  
Board Liaison, Crozet Community Advisory Committee  
Board Liaison, Historic Preservation Committee  
Board Liaison, Route 250 West Task Force  
Member and Chair 2018-2019, Metropolitan Planning Organization Policy Board  
Member and Chair, Rivanna River Basin Commission  
Member, Workforce Investment Board and Piedmont Workforce Network Council

**Past Appointments:**

Board Liaison, Acquisition of Conservation Easements Committee  
Board Liaison, Economic Development Authority  
Board Liaison, Capital Improvement Program Advisory Committee  
Board Liaison, Fire and Emergency Services Board  
Board Liaison, Thomas Jefferson Planning District Commission, and Chair  
Board Liaison and Chair, Citizens Transportation Advisory Committee (CHART-CTAC)

**Organizations:**

Member, League of Women Voters since 1975  
Member, Artisans Center of Virginia, Monticello Artisan Trail  
Member, Southern Environmental Law Center  
Member, Rivanna Conservation Alliance  
Member, Crozet Community Association  
Member, White Hall Ruritans  
Founding Member, and Past President, Earlysville Area Residents' League  
Easement Donor, Virginia Outdoors Foundation

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Item No. 8.4. County Grant Application/Award Report, Including CARES Funding, **was received for information.**

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Item No. 8.5. Facilities and Environmental Services (FES) 3rd Quarter CY2020 Report, **was received for information.**

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Item No. 8.6. Albemarle County Service Authority (ACSA) Quarterly Report, **was received for information.**

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Item No. 8.7. Rivanna Water and Sewer Authority (RWSA) Quarterly Report, **was received for information.**

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Agenda Item No. 9. **Work Session:** Board of Supervisors and School Board Joint Work Session.

The Executive Summary forwarded to the Board states that, In the fall of each year, the Board of Supervisors and School Board meet to review financial information prior to the annual budget process

and gain an understanding of the Human Resources Department's annual compensation market and benefits information.

The fall long-range financial process has been streamlined this year due to the pandemic. Rather than having a number of joint work sessions this fall, on October 21, the Board and the School Board will:

- Review preliminary financial information for FY 20 year-end, and receive initial FY 21 and FY 22 revenue projections information, in the context of the pandemic
- Discuss the Capital budget in context of affordability constraints
- Receive an update on compensation and health care benefits
- Receive information regarding next steps in the process

This meeting will provide context and direction for the annual budget development process.

Staff recommends that the Board of Supervisors and the School Board utilize this work session to gain an understanding of the current financial picture, discuss affordability and the Capital Budget, and receive an update on the compensation market the County's health care program.

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Mr. Gallaway welcomed School Board Chairman Graham Paige and the School Board members.

Mr. Paige called the School Board meeting to order.

Mr. Paige said Ms. Judy Le and Ms. Ellen Osborne were two School Board members who were new to participating in a joint meeting with the Supervisors.

Mr. Gallaway handed the meeting over to Mr. Jeff Richardson, County Executive. He said while the 2.5 hours planned seemed like a long time, it would be fairly regimented.

Mr. Richardson said he was excited to see friends and colleagues there on both the School side and Local Government side. He said he is reminded how blessed they are as a community to have such a talented and devoted group of employees who work tirelessly for the betterment of the community.

Mr. Richardson welcomed new board members. He said he was reminded of November 13, 2019, when the two boards gathered together in Lane Auditorium for a joint work session. He said he looked back at that agenda, which was set to look at five-year revenue assumptions, five-year CIP planning, and five-year compensation and benefits assumptions. He said as appointed board members and appointed staff who work in professional capacity, they were trying to look ahead at the future community needs and predict where the biggest opportunities and issues were that needed resources and attention.

Mr. Richardson remarked on how things have changed. He said that day was the 225th day of the global pandemic and the associated national, state, and local level of emergency. He said at some point in time, the budget had been put together by Dr. Matt Haas and his team, as well as himself and those who worked with him and the Board of Supervisors. He said the title of the budget had been, "Expanding Opportunity." He said he remembered several months after the November meeting being at Martha Jefferson Hospital with Dr. Haas and his team, who were holding a community meeting. He said they were talking about what "expanding opportunity" meant. He said the boards had worked so hard to set the stage for the future and strategize in a joint effort to look at both local government and school needs.

Mr. Richardson said on March 12, things changed in a dramatic way. He said he was now looking at the budget they ended up adopting several months later, which was titled, "Respond, Recover, Recalibrate." He said they coined the term "3-6-6," which is a budget planning model and a way of thinking of where they were, which was in the last three months of FY 20. He said the 12 months they are currently in were split into six-month sections, and that this was done because they were trying to divide the crisis into bite-sized portions in order to determine how to navigate the unknown.

Mr. Richardson said they have pivoted as a community and an organization and that now, the team will work with both boards to try to pick up where they left off and to reorient the leadership to where they were, where they are now, where they are going, and what they have learned since the March-May timeframe.

Mr. Richardson said things were being viewed now through a leadership lens of what they learned. He told the boards that it was not back to "business as usual." He said as the budget had been coined, "Respond, Recover, Recalibrate," they have not recovered and have not been able to recalibrate. He said part of this has to do with the structural damage done to the economy.

Mr. Richardson said a year ago in November, the County was continuing to enjoy a level of local economic vitality that suggested there was a very strong local economy. He said they were building on this base to make plans for the next five years. He said they were not back to the point to be able to do that presently.

Mr. Richardson said the County's new CFO, Ms. Nelsie Birch, would be giving the presentation and with the help from a number of people from Schools and Local Government, they will try to navigate for the boards what they have learned and set the stage for where they are. He said they do have opportunities for moving forward, but those opportunities are grounded in a world of unpredictability.



Mr. Richardson turned over the presentation to Ms. Birch. He thanked Dr. Haas and his team for the collaboration and coordination with the staffs.

Ms. Nelsie Birch, Chief Financial Officer for Albemarle County, said she was privileged to be in front of both boards. She said although she would be leading the discussion, she was there with the help of many people. She said she was in the fourth month of being in her position and that there are many people both on the Schools side and Local Government side to get them where they are today. She said she is very pleased the with support she has received since she started in June.

Ms. Birch said she would be joined specifically by Ms. Lori Allshouse and Mr. Andy Bowman, both of whom have been with the boards through many budget exercises over the past several years.

Ms. Birch said she wanted to spend a moment reviewing what the boards would be hearing that day and set the stage. She said as Mr. Richardson indicated, a year ago was a very different time. She said the boards were sitting around various tables at that time, engaged in dialogues about priorities, capital projects, employee compensation, and benefits. She said all of this was grounded in that economic stability, economic vitality, and financial foundation that could support those priorities.

Ms. Birch said the approach has changed, and must change, because the world has changed. She said while there are some similarities in the structure the boards would see with respect to the meeting and the discussion that day, the boards being together virtually but not in person is a reflection of that change.

Ms. Birch said the agenda was presented on the screen, noting that they were trying not to be too content-heavy, particularly as they are just beginning the FY 22 budget process. She said she would pause between each section to allow the board members to ask clarifying questions. She asked the board members to wait until the end to have the full discussion, which would be led by Mr. Gallaway.

Ms. Birch presented on the screen a high-level timeline. She said the orange arrow at the top left of the slide indicated where they currently were on the timeline. She said there will be work coming up with respect to work sessions in the coming months.

Ms. Birch said one of the nuances to where they are currently is the fact that not only do they have to consider FY 22 and the budget development that happens there, but as Mr. Richardson indicated, some things were left undone in FY 21 because they did not adopt a five-year CIP. She said there was a recommended budget that had to be dramatically shifted and changed, and much of that was about pulling back on the operations side and pausing capital projects. She said because of that, there are FY 21 delayed or paused projects that need a decision. She said there are also projects that were not brought forward from FY 20 that there needs to be a discussion about, and the boards need to work towards a pass-forward for those.

Ms. Birch said the School Board started some work in September and had a great discussion. She said in November, there will be a very similar process for the Board of Supervisors to speak more specifically about the capital plan and projects that are delayed or suspended and decisions that need to be made.

Ms. Birch said each board will have a moment in time to reflect and provide guidance to the Advisory Committee, which will come together shortly after the November 18 work session on capital. She said they are currently working on some dates with the committee. She said the CIP Advisory Committee is made up of two School Board members, two Board of Supervisors members, a Planning Commission member, and member from the public at large. She said they have been working behind the scenes to make sure all those positions are filled as there had been some shifts, particularly with a Planning Commissioner and a School Board member.

Ms. Birch pointed out that because there is a unique situation where FY 21 was left somewhat undone, the boards need to have an opportunity to decide if they want to move some projects forward (or appropriate some additional funding) in FY 21. She said on the presented timeline, there was consideration for having the Advisory Committee provide their recommendations to give the School Board time (as there are some rather large projects that were paused or not carried forward from prior years) to decide if they want to request an appropriation in January for some of those projects so they can go forward with the operational timing they need to get some of those projects done during the summer months.

Ms. Birch said they are currently working with both the School Board and the Board of Supervisors Clerks to try to find time for a joint meeting in January to have a discussion about compensation. She said Ms. Lorna Gerome will lead the group into what they know now and the areas of focus, but once they receive the real estate information and understand more about the revenue structure, there may be an opportunity for the Department of Finance to come back and have both boards discuss where they want to be on compensation for the FY 22 budget process.

Ms. Birch said she would turn the discussion over to Ms. Gerome, who would take the group through the compensation and benefits update.

Ms. Lorna Gerome, Director of Human Resources, said compensation and benefits are both critical aspects of the County's ability to attract and retain talented staff.

Ms. Gerome said the intent was to provide an update on the current state of compensation and share some information around the benefits plan, as well as answer questions. She said there were about 30 minutes allotted for this portion, and so she would cover the presentation and answer any questions before moving onto the next section.

Ms. Gerome said she was joined by subject matter experts Ms. Claudine Cloutier (Benefits Program Manager) and Ms. Dana Robb (Program Manager for Compensation and Rewards).

Ms. Gerome said many of the board members are familiar with the information Human Resources brings to them every fall as budget planning begins. She said generally, July is the month when other localities and school divisions offer their salary increases. She said over the summer months, Human Resources staff collect this salary data. She said there is a defined market they collect information from, which includes 26 school divisions and 27 local governments as well as several other local employers.

Ms. Gerome said they get this information and assess where they are relative to that market in two different ways. She said they do this for classified employees, meaning all employees who are not teachers (e.g. police officers, tax clerks, department heads, principals, and IT staff). She said what they found this year is that while they did not provide an overall salary increase, the market did not either and thus, their market position did not change relative to the classified employees.

Ms. Gerome said with regard to the teachers, the same was true. She said they surveyed the information on teacher scales from the adopted market and indicated that they met their target there as well. She said their target for teachers is to be in the top 25th percentile, and the data collected that year showed that they reached this as well.

Ms. Gerome said although they did not provide overall salary increases, they maintained their market positioning for both classified employees and teachers among the adopted market.

Ms. Gerome said generally at this time of year, Human Resources brings projections forward to the boards, using the Compensation Association's "World at Work" projections because if they go to ask other localities what they are planning to do, it is far too early, and no one has a sense yet. She said they therefore use this association to bring forward projections.

Ms. Gerome said this year, World at Work has delayed their projections due to the pandemic, and so she had no projections to share. She said this was why they were calling this update the "current state" or a snapshot of where they currently are.

Ms. Gerome said one thing that is known is that when there are times when salary increases are not given, it can result in compression. She said Human Resources will be monitoring this, looking at some solutions, and monitoring what the market is doing over the next couple of months so that when they come back in the winter, there will be more information on compensation.

Ms. Gerome said she wanted to turn the attention to the self-funded health plan, noting that she had some great news to share. She said there is a self-insured health plan so that the contributions (both from plan members and boards) go into the fund. She said claims are paid out of this fund, as well as administrative costs to Anthem (who is their current vendor), stop loss, wellness, and reserve. She said there is a good cushion reserved that will now allow for some of this good news. She said experience and performance continue to be favorable.

Ms. Gerome said in terms of managing the plan, staff knows that health insurance is a valued benefit for County employees. She said staff works hard to offer affordable choices that meet employees and their family members' needs. She said staff also wants the choices to be focused on ensuring that employees take care of themselves, and so they offer a variety of wellness programs in addition to health insurance.

Ms. Gerome said the County has had the same two programs with its health insurance for a number of years. She said in 2020, they had an extremely favorable renewal with Anthem, as well as significant savings with the prescriptions, as they were able to negotiate some cost savings related to the prescriptions that have resulted in a good savings for the County.

Ms. Gerome said some of the wellness programs the County has focused on in 2020 have been directed towards mental health support. She said it is known that based on increased Employee Assistance Plan usage that the employees are using that benefit. She said the EAP offers counseling for mental health, financial, and legal issues, and so the County increased the number of visits to encourage employees to take advantage of that.

Ms. Gerome said they have also continued with a variety of wellness programs to meet different employees' needs, whether it is physical (such as Connecting Communities 5k Walk-Run they did last fall, in partnership with City schools) or delivering fresh produce from local farms to homes and ensuring there are vaccination clinics at convenient locations for the employees. She said they also offer activity trackers and Weight Watchers rewards.

Ms. Gerome said COVID-19 presented new challenges for the plan, and staff wanted to make sure that employees and plan members are able to get the services they need without any additional costs. She said in the spring, they implemented additional program changes to the plan so that all

COVID-19 costs would be covered for covered employees and plan members to avoid any out-of-pocket costs, whether for testing or hospitalization.

Ms. Gerome said additionally, staff knew that many employees were not comfortable going into a facility, and so they waived the tele-health copay so that employees would be encouraged to get the healthcare coverage they needed virtually. She said they plan to extend those benefits through the next plan year, which starts in January 2021.

Ms. Gerome said even with those additional plan enhancements that were made relative to COVID-19, they have had reduced claims partially related to COVID-19 due to many of the elective coverages or surgeries that employees and plan members did not see that year, resulting in some plan savings.

Ms. Gerome said the good news she was able to deliver was that for the plan year 2020 (the current year, which will end at the end of December), they will have some premium relief for plan members for two months. She said although they did not know exactly what this will look like yet, it will put a little extra money back into employee plan members' paychecks. She said she was excited to share that news.

Ms. Gerome said additionally, for the year going forward (beginning in January 2021), the County will not increase premiums for their plans. She said this is significant because it is the second year in a row that they have been able to hold their premiums steady so that additional premium costs are not passed onto employees. She said they are adding some minor plan enhancements and continuing with their wellness initiatives for the upcoming plan year.

Ms. Gerome concluded her presentation and offered to answer questions.

Mr. Gallaway said they would start questions from each board member, starting with Mr. Alcaro from the School Board.

Mr. Jonno Alcaro, School Board member, said it was wonderful news about there being no premium increases and about the premium relief for a couple months, as well as the benefits regarding COVID-19. He thanked Ms. Gerome and her team for their work.

Ms. Mallek said she felt Ms. Gerome's pain because she is very nervous, as they are at this time every year, with there being questions about saving versus not, and also with not knowing what will happen. She thanked Ms. Gerome for her work.

Ms. Price thanked Ms. Gerome for the presentation. She said she would remain open to consideration of compensation changes in 2021, although as Ms. Gerome mentioned with the pandemic, everyone has concerns about what might be affordable. She said she is extremely pleased with the information Ms. Gerome provided about the healthcare.

Ms. Palmer said as she recalled, Ms. Gerome had predicted a 7% increase in the premiums last year. She said if this were the case, she was confused on how they did so well. She asked if Ms. Gerome could explain how she had come up with the 7% projected increase last year.

Ms. Gerome replied that there are a couple of factors that play into that, as well as the reserve amount. She said she would ask Ms. Claudine Cloutier (Benefits Program Manager) to address this question.

Ms. Cloutier said the big picture was a lack of claims. She said COVID-19 seriously affected people's ability to do optional procedures. She said for a while, there was nothing but emergencies taking place in hospitals, and so anything that was considered elective was pushed off, which lasted for several months. She said the combination of that change to the expected behaviors in the year and the pharmacy savings put the County in its current position.

Ms. Palmer asked if given that much of the savings were from elective procedures that were put off, they should expect that more elective procedures are going to be done to make up for those that were deferred.

Ms. Cloutier replied yes. She said their consultant built into the model that they would have higher use of these elective procedures than they had seen in 2020, and that this was reflected in the recommendations.

Mr. Paige thanked Ms. Gerome for her and her department's work.

Ms. McKeel said she is appreciative of an increased focus on mental health, as this is very important at this time. She said she is also appreciative of the negotiations that changed the pharmacy drug prices, as this is where she thinks they are seeing lots of increases. She said this was great news to hear. She said she can remember there being double-digit increases of 12%, 13%, and 14%. She said while 7% or possibly 8% is a significant increase, the County is doing a great job with this, and the employees are doing a great job with the wellness program.

Ms. McKeel said at one point, Human Resources had talked about switching to another area of the World at Work. She asked if they are still using the same area they have always used, or if they were

looking at going with the northeastern area or another.

Ms. Gerome replied that Human Resources is still using the same area. She said they use the eastern area because Virginia is there. She said when this was shared before and when it was realized that Virginia is in that region, the Board said they should stay there.

Ms. McKeel said the eastern region did seem appropriate. She said at some point, perhaps they were talking about the southern region.

Ms. Gerome said this was correct. She said the eastern region had some states that had some unions, and staff thought this might be impacting the projections.

Mr. Gallaway turned the meeting over to Ms. Birch again.

Ms. Birch thanked Ms. Gerome for her presentation and for sharing some good news. She said while the presentation was not about good or bad news, the foundation would be reality and affordability. She said there would not be much uplifting information they would provide, and so she apologized for that.

Ms. Birch said last year, the economy was very sound, and even soaring in many areas. She said when the boards met, it allowed them to devote significant time to not only prioritizing projects that were of importance to each board member, but also identifying and dedicating additional tax revenue to support that effort. She said what they would see and be discussing that day is that the environment is very different, and it is requiring them to adjust and simplify their approach.

Ms. Birch said that as just seen from Ms. Gerome, they pulled back on the World at Work survey because there is a very evolving environment with not much to report at the moment. She said many board members are used to seeing a five-year financial plan when they begin the budget process, particularly on the capital side, which helps inform how they are going to afford the capital investments they will make. She said they were not providing that this year. She said at the end of the day, there was not much comfort in how valid the information would be because the world and the environment are so unknown at this point.

Ms. Birch said much of the information in the presentation would be around some of those areas of unknowns that are causing the County not to be under "business as usual," about questioning the assumptions that go into the revenue forecast and budget development, and to share that information with the boards as they plan for FY 22. She said FY 22 will be difficult to prepare for and that they would share a number of reasons for that in the presentation.

Ms. Birch said one of the interesting things she thought through is that FY 21 was developed at a time when the budget was presented and there was an emergency and crisis that required very different, swift action. She said this is the budget they are living in now, which impacted FY 20. She said as they pivot and shift to FY 22, this is actually the new reality. She said they have time to think, prioritize, plan, and do things differently and that much of what the boards would see with the process and approach is reflective of that. She said hopefully, both boards will see the value in that and also understand the real challenge that they are under as they lead into FY 22.

Ms. Birch said the bit of good news she had is that they did not have to develop the budget that day. She said as they continue to move forward, more information will become available that will help to inform the decisions they will need to make for FY 22 and guide towards that new reality. She said it does not have to be the same situation they were faced with in the spring, when they had to make very quick decisions.

Ms. Birch said the desired outcomes for the presentation were to review information and have a discussion with the boards about some questions (presented on the screen). She said although staff was not sure if these were the right questions, they wanted to give the boards something to think about as they run through the presentation. She said they would love to hear from the board members about how their awareness, approach, or thought process about the capital program has changed. She said each member has a very different perspective, function, and area of specialty, and so this was one area believed to provoke some good conversation.

Ms. Birch said related to the process, for those who were on either of the boards in 2019, it was a deliberate, intensive process for planning for capital last year that resulted in some good conversation and prioritization, as well as the identification of additional revenues to support the capital plan. She said this year looked very different, as the process has been simplified. She said they are not looking for new items to be prioritized against, which automatically changes things. She said staff wants to hear the board members' thoughts and concerns not only on that process, but some initial revenue assumptions that have been included in the coming slides.

Ms. Birch said how they shaped the presentation was really from three pieces: where they were, where they are now, and where they are going. She said one of the reasons why they want to reflect back is because it is not often that there is a situation everyone was faced with in the spring where everyone had done their prioritization, development, and planning. She said both boards were considering the recommendations of both budgets that were presented and recommended to them. She said they all had to completely change course in the middle of a budget process, and they had an emergency that required them to take very swift action.

Ms. Birch said there some decisions that were left undone, and so they need to understand and provide to the boards through the process an avenue to make some decisions on things that they had to be pulled back on, particularly related to the capital plan.

Ms. Birch said where they are now is important because it will help ground them into what they know, where they are comfortable with moving forward on things or not (like taking on debt or expending capital plan cash), and frame some of the uncertainty leading into FY 22.

Ms. Birch said what is also important is where they are going, and so they must ground themselves into some decisions that need to be made. She said there is a process for the next few months and they also have to develop a new budget. She said they will spend some time going through the process to make sure it gives enough time and deliberation related to the final adoption of the FY 22 budget.

Ms. Birch said as Mr. Richardson indicated, there was a “3-6-6” strategy. She said she would go quickly through this strategy, noting there were some painful discussions and meetings that happened in the spring. She said the slide on the screen showed what Local Government and Schools had to do in April of 2020, when they realized that the pandemic was changing the world.

Ms. Birch said these efforts helped manage the FY 20 budget. She said they had put out some initial budget information related to FY 20 that showed that they kept and maintained their solid financial foundation, and that this did not erode in 2020. She said they could have if they had not taken such swift action and made solid decisions on reducing expenditures to reflect the change in the revenue forecast.

Ms. Birch said they were currently in the middle of the audit and that the final numbers will come out at the end of November, to be presented to the Audit Committee and then to the Board at the beginning of December. She said in 2020, they were able to hold their solid financial situation, as one would expect from a Triple-A-rated County such as Albemarle.

Ms. Birch said Mr. Bowman would be talking more about how they are managing through FY 21. She said there was a fiscal crisis because there were so many unknowns, and at the time, they had the “3-6-6” posture they were going to reevaluate and make decisions once they knew how the last quarter of FY 20 ended. She said they are in the middle of the second “6” in the process, and so Mr. Bowman will talk about FY 21.

Ms. Birch said before doing so, she wanted to share a reminder about the capital budget. She said the boards would be seeing more information provided by staff at the next few meetings, including the one on November 18 with the Board of Supervisors and the one with the Capital Advisory Committee.

Ms. Birch said one of the reasons why decisions were made in April about the capital budget was not necessarily because there was an affordability concern at the time. She said based on the formula that Mr. Bowman would review momentarily, the capital budget and funding are protected. She said what was really the driving factor was the instability in the bond market. She said the financial advisors at the time were telling them they were not sure they could access it, and so if they were to start spending and need to replenish their reserves, they may not be able to do that.

Ms. Birch said this is where they were in April, and that this was setting the stage for where they were. She said she wanted to now transition into where they are now. She said they are absolutely still in an emergency and that this is becoming their new reality. She said they have shifted and are adjusting their service delivery. She said there are still decisions that need to be made in terms of when to reopen the office buildings. She said the schools have their own decision making that needs to happen.

Ms. Birch said the last “6” on the slide was left off purposely because what they now know is that this pandemic is not going to be over anytime soon. She said it could be another 6-12 months, and they are not really sure. She said this is why they have to pivot towards and plan for a new reality. She said what decisions and priorities are made will likely change because of this, and they want to make sure that they set up FY 22 to help them pivot into this new reality so they can get back to the strategy they need to get to in order to know where to go in the future while also keeping their solid financial foundation that they have built over many decades.

Ms. Birch said the next slide talked more about the prolonged uncertainty. She said COVID-19 has been a “doozy” in every sense of everyone’s lives. She said in her lifetime, it was the only thing she could think of that has impacted every person globally, both professionally and personally. She said this has its own impacts on local government.

Ms. Birch said the other piece of what is so interesting and challenging for Albemarle County is that not only is this unprecedented pandemic a global one, but the County has largely been recession-proof. She said from looking at any of the reports from the credit rating agencies about Albemarle County is that they are largely insulated due to the higher-education community.

Ms. Birch added that the County also has a research institution for which UVA is world-renowned, as well as an academic medical center. She said as Ms. Gerome mentioned, people are not going to the doctor or hospital, and claims are down. She said this may be good for the County on the employer side, but not necessarily great news when it comes to the impact on the local economy.

Ms. Birch said even with this prolonged uncertainty and instability, the real estate economy is still moving and functioning, and definitely not the same as it was in the recession 10 years ago. She said staff is looking at the information coming through on the consumer-based taxes, and that it tells them that they do not yet know where rock-bottom is. She said they certainly do not know what will happen with the hotel and restaurant economies as they move through the winter months and continue to experience uncertainty and instability.

Ms. Birch said that while the capital budget was the focus of the presentation, she wanted to remind the boards that it was largely insulated due to how the formula works with the revenue structure. She said it comes off the top. She said what she wanted the boards to be mindful of is that there was an appetite a year ago to dedicate additional resources to build things and do more.

Ms. Birch said over the next 4-5 months as they go through the budget deliberation and the Boards think through what is next, there is also an impact on the operational side. She said each of the General Funds comes after the capital budget, which comes off the top. She said the impact of some of the revenues is that this is where the people are funded who are needed to actually execute on these capital projects. She said they have to watch for the capacity to be able to afford the build that they want to do on the capital side, which is where the two come together.

Ms. Birch said this is a strange, but awesome, thing that capital is protected. She said this is something that the County said they wanted to be sure they can continue to do, but at the end of the day, they also have to look at the impact from that protection when they are in a shrinking revenue environment and their ability to actually execute, staff, and pay for those projects from an operational perspective.

Ms. Birch said the next slide was called "Resiliency in Action," which plays to the odd time they are in. She said this is not supposed to be congratulatory, but is intended to say that they were forced into a resiliency situation because they had to. She said the County is still in that situation. She said in the spring, when they knew the pandemic was happening, there was an operational emergency where the County had to enact laws and make decisions that impacted their people, both on the School Board side and the Board of Supervisors side.

Ms. Birch said the County also received millions of dollars from the federal government that they had to act on quickly. She said they not only had to spend the money, but do it in a way where they protected their financial foundation. She said they do not want to give it back, nor do they want to pay, if they mess this up. She said from an operational perspective, all of this is diverting the attention of the staff needed to run some of the other priorities.

Ms. Birch said the resiliency came from a necessity. She said looking at this from a financial lens, there was no doubt that the County is a Triple-A community because they have a strong foundation, a community that has largely been resilient to economic recessions, and were able to quickly pivot to teleworking while still meeting customers' needs. She said she was speaking more to the Local Government side than on the Schools side with respect to that. She said this is something they are still dealing with now as they transition into the new reality.

Ms. Birch said she would turn the presentation over to Mr. Andy Bowman, Budget Chief, who would walk through some financial results and analysis and talk more about FY 21. She said they would then move into the capital discussion that Ms. Lori Allshouse would lead.

As an aside, Mr. Bowman thanked the school division for providing free wifi in their parking lots as that was what he was using to connect to the meeting after his wifi at home cut out.

Mr. Bowman said his first slide continued the theme of what the County knows now and what they will be learning as they head into the future. He said this was a slide that was shared with the Board of Supervisors as a part of their October 7 meeting. He said the numbers on the slide were unaudited FY 20 numbers and although the audit would not be complete until December, these should be very good indicators of where they will actually end up.

Mr. Bowman said the slide also showed the four major categories of revenue coming into the General Fund. He said these are local revenues from real estate, local personal property, business-driven revenues (which include taxes such as business licenses), and consumer-driven revenues (which include items such as sales tax, meals tax, and transient occupancy taxes).

Mr. Bowman said one number that was not on the screen that was meaningful is if they look at the total actual revenue received by the County in FY 20, it exceeded the FY 20 budget by about \$327,000, or one-tenth of 1%. He said this is the smallest margin coming out on the positive.

Mr. Bowman said one conclusion one could make by looking at the numbers is to say that the pandemic did not have an impact on revenues, since they came out okay. He said this was certainly not the case, and that the pandemic clearly did have an impact as they went through the year. He said there were three quarters in the first part of the fiscal year that performed very well and strong, with the last quarter being a dramatic change. He said to illustrate this, he would focus on the consumer-driven revenues.

Mr. Bowman said the next slide showed a subset of what they call "consumer-driven revenues," or sales tax, food and beverage tax, and transient occupancy taxes. He said going through the year,

Quarters 1 through 4, beginning in July September and ending in June, the orange line on the graph represented FY 19 and the blue line was FY 20. He said what they could see was that in the first three quarters, FY 20 exceeded the performance of FY 19, and that this was especially true in the second and third quarter. He said the dramatic change, as one would expect, was in the fourth quarter, indicated by the trend shown on the graph.

Mr. Bowman said board members may be thinking, "Where are we now, and what do we know?" He said he would cover this momentarily.

Mr. Bowman said as they pivot to where they have been and what they know now to where they are going, he would hit on some high points of what the process is when staff develops the revenue forecast. He said this is prepared by the Department of Finance and Budget, particularly with significant input from the Budget Division, Real Estate Division, and Revenue Administration Division.

Mr. Bowman said the amount of input that the organization puts towards the revenues is very wide through departments and deep for those working closest to this on a day-to-day basis. He said to get a sense of what is happening in the local economy, for instance, they receive input from the Community Development and Economic Development staff who are working with this on a more regular basis; from departments where there may be more specific program-related items (such as Parks and Recreation, where their fees tie closely to how their programs are being provided); and from the Department of Social Services, where state and federal revenue are intertwined with the programs they provide.

Mr. Bowman said the primary tools include trend line analysis and the institutional knowledge he just referenced.

Mr. Bowman said he mentioned how close last year's performance was to the budget. He said going back several years, the results of the actuals compared to the forecasts are well within the guidelines set by the Government Financial Officers Association, which is a national organization of financial professionals. He said for a total fund level in the General Fund, this would be within about 2%.

Mr. Bowman said as Ms. Birch mentioned several times, they are in unprecedented times with the COVID-19 pandemic. He said he would share where the County is heading in FY 21 with their revenue management.

Mr. Bowman presented a slide, noting that he broke it out into what they know on the left, and what they do not yet know on the right. He said what they do know is that they have something very helpful: about 7 months of data that they did not have when they put together the new FY 21 budget. He said some of the revenues they thought may be impacted by the pandemic have been confirmed, and that they also know to date what the impact has been. He said they now know that other revenues look relatively steady.

Mr. Bowman said that, as a counterpoint to the 7 months of data that has been collected, they do not yet know what the "new normal" looks like for economic activity in FY 21. He said while they do have 7 months of revenue data since the start of the pandemic, the data that they have in their current reopening is much more limited. He said this is true in any year where the revenues they are collecting in one month are usually based on the data that is happening in the month or two prior. He said the sales tax revenue they receive from the state in October, for example, is based on a lot of activity that took place in August. He said there is always a delay that they are having to deal with, and this becomes even more meaningful in the current year as they are adjusting to the economic environment.

Mr. Bowman said there were impacts from the pandemic on certain revenue sources, relating to what he referenced earlier in terms of consumer-driven revenues. He said he would not share numbers that day because on November 18, the Board of Supervisors would receive a financial report for the first quarter that will include numbers for some of the things that are currently being studied. He said what he could share now is that in general, sales tax received a blip in the spring of 2020 during the various phases of lockdown. He said looking at what has been posted in the summer and fall, this is tracking very closely to the revenue they were receiving in FY 20 a year ago. He said while there was certainly a blip, it is now relatively steady.

Mr. Bowman said the chart on a previous slide had shown the transient occupancy tax, hotels, and food and beverage tax. He said comparing where they are now to where they were at this time last year, those revenues are significantly below where they were. He said those revenues have improved from where they were in the spring, however, in terms of where that collection was year to year. He explained that if last year's number was high and the number from spring was low, they are currently in the middle.

Mr. Bowman said what they do not know yet as they are beginning to study is beyond just looking at the numbers on the page, what the questions are that they need to consider to try to determine where they are going. He said with the "new normal," they do not know if they are in it already, or if they are still getting there. He said when thinking of the food and beverage tax, for example, the question is what will happen in the winter when restaurants may not be able to use the outdoor space they are leveraging for additional operations, and what impact this will have.

Mr. Bowman said another question is what the impact will be from some of the federal CARES programs led by the Office of Economic Development to support businesses through the trying times and

put them in a position to succeed.

Mr. Bowman said the big question they are watching closely is what UVA's plans are, particularly when thinking about large athletic events and other events that bring people to the area. He said if they are happening, they are doing so in a very different way than they did in the past. He added that whatever the fall may look like may be different than the spring.

Mr. Bowman expressed that he was not trying to create a sense of dread, but wanted to share some of the things that staff are wrestling with as they navigate these unprecedented times.

Mr. Bowman said there is not an adopted state budget and that typically when the County adopts its budget in May, the state budget usually follows a little later. He said while there is a lot of information, staff has had to take somewhat of an educated guess. He said they do have new data in terms of what actually happened when the state budget was adopted in the spring.

Mr. Bowman said that as a counterpoint to that, what they do not yet know is that the General Assembly is currently meeting for a special session in the fall, and he understands from reports in the last several days that the House of Delegates and Senate have likely reached a compromise in the budget, but will still need to go through the remainder of the budget process with the Governor and General Assembly. He said this may have impacts, and there also may be some impacts when the General Assembly convenes during its normal session in January, which would be true in any year, but that especially with all the heightened uncertainty in the pandemic, they will want to watch this closely.

Mr. Bowman noted that there are specific impacts to the School Division. He said he would ask Ms. Rosalyn Schmidt from the School Division if she would like to share her thoughts.

Ms. Rosalyn Schmidt, Chief Operating Officer with the School Division, said she wanted to briefly comment on what they currently know with the state budget, what they do not yet know, and the impact on schools. She said the good news is that the official state forecast for sales tax revenues do look better than what the Schools had forecasted when they developed their FY 21 budget.

Ms. Schmidt said what they do not yet know is the impact on enrollment. She said they know the enrollment this year is about 1,000 students fewer than what they had projected, which may result in a decrease in state funding, in the order of magnitude around \$3 million. She said what they know is that they are not unique in that situation, and there are school districts across the state that have experienced the same decline. She said legislators are holding discussions around a "hold harmless" bill, which would translate to essentially keeping school districts whole, even in cases where enrollment has dropped. She said this is something they do not know yet but will be monitoring closely.

Mr. Bowman said in terms of what they know, one thing that only applies to FY 21 is the CARES funding. He said this is short-term support of about \$19 million of federal revenue that the County has received related to Coronavirus relief efforts. He said this revenue is not available to supplant lost revenues, but much of the money is going back into the community to support economic development efforts as well as human services and other community needs.

Mr. Bowman said the final thing they do not know yet is that the most significant portion of the County's revenue picture is the real estate tax revenues. He said they will be completing the real estate reassessment in January and are in the earliest stages of kicking off the process, so it would be too early to comment on what that may look like. He said as they get through the fall, they can get a better sense of this. He said across the nation, one thing that has been seen is the change in commercial office space, which is something staff will be looking at closely.

Mr. Bowman said there is a milestone in December, when they will look at what the collection rate will be during tax collection in December. He said this will be another assumption that will inform as they project what the future may look like.

Mr. Bowman said more information will come on November 18, and that the current presentation was to share staff's high-level thoughts on what they have learned and how they are working through the issues.

Mr. Bowman said the next slide was one that was shared about a year earlier with both boards to walk through, at a very high level, how local tax revenues are shared between Local Government and Schools, and between the capital program and debt service. He said the slide walks through concepts rather than math. He said they publish the full formula and calculation on how it works as part of the budget document. He said staff received some positive feedback on this from last year, and so he wanted to walk through the concepts quickly, as there were several new faces on both boards.

Mr. Bowman said that Step 1 in the formula is that staff projects what the new local tax revenues will be for the coming year.

Mr. Bowman said Step 2 is they take the total amount and begin to make adjustments for projected committed expenditures. He said these include expenditures for the revenue sharing agreement with the City of Charlottesville and dedicated water resources funding equivalent to 0.7 cents on the real estate tax rate that was enacted by the Board of Supervisors in the mid-2010s. He said the Tax Relief for the Elderly and Disabled program is also deducted from that amount, as well as tax refunds. He said as Ms. Birch mentioned, the capital and debt service allocation are also "taken off the top." He said the



capital and debt service allocation includes both the support for Schools and Local Government capital and debt service.

Mr. Bowman said Step 3 is that, if applicable in the current year, if the Board is considering or approving any dedications of revenue (whether this be to CIP and debt, Schools, or General Government), this would be factored into the formula at that time.

Mr. Bowman said that after all the adjustments, they end up with a remainder of changes to revenue from the prior year. He said of that amount, 40% is allocated to General Government, and 60% is allocated to Schools.

Mr. Bowman said Step 5 adds this amount to the previous year's funding, which is how they arrive at the updated totals.

Mr. Bowman concluded his comments and paused to take any questions.

Ms. Palmer said she saw in the Board's packet on the consent agenda the grant update with respect to the CARES money, and that while it has all been appropriated, a significant amount has not actually been paid out yet. She added that they do not know if a future stimulus check will be coming or not. She asked Mr. Bowman if he could comment on how he expects her first (and possibly second) point to affect the County's outcome, going forward. She said she did not know much about the money that had not yet been spent yet.

Ms. Birch asked Mr. Bowman if he would like her to address that question.

Mr. Bowman replied yes.

Ms. Birch said the County's Interim Deputy CFO from the County Executive's Office, Ms. Kristy Shifflett, is leading that effort, and that what Ms. Palmer was likely seeing was largely a timing issue. She said they plan to fully expend all \$19 million by the end of December, and that staff will be coming to the Board during their second meeting in December to fully update the Supervisors on how various initiatives have been funded and how they have played out over the original buckets. She said there were four buckets: Technology, Human Services, Economic Development, and General Government. She said staff does not think that will impact them in the future.

Ms. Birch said they actually have to report monthly to the state as well as to the federal government, and so they are not behind the ball at all. She said they have been looking at reports, and it appears there is a timing issue for governments to rally around what they will do and then to spend the money. She said she believes the County is in a good position, and that staff will come back to the Board in December. She asked if this answered Ms. Palmer's question.

Ms. Palmer said that generally, Ms. Birch answered the question fine. She said she supposed it was difficult to speculate on how a future stimulus package will affect the local economy. She said she was thinking about the business tax.

Ms. Birch said before moving onto the information about capital, she wanted to mention one thing. She said the state of emergency they are currently in is becoming the new reality. She said as she was preparing for the presentation that day, she was reflecting on the Board of Supervisors at their retreat in September. She said she was paraphrasing, but that what the facilitator had indicated was that traditionally strategic plans look far out into the future at what to accomplish in the next 5, 10, 15, and 20 years. She said the budget process gets one to where they want to go with respect to accomplishing the strategic plan goals.

Ms. Birch said now, with this emergency and the challenging times that are ahead, they need to stop and look at what is important now. She said if they are always looking in the future (out 5 to 10 years), they are potentially forgetting about what they need to focus on now. She said she thinks CARES has helped with that somewhat on the staff level with some of the Economic Development and Human Services initiatives that were put forward, which were never envisioned as part of the budget process because it was very reflective of current circumstances.

Ms. Birch said going into the next fiscal year, she does think that 2020 will be what they call their "level-setting year." She said they are not in the emergency FY 21 budget that happened at a time when they didn't know the true impact and had to make some swift decisions. She said they are adjusting to the new reality. She said at that point in time, reflective of some strategic planning efforts (including future planning efforts that the School Board is engaging in and that staff will be speaking to the Supervisors about in November), these efforts will definitely play into where they want to go in the future.

Ms. Birch said she is almost looking at FY 22 as a transition year, and that the process Ms. Allshouse would go through momentarily is consistent with that.

Ms. Lori Allshouse said the boards all know that they and staff have been through many changes together, and that Mr. Bowman, Ms. Birch, and others have set them up well for this part of the conversation. She said she would likely go more quickly through her slides, as she wanted to make sure to save time for the Board's discussion.

Ms. Allshouse said she would start with where the County was in the fall of 2019. She said Mr.

Richardson shared a good story about that and painted a picture at the beginning of the work session. She said the Boards worked jointly together and that it was exciting to see how well they do this, adding that this is needed going into the future.

Ms. Allshouse said the Board and School Board had jointly identified an affordability cap. She said what they decided to do was to start with what they could afford before prioritizing projects. She said prior to that, they would simply prioritize a lot of projects, spend a lot of time on it, then hit the affordability lens and find out they cannot do it all. She said this was a switch in how they look at capital that she thought went well, and they worked very closely together to do that.

Ms. Allshouse said in FY 21-25, they set up a CIP for five years, which included priority projects as well as an assumption. She explained that it all has to be built on an assumption because revenues will always be looked at again, year after year.

Ms. Allshouse said they made an assumption so that they could bring on new projects over the next five years that they felt there was a pent-up demand in the community for, that they would actually build in (only for modeling, at that point) a tax rate increase every year that would be dedicated to capital and debt. She referred back to Mr. Bowman's slide, explaining that this would be a dedication that would come through the formula. She said they would focus the funding that a penny on the tax rate would raise right over to capital and debt. She said this was the plan in the fall of 2019.

Ms. Allshouse said then, everything was put on hold and pivoted. She said as part of that, everyone agreed to put the five-year planning on hold and concentrate almost a year at a time until they can start getting a vision for the longer-term process moving forward.

Ms. Allshouse said when everyone revised their budgets during the second budgeting process of the year, they adopted a capital budget that was much smaller than they had envisioned. She said it came out to about \$18.1 million and that earlier, they had envisioned almost \$50 million. She said this was about what capital projects they would fund in the current fiscal year, and it was suggested that they make sure to fund their obligations and mandates. She said this is what they will always do first in any budget year.

Ms. Allshouse presented a slide that included information that was provided to Finance's board when they put the budget together for the adopted capital budget in the spring. She said these are the obligations and mandates they will continue to fund.

Ms. Allshouse said there were other programs, and that her department worked very closely with Schools staff and Local Government staff on which programs need to move forward as requested. She said the group on the right side of the screen were the ones that were determined to keep moving for various reasons.

Ms. Allshouse said on the bottom of the screen, the boards would see that these were projects that they wanted to do, but they would have to reduce the amount of funding put towards them.

Ms. Allshouse said one thing that was not on the slide that is extremely important to the capital budget is something called "carry forward." She said most capital projects are not done in one year, but carry from year to year. She said there are carry-forward programs that moved forward as well, which was about \$70 million of programs they continue to work on. She said these include Crozet Elementary School Additions and Improvements, as well as Red Hill. She said these had been funded in the past, and it was decided to keep these moving due to capacity issues. She said there are many other programs that were carried forward from prior years.

Ms. Allshouse said they also delayed some projects that are very important. She said they had to delay any of the nonessential maintenance and replacement projects, as well as some of the School Bus Replacement Program. She said also delayed was the ACE (Acquisition of Conservation Easement) Program, to which they did not add any additional funding, although there was some funding carried forward. She said Bike/Pedestrian Quality of Life has been very important to both boards, and this had to be delayed, as well as the Crozet Elementary School Addition and Improvements Construction.

Ms. Allshouse said additional projects were delayed from carry forward, which were some projects that had been put in motion a few years earlier. She said as Ms. Birch stated, the big issue they had is that they could not borrow funds and had no idea if they could borrow any municipal funds. She said this was the main thing that was making them be very careful of what it was they wanted to step into until they knew if the bond market would become available to them again. She said some other projects that were delayed were listed on the slide.

Ms. Allshouse said this was the picture of where they are today. She said what was important is that they did not simply stop the CIP capital projects. She said they kept some things moving forward, but did delay things that were not essential at the time or things that would require a lot of borrowing. She said she believed they did this well and thanked the Schools staff attending for how closely they worked with her department as they had to make those transitions.

Ms. Allshouse said she would move on to where they will go from here. She said this part of the presentation would focus on the capital program that the boards work on together.

Ms. Allshouse presented staff recommendations on the screen. She recalled the affordability

conversation the boards had in 2019, which was based on the modeling assumption of a tax rate increase of a penny every year over the next five years. She said what staff is recommending is to not have a tax rate increase in FY 22. She said given where they are and where the community is, they are recommending starting with the initial assumption that there will not be a tax rate increase for operations or capital.

Ms. Allshouse said there were many things that were paused or delayed that could actually start being worked on midyear. She said staff believes there are some things that do not have to wait until July 1, and that they could do some midyear appropriations and get the projects that were delayed out the door.

Ms. Allshouse said the other thing staff was recommending to the boards was a simplified FY 22 budget development process. She said this will be focused on the multiyear that was carried forward, the year they are living in today, and what they will do in FY 22. She said they will not do a long five-year plan at the moment, given the uncertainty, and there will be changes that they know of in the strategic plans.

Ms. Allshouse said staff's recommendation is that they return to the longer-term five-year Capital Improvement Plan for Schools and Local Government after they all update their strategic plans. She said the capital plans are always very connected to the strategic plans, especially on the Local Government side. She recommended pausing on the long-term planning and picking it up again once strategic plan conversations have completed.

Ms. Allshouse said as Mr. Bowman mentioned, they do not know exactly how the revenues will play out for FY 22. She said because they want to start soon with the CIP Advisory Committee work and have to start the modeling for the upcoming year, they are starting to identify some revenue assumptions for the capital program. She said what she was happy to say is that, importantly, staff feels the bond market has stabilized.

Ms. Allshouse said they have made the assumption that they will be able to borrow money, and that they will actually be able to borrow it at a lower interest rate than they had planned in the previous models. She said the model has changed, and the interest rates are very important as to how much of that debt service they have to pay in the long term.

Ms. Allshouse said another thing they are planning (which can be updated, depending on how the revenues change) is for the revenue being no-growth, and that they will be the same as the current year for the initial first-line modeling for the capital program. She said as she mentioned on an earlier slide, they would eliminate any dedicated tax rate increase for capital for FY 22.

Ms. Allshouse said what staff is proposing to the Boards is that staff would bring together recommendations to the CIP Advisory Committee, which include representatives from both boards as well as others. She said the recommendation would not just be about FY 22, but would be about the current previously delayed or reduced projects and which ones they think they will want to work on in the current year. She said this will be two parts: which projects are delayed that need to be moved forward now to meet some timelines for important summer work, and what projects they propose to put in FY 22.

Ms. Allshouse said staff will have this conversation with the representatives on the Advisory Committee, and then the committee would hear from staff, do all their due diligence, and make their recommendation to everyone for their charge. She explained that the charge of the CIP Advisory Committee is to review and evaluate the recommended capital budget proposal that staff will put together and bring to them, as well as any modifications to FY 22 or the current year. She said part of their charge is to make sure it is aligned with the County's guiding principles, policies, and priorities.

Ms. Allshouse said the committee will then approve a proposal that meets the affordability requirements and includes information on those projects that were carried forward, paused, or delayed. She said this report goes out to the School Board, Board of Supervisors, the School Superintendent, the Planning Commission, and the County Executive. She said per the processes that have been done over many years, the County Executive will take the Advisory Committee's recommendations into consideration as he and staff prepare the recommended FY 22 capital budget that will be included in the overall budget for the County.

Ms. Allshouse said she would turn the presentation back over to Ms. Birch.

Ms. Birch said she had two more slides before the Boards' discussion. She said when they talk about affordability and considerations in front of them, as well as the new reality, the four buckets presented on the slide were what they were thinking about. She said the question is to how each of the four buckets will impact staff and Boards' decision making and what assumptions staff will put in the model that they will bring forward to the Boards. She said these were what staff sees as the considerations as they move into determining how to close out FY 21 in terms of projects and advancing any of those, as well as development of FY 22.

Ms. Birch said they have beat the uncertainty of the economy and economic recovery and talked a lot about this. She said staff has done some initial modeling and determined that they will be able to move forward with some capital projects, but they need to do so with caution and looking through the lens of affordability, as well as with an understanding of operational impacts to that. She said while it is held harmless, there are still some operational challenges that they will face by advancing projects that need to be taken into consideration.

Ms. Birch said the economic vitality has certainly shifted, and they have pivoted from a local business growth to stabilizing local businesses, which is a big shift from a year ago.

Ms. Birch said they have simplified the process and did not ask for new projects that year, nor did they do an “all-call” for new ideas on capital projects. She said they are using the work that was done in 2019 and are building off of that.

Ms. Birch said staff is recommending that they plan for the most austere budget process possible, eliminating and removing a dedicated tax rate, assuming no growth.

Ms. Birch said it was time to pass the meeting over to Mr. Gallaway to lead the Boards in a discussion about what they have heard.

Mr. Gallaway asked Ms. Birch to go back to Slide 12. He said these were the questions that staff was hoping each of the board members will respond to. He said he would go through the speaking order and that while doing so, other board members may think of a question or comment. He encouraged the board members to use the chat room to help manage through this to avoid people talking over each other.

Mr. Gallaway started the speaking order with Mr. Alcaro.

Mr. Alcaro said he appreciated what has been said about needing to put in some austere measures in dealing with the County, Schools, and the CIP processes. He said he would love to be able to chat more about that.

Mr. Alcaro said Ms. Birch had asked earlier about what some of the thoughts were for CIP. He said as he believes everyone is aware, the Schools (whether for operating budget or CIP) is always working on a “needs” basis versus a “wants” basis. He said he completely understands that this is a very different year and is not suggesting that they move forward aggressively in a year like this.

Mr. Alcaro said one thing he would ask for, which he has discussed with Ms. Allshouse (who came back with a wonderful response about it), is he would love for the Boards to get back to the process that was described in 2019 where, in May 2019, they had a planning meeting for how the CIP process would work. He said they had their first joint meeting on this in September 2019, and then in October 2019. He said in past years, there has been the point of view that the Schools were not telling the Supervisors in time what the needs would be. He said last year’s process fine-tuned that and made it a great process. He said he knows they could not do that in 2020, but that this is one of his wishes for the future.

Mr. Alcaro also asked that there be ongoing communication between the Boards about how the process is going and what the strategies are. He said he hoped that the election would help with some changes going forward in terms of points of view for the economy. He said he thinks there could be some big issues there.

Mr. Alcaro said he would like to talk later about the no-tax-increase concept and some of the other things that Ms. Allshouse had presented on one of the slides.

Ms. Mallek said she was trying hard not to immediately revert to 2010, but this was the experience she had to fall back on. She said they survived then, and she knows they will survive now. She said she appreciates all the great caution that is being presented by staff and the way they are going to bank on the work they did in 2019, as there was a great deal of prioritization then.

Ms. Mallek said she appreciates that if there is any loan balance being paid off, it generates some cash that they can then reinvest to that amount and not overextend themselves. She said this may be a place where they can make a small increase in the capital program because in the past, it was devastating to zero out a \$100 million capital budget, and that it stayed zero for three years. She said the County is behind right now because that happened, and it seemed like the only survivable thing to do at the time. She said if there is a way to do something tiny that will prevent them from going so far backward, it will be great. She said she will look forward to recommendations and homework from staff.

Ms. Mallek said in 2010-2011, when they had a capital investment committee who made all the decisions, they got much more information than everyone else. She said then, when it came to the budget in February to March, they had to go through it all again because there was tremendous unhappiness with the recommendations that were made. She said people did not feel like they had the proper exposure to the right information.

Ms. Mallek said having this as knowledge, it would be great for staff to think about how they can keep everyone better involved. She said this is a weird year, and it is unfair to expect that two representatives from either of the boards will somehow possess the magic to get this to work out. She said whether they all get to listen in or figure out a way to get the information, notice the meetings, and have a bigger pool of people for ideas, she hopes this is something staff will consider and plan for. She said she did not want to revert to the same issue they had back in 2010-2011, which resulted in many wasted days of work sessions. She said perhaps Ms. Allshouse remembers this, as she was with the County at that time.

Mr. David Oberg, School Board member, expressed that this was difficult for everyone. He said the reality is that they have to accept the circumstances they are in. He said he hoped that they were not back in 2010 and this is not where they will end up. He said if it is, he would simply state the same thing he said in 2010, which is that when the economy is trashed, it is the time to build. He said this is the opportunity when there are contractors who can do things at a much lower cost. He said he knows it is painful to spend money at a time when the resources are low, but from what he has seen, this is usually the best way to avoid problems going forward.

Ms. Price said she wanted to thank Ms. Birch, Mr. Bowman, and Ms. Allshouse for their very informative presentations. She said their discussions of uncertainties, affordability, and resilience were music to her very fiscally conservative ears. She said to answer the first question from staff, she does believe that in the absence of an effective, affordable vaccine quickly becoming available, 2021 may be substantially worse than 2020. She said she greatly appreciates staff taking into consideration these very difficult financial circumstances the County faces.

Ms. Price said as a result of that, she would be extremely hesitant to consider a tax increase or an increase in expenditures, whether they be operational or CIP. She said she very much appreciates and supports the simplified process and concurs with staff's initial revenue assumptions.

Ms. Ellen Osborne (School Board member) thanked staff for their presentation. She said their assumptions seem logical to her. She said she is usually nervous and cautious about projecting revenues and what they will spend, and the process meets her expectations.

Ms. LaPisto-Kirtley said the presentation was informative. She said looking over the question about current circumstances informing the Boards' thinking about the capital program, she wanted to know what position broadband is in in terms of getting internet out to everyone. She said she realizes this is not a building and that she is not sure whether or not it comes under capital planning.

Ms. LaPisto-Kirtley said this affects her thinking on what they will be doing in the future because if the last six months are any indication of what will happen in the future for the next year or year and a half, they have to be able to reach and serve the students. She said this will not happen unless they can either make the schools safe or get broadband out to everyone. She said she would like to pose this question to the School Division.

Ms. LaPisto-Kirtley said she likes the idea of being austere and is not in favor of raising the taxes, either. She said she does think they need to be austere in the budgeting process because they do not know what is ahead. She said they were given a gut punch, and they may be in line for a second gut punch, so it is better to move cautiously.

Mr. Richardson said he could talk about Ms. LaPisto-Kirtley's question about broadband from a County Executive's vantage point. He said on November 18, the Board of Supervisors will be revisiting their capital plan in the context of their strategic initiatives. He said there are nine strategic initiatives in the 2020-22 plan and that broadband is #9. He said a number of board members have been looking over the last several months at state initiatives as well as counties across Virginia. He said he was answering Ms. LaPisto-Kirtley's question from a staff perspective, but that she may also be looking at the School Board and other Board members for reactions to that.

Mr. Gallaway said this was something they could keep on the radar and have it come back as they work through this.

Ms. Judy Le (School Board member) thanked staff for their presentation. She said the assumptions did seem logical and reasonable to her, and she appreciates the caution that they have within them. She said for her, the current circumstances, as everyone has seen, affect and amplify inequity. She said for her, her thinking about the overall capital program puts that in starker relief. She said to Mr. Alcaro's comment about the Schools' request being on a needs basis, those all have to go through that lens, especially now. She said she is new to the process, but that she does think the process aligns with the expectations.

Ms. Palmer said to quickly answer Ms. LaPisto-Kirtley's question about broadband, Ms. LaPisto-Kirtley is on the CIP Committee with School Board members, and so when staff brings their recommendations for things in the CIP, this would be a good time for her to talk with School Board members about that. She said Ms. LaPisto-Kirtley can also bring this up again when the Board is discussing CIP in the future.

Ms. Palmer said as far as the question, "How does your awareness of current circumstances inform your thinking about the overall capital program?" she had to comment on Ms. Mallek's and Mr. Oberg's comments about taking advantage of recession periods. She said right now, she does not think construction prices are down at all, but if they do go down, she is very much interested in taking advantage of that, if possible. She added that the projections for interest rates are to be low for some time in the future, which is great for the County.

Ms. Palmer said as someone mentioned, the upcoming election might also bring some relief if there is a second stimulus package, and if, by some chance, it addresses state and local governments' loss of revenue. She said this is all to be worked out in the next couple of months, and then they will know more.

Ms. Palmer said if the money is not there, it is hard to spend it, but she does believe in taking advantage of lower costs during recession era times.

Ms. Palmer said in terms of the question, "Is the capital planning/budgeting process aligned with your expectations?" it basically was. She said they do not have many specifics at this point, and it is an ongoing process, so she was fine with this and it met her expectations. She thanked staff for all their work.

Mr. Paige said in terms of the second question, the capital planning and budgeting process was aligned with his expectations. He said as far as the first question, he thinks everyone realized starting back in March that they were facing a very difficult situation. He said when thinking about capital projects, he thinks they will have a tough decision to make and will have to make the best of a bad situation, in most cases.

Mr. Paige said he had two questions, and that the first one would be directed to Ms. Birch. He said he did not hear a definition or description of what the "3-6-6" strategy involves. He said when Ms. Allshouse mentioned the list of delayed projects, he knows they had talked about those and wanted to know whether or not a list was available to show what those projects are, even though they had been presented with them at some point in the past.

Ms. Birch asked Mr. Richardson to answer the question about the "3-6-6" strategy, as she believed his perspective would be more valuable, given that the strategy was developed before she came on board.

Mr. Richardson said the "3" refers to the final three months of the last fiscal year, which was timed with when they were hit with the pandemic. He said they were focused on April, May, and June, which is the last quarter of FY 20. He said as Mr. Bowman said earlier in his comments, the first nine months of the last fiscal year were outstanding. He said the County's economic vibrancy showed with its revenues and then, in the last three months, they suffered. He reminded that Ms. Birch and staff had put out unaudited numbers for those last three months.

Mr. Richardson said his point was that once they realized the severity of the crisis, they developed some steps to balance and wrap the year-end up for those last three months, recognizing that those revenues were going to drop dramatically. He recalled that they were under a stay-at-home order for several weeks. He said the first three months in "3-6-6" was about looking at the final three months of the last fiscal year and what they will do to make sure they stay financially sound. He said Ms. Birch reported earlier that they accomplished that. He said there was pain and agony aligned with that, but they did it.

Mr. Richardson said the two "6's" were referring to the current budget year. He said he had suggested dividing the year up into two six-month increments. He said they made some recommendations when they had to go back and completely redo the budget for the current year, including freezing and eliminating positions in the budget, and spending cuts related to vehicle and capital replacement. He said they were doing some things to generate cost savings in order to be able to present a balanced budget in the current year. He said they knew that in the first six months of the year that they would learn more about what they were into.

Ms. Birch said to Mr. Paige's second question, staff would be providing a list of the projects so that everyone understands what has been delayed, what has not, and where they stand on that. She said she will make sure her team communicates this information to Schools staff. She said the CIP Advisory Committee will certainly have this, but that it is important for everyone to have it as well.

Ms. Kate Acuff (School Board member) said she was certainly aware that they had pulled back on the capital projects. She said being on the CIP Advisory Committee, she is familiar with the projects. She said with Schools, there was a long-awaited Red Hill expansion as well as Scottsville, and the bigger and more immediate issue for Schools will be a 35,000-square-foot expansion of Crozet Elementary because they are bursting at the seams at Brownsville.

Ms. Acuff said this is a prudent course, however, and they have to look at what money they have. She said if things look better in six months, perhaps they can readjust. She said the difficulty is that they had not fully recovered from the Great Recession, as Ms. Mallek had pointed out, and so they were still behind on capital improvements to schools, particularly as it applies to capacity. She said they almost never get past trying to find room for kids. She said the recommended process was unfortunately the path they need to take, however.

Ms. McKeel said she would answer the easier question first, which was that she believed the simplified process and initial revenue assumptions were aligned with her expectations. She said as far as reactions or comments she has listened to thus far, although she hesitates to speak for a lot of people, it seems like everyone would agree that one of the strong concerns that has come out of the pandemic on the Schools side and for County Government is the lack of connectivity. She said they have seen this, whether it comes to schools, students, teachers, and employees working from home, and that it applies across the board.

Ms. McKeel said Albemarle is such a large County, and while she agrees that fiber is reliable and a great way to go, the last mile is probably going to be too expensive with fiber, in her opinion. She said she may be wrong, but she wonders if fiber is the only thing they should be looking at, going forward.

Ms. McKeel said anecdotally, she had a constituent who called her and said he drove into a school parking lot several months ago to see if he could get a call through for a family emergency. She said he told her that 22 cars were in the parking lot filled with teachers, families, people trying to work, and students doing their homework. She said this is a situation that must be fixed.

Ms. McKeel said coming out of the pandemic and looking at the marginalized communities that have been especially hurt, it seems to her that looking at the CIP through an equity lens would be very appropriate. She said she would be asking about how the CIP has been filtered through the lens of equity because there are some people in the community that are doing very well while others have been hurt horribly.

Ms. McKeel said in going back to look at the impacts of COVID-19 in the previous strategic plan work, Mr. Richardson mentioned that broadband connectivity was #9. She said this may not be #9 anymore. She added that there may be some things that the boards would want to add to the CIP based on COVID-19, and they need to have those discussions.

Ms. McKeel said, for example, that she was looking at the consent agenda that day and one of the things that County Government has done is that they have upgraded their indoor air quality, which did not cost a great deal of money but would be critical going forward, especially in the absence of not having a vaccine and poor public safety policies. She said perhaps the School Division could look into upgrading at least their elementary schools' indoor air quality. She said this will be critical in helping families feel comfortable with coming back to schools. She said this was not even part of the previous discussion on the CIP. She said based on COVID-19, there may be some CIP projects they may want to bring forward based on where they have been.

Ms. McKeel said another example was looking at school capacity. She said if the schools are down 1,000 students in enrollment, and as Dr. Haas had said at one meeting she attended that a certain percentage of ACPS high schools students are very comfortable with virtual learning and may choose this over coming into the classroom, they need to look at the capacity issues and not just build based on how things were before. She said they may find that the capacity issues or needs have changed.

Ms. McKeel said normally, she is all about building when going into a recession because she believes it is true that one can get better interest rates and build for less money. She added that this also stimulates the local economy and gives people in the community jobs. She said this is normally the right thing to do, in her opinion.

Ms. McKeel said this situation is a little different, however, and she would like to see some data because she is not sure they are seeing this same path. She said now, there are fewer workers and because of tariffs, people are struggling to get supplies. She said she needs to have some clarity going forward on exactly what the impact is. She said she would love to think that it was the same situation as 2010, but she is not sure they are in the same position now.

Ms. McKeel said her last point was that her priority and first concerns were the impacts of COVID-19 on marginalized communities and to get schools back. She added that she agreed they were not in a position for a tax increase that year. She also said she liked the simplified process.

Mr. Gallaway said where he would start reaction-wise from staff, and especially with coming back on November 18, when they asked the question about the Boards' awareness of current circumstances, he was still trying to understand his awareness. He said he would challenge staff when they get into the analysis of last year and the projections for the coming year, to challenge the Boards to understand what is economy-related versus what is COVID or emergency-related.

Mr. Gallaway said in the past, Mr. Steve Allshouse has talked about economic headwinds, projecting out, and being mindful of those economic factors, which he always appreciated. He said he would add to that level of analysis asking, when looking at revenues, if this is more of an economic issue or if it specific to the emergency hitting the economy, and teasing out those details.

Mr. Gallaway said that for example, when he sees the fluctuation at the end of last year compared to what was budgeted, he was interested in where they were projection-wise at the end of February 2020. He said what they were projecting pre-COVID was going to be their revenues by the end of the year, and so they should then see what that swing is relative to what actually happened. He said this is probably a bigger swing than what staff showed on the earlier slide that was consumer-driven (\$2.5 million). He said if they were projecting at the end of February that this was going to be larger than what they had budgeted (which he assumed was the case), then this swing is higher than the \$2.5 million and helps him at least understand further what is going on locally.

Mr. Gallaway said there are likely other ways to look at this so that they can understand specifically what the emergency is creating revenue-wise for the County as they think through their projections.

Mr. Gallaway said this led him to write down a question about 0% revenue growth. He said he understood, but wanted to know why it was 0% versus a decline in revenue. He said he presumed staff had those conversations, and he would be curious as they move through budget talks why they would not project a decline or lower than 0% revenue growth. He said he suspected it had to do with the fact that staff was not seeing as big of a swing in the real estate and local personal property taxes, and that this is

balancing out what they are seeing happening in the consumer-driven piece.

Mr. Gallaway said he was asking for help in formulating what his awareness of current circumstances is as it relates to the budget, both for planning purposes and in the decisions they ultimately make for the CIP.

Mr. Gallaway said he hated to use a tired metaphor, but often in the past, he knows when they have talked budget, people have always made the analogy that the budget or the County is like a big ship, and it takes some time to get the ship to turn. He said someone had made comments about mid-term and long-term, and they have to deal with what is happening right now. He said they cannot throw away the mid-term and long-term strategic goals, however. He said if the ship finds itself in a big storm, they have to be ready to deal with that storm. He said it may throw them off course or make them back track, but they are going to get back on track, moving forward towards their destination, and he does not want to lose sight of that.

Mr. Gallaway said there have been comments about heeding the lessons learned from the Great Recession, and that this was not just the Great Recession, but local Supervisors making decisions. He said he thinks if the current members were on the Board at that time, they may have made different decisions and would have disagreed with some of them.

Mr. Gallaway encouraged making sure they have the information available to them because they have the added layer of the emergency to make different decisions in how they are going to work if a recession is ongoing. He said Ms. McKeel mentioned how it helps the local economy to employ local people, which is incredibly important in a downturn. He said it is not just about the money savings, but about helping people, especially during a time when a recession will be hitting them.

Mr. Gallaway said while he understood that they should spend the proper time looking at the current and immediate emergency and what that is doing to them, they also need to not forget what the long-term goals are. He said he appreciates the comments about getting back to the strategic planning processes, using as much information as they can with what they are dealing with, and then see how this creates the pathway for them moving forward and for the programming of money.

Mr. Gallaway said he was thinking out loud, and appreciated Ms. McKeel's comments about the student enrollment and thinking forward if it is really going to be students in seats. He said it seems like it would be the case for elementary students but perhaps, as they are learning in the workforce, there could be different ways to deliver education, especially for older students, not undermining the importance of the social aspects of school and emotional learning.

Mr. Gallaway said when he hears that student enrollment is down by 1,000, however, he cannot help to think that those thousands (plus more) are going to come back, and that the population growth in Albemarle will continue. He said the things that have been the case in the past will continue to happen.

Mr. Gallaway said taking 1,000 students returning, plus more on top of that, the question is if they are prepared for that from a facilities and workforce standpoint. He said he held off during the compensation piece in commenting, but there was a recent re-tweet that Delegate Hudson put out from the Economic Policy Initiative, and the point they were making is that teachers are generally underpaid when compared to comparatively educated people in other fields. He said teachers are generally underpaid compared to their peers with the same degree.

Mr. Gallaway said Virginia is last in that discrepancy, and he wants to be mindful of that as teachers are starting to think about if they are in the right place due to the emergency, and if they might switch and go to a different place. He said they are underfunded in Virginia and need to be mindful of this, as they do not want to lose people because they feel underpaid and may be switching careers (as with younger teachers), or may move to other systems in different states from a compensation standpoint. He said this is something they must keep in mind.

Mr. Gallaway said he was also grateful that Delegate Hudson is talking about funding the schools at the state level, in the General Assembly, and that he hopes she will continue with that charge. He said Virginia clearly has some work to do, and the General Assembly plays a huge role in that.

Ms. Katrina Callsen (School Board Vice-Chair) said having seen almost none of the presentation (as she was attending another commitment at the time), her comments would be brief. She echoed some of what Mr. Gallaway said, and that she thinks the educational landscape is changing. She said Mr. Gallaway thinks that perhaps more students might be coming back, but that she does think some of the overcrowding can be resolved by the fact that virtual education is a growing platform that is becoming acceptable, and it may very well be the case that they can alleviate the overcrowding of the high schools, which is something they have invested a lot of time thinking about in the CIP process in terms of where to put money.

Ms. Callsen said she didn't get to see the presentation about the process and how it is changing, given the situation with COVID. She said she could say that she has sat in meetings with Mr. Richardson as it pertains to the Airport Authority, and she knows that Albemarle has taken a more conservative approach, which she appreciates as there are many unknowns. She said it sounded as if they were anticipating 0% revenue, and Mr. Gallaway suggested it may even be less than that. She said this may bear fruit, certainly in the City, that things will not be as rosy as they think, and they should be prepared for that.



Ms. Callsen apologized for not seeing more of the presentation, as she had an emergency hearing to attend, but that she would try to watch what she could later.

Mr. Gallaway asked Mr. Alcaro if he had some other items to address.

Mr. Alcaro said he wanted to touch on the no tax rate increase, and that Ms. McKeel hit on his point about that. He said they need the data that feeds this because they are all going to be responsible to many people in terms of services, salary increases (or not), and so having the data that can be assembled over the next month or two would be absolutely invaluable with that.

Mr. Alcaro said to Ms. LaPisto-Kirtley's question about broadband, this is a major priority for the School Division. He said the numbers range between 600-900 students who do not currently have broadband or higher-level internet, which is why they have been invited into the schools to come in for classes. He said Schools put out a great number of at least 500 hotspots to families who were not able to get internet otherwise, and that this is something that is a major priority. He said to Ms. McKeel's point, this is definitely an equity issue and needs to be looked at through that lens.

Mr. Alcaro said he agrees with Mr. Oberg and Ms. Mallek about taking advantage of construction and other capital costs when the costs are down. He said they saw this happen with STAB (St. Anne's Bellfield) school back in 2009, which opened up their learning village campus and built it for 46% less than it would have been a year or two before that.

Mr. Alcaro said he admires the strategy and would say that the capital planning budget process is definitely aligned with his expectations. He said he looked forward to being a part of the process.

Ms. Palmer said she had another comment about broadband, noting that everyone wants broadband very badly. She said she thinks it would be helpful for the Boards to understand that they need help on the state level to hold their ISPs accountable for the service that they provide. She said what they have in Albemarle County is a major service provider that says that they are providing the service, but are not maintaining the underlying infrastructure and old lines. She said much of this is DSL and as Ms. McKeel mentioned, getting fiber to everyone's house right away is ideal, but it is too expensive to expect this to happen overnight. She said holding these companies accountable to maintain their basic infrastructure, however, is something that is needed and that they do not have on the County level.

Mr. Gallaway asked staff and Mr. Richardson if they feel like they have answers from the Boards, or if they need to re-ask or reframe any questions at this point.

Ms. Birch said she appreciated the discussion, and that it was nice to hear that at least for her team and herself, they can move forward to shape their modeling so that it reflects the Boards' expectations. She said it was also helpful to hear from each board member about where they are currently to head into the decisions that need to be made, knowing that they are in such a strange environment.

Ms. Birch said there were some conversations about going with 0% growth versus negative growth. She said one of the reasons why they are currently at 0% is reflecting on what happened 10 years ago. She said knowing that real estate is the County's largest area of revenue, which was the biggest issue 10 years ago, it is not the same now. She said from the information they know now, particularly on the residential side, they are not seeing a shrinking. She said more information will come out as they get the final numbers from the assessor in January, but they are not seeing residential real estate assessments as a problem. She said this is what balances things to make 0% seem appropriate.

Ms. Birch said the big question mark is the commercial side, both on the underlying tax base on BPOL (Business, Professional and Occupational License) tax and the impact of COVID they will see from the gross receipts that come in the spring. She said they will be watching how the businesses respond over the next few months to the changing weather and changing availability of funds from the federal government that is flowing down through the state and through the County. She said the commercial side is where they are focused.

Ms. Birch said at this point, 0% seems to be prudent, but as Mr. Bowman mentioned, they will have the official first quarter report in November and at that point, they will be digging in and crunching numbers to see if they went far enough with their initial assumptions.

Ms. Birch said she would turn the presentation over to Mr. Richardson to close out the presentation after first sharing the timeline slide again. She said the presentation was sent to each board member. She encouraged the board members to contact herself or Ms. Allshouse, noting that Ms. Allshouse is the liaison to Schools. She said November is a big month for information, and staff will definitely consider what they heard from the Boards, which is that they are all interested in knowing the information and to keep them included, and that staff will certainly do this.

Ms. Birch concluded her presentation and expressed that she hoped to someday meet everyone in person.

Mr. Richardson said he did have a question for Mr. Alcaro, who had said that he would look forward to getting some data over the next month or so. He said Mr. Alcaro was referring to the position they have in that they are not starting the process planning for a tax rate increase tied to capital, as they

had been talking about last fall. He said he wanted Mr. Alcaro to restate his question in terms of what he is looking for, and if he is looking for a follow-up from staff in the next month or so, in order for staff to be able to meet his needs.

Mr. Alcaro replied that where he was going on this was to see what the impact would be with a no tax rate increase as related to capital versus moving forward with an increase, whether this is a penny or whatever amount this will be, that the Supervisors had tentatively scheduled for the upcoming period. He said he wanted to see what the impact would be, as he thinks this will be important for everyone. He said like Dr. Acuff, he is on the CIP Advisory Committee, and it would be helpful to them to be able to put together numbers with this decision. He noted that he was not opposed to the decision, but wanted to know what the impacts would be.

Mr. Richardson asked Ms. Birch if she was capturing this.

Ms. Birch replied yes.

Mr. Richardson said he wanted to do two things, and with Mr. Gallaway's permission, Mr. Trevor Henry may want to say something with regard to mention of the construction market. He asked Mr. Henry if he had anything to add about that. He said after Mr. Henry makes his comment, he would ask Dr. Haas if he wanted to make some comments.

Mr. Henry, Assistant County Executive, said several members from both Boards talked about the bidding and construction climate of today versus that of 2010. He said he asked Facilities and Environmental Services (FES) to provide some information they can share with both Boards, and that they will feed this information about the current climate into the review process in November.

Mr. Henry said 2010 was not comparable to the current year. He said in 2010, the housing market crashed, and there was an over resourcing of construction firms very hungry for work. He said the result was that many people left the field, and they have actually seen issues over the past several years with the lack of qualified resources for projects. He said he believes this is still the current state, and that there are labor restrictions. He said he believes there are also rising materials costs due to COVID-19 because of shutdowns and other issues.

Mr. Henry said this was his anecdotal understanding of where the market is from the reports he has been seeing, through his experience, and from some of the national data they get in through Facilities. He said FES will provide a report out to the boards to give them an update on the market.

Mr. Henry said in terms of broadband, he is on the Broadband Authority as part of his role, and that one-time funding was provided to the Authority several years ago that has either been obligated through existing VATI (Virginia Telecommunications Initiative) contracts, drawing down state money, and the work is either finishing up or underway; or the balance is actually tied up with the current year applications. He said he was sure that the Broadband Authority will be excited to hear some of the conversation from today.

Mr. Henry said he did believe the Boards will want more information on this, both around the extension of fiber into the underserved area and access (from an equity lens) to those areas that may be served, but where residents are unable to afford it. He said he does think this is an emergent need of the community.

Dr. Haas said these would be great words to end the meeting on, and that he appreciated Mr. Richardson giving him a chance to speak. He said to repeat what he talked about with the School Division leadership team that morning (which is made up of central office staff, principals, and department heads) is that during difficult times like these, one thing they learn more so than in times that are less challenging is the power of working together and being a part of a team. He said they can do many things they think they cannot do on their own, such as taking on the challenge of equity for students and community members so that they can have a seat at the table.

Dr. Haas said Albemarle County is still a prosperous place to live because of the stewardship of the Board of Supervisors, the focus on learning by the School Board, and the great connections they have built over time between Local Government and School Division staff. He said it still is a place of prosperity, and that this is an opportunity for them to figure out how to bring everyone to the table.

Mr. Paige said he would give a few remarks to wrap up. He thanked the entire staff, including Mr. Richardson, Ms. Birch, Ms. Allshouse, Ms. Gerome, and Mr. Henry for presenting all the information that afternoon, which was beneficial and helpful. He said this past fiscal year they had had the perfect budget developed around February or March. He said the world fell apart in March, and although they realize that they have a tough time coming up with the budget that year, they will do their very best to come up with the best budget they can propose. He said the "3-6-6" plan will help to make some decisions related to the budget.

Mr. Paige said he had two other things to mention related to some comments that have been made during the presentation. He said the School Board is aware of all of the problems with broadband and are trying to do their very best to tackle some of those problems. He said like Mr. Alcaro, Ms. Palmer, and Mr. Henry mentioned, both Boards have to be involved with this, as it is not just a School Board problem, but one for the entire County. He said they are aware of that problem and are trying to come up with some solutions, but will be looking to the Supervisors to help the School Board with that problem.

Mr. Paige said some people mentioned equity, which is extremely important to the School Board. He said this is something they have been working on for a long time and continue to do so. He said they are making some changes in the curriculum, such as reframing the narrative to help overcome some equity issues. He said they are looking at CRT (Culturally Responsive Training) within the division to try to tackle some of the problems. He said currently, the School Board is engaging in a discussion about a book called "Courageous Conversations of Race" by Glenn Singleton. He said they hope the discussion of the book, along with the other things they are doing, will help them to close the achievement gap and better address the equity issue.

Mr. Paige said the pandemic revealed to the School Board quite a few things about the equity issue. He said they are aware of these things and are trying their best to work on them. He said they do need the Supervisors to help them, especially with broadband and other issues the School Board will be bringing to them with their budget proposal.

Ms. Palmer said she wanted to ask staff for one additional thing. She said when Trevor was talking about the construction issue, she agreed with his comments about it, and she wanted staff to comment about how the lower interest rates will affect the CIP funding, which she believed would happen anyway, but she wanted to add that in.

Mr. Gallaway said no one was expecting to be there. He said they went through a planning process, and it was one in which the School Board was working well with the Board of Supervisors. He said he did not want to feel like they were getting away from the relationships they have had, but they had certainly not anticipated having to deal with this emergency.

Mr. Gallaway thanked staff from both the School Division and the Local Government side. He said he was still in awe of the fact that they turned around a completely revamped budget in a few weeks. He said this is the proof that lets him know they will continue to work through this and approve the budget in a smart and diligent way. He said if staff can do this, he knows they have a good team in place that will allow them to work through as they continue to work through the pandemic and the economic items they will have to deal with.

Mr. Gallaway thanked staff for their efforts and planning that day, noting that there was obviously much more work to do as they kick off the budget season. He said they will continue to work through this together.

Mr. Paige asked if there was any other business from any of the School Board members. Hearing none, he adjourned the meeting of the Albemarle County School Board.

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**Recess.** The Board recessed its meeting at 4:02 p.m. and reconvened at 4:18 p.m.

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Agenda Item No. 10. **Work Session:** Proposed Guidelines for Implementation of the Albemarle County Anti-displacement and Tenant Relocation Policy.

The Executive Summary forwarded to the Board states that, on September 18, 2019 the Board of Supervisors adopted a general anti-displacement and tenant relocation assistance policy for Albemarle County (Attachment A) and directed staff to develop a set of guidelines for policy implementation.

Staff has completed the initial draft of the Albemarle County Anti-displacement and Tenant Relocation Guidelines (Attachment B). The guidelines are designed to provide benefits for residential tenants who will be displaced by housing demolition, substantial rehabilitation, conversion to nonresidential use, or sale of a residential property under a sales contract that requires an empty building. Tenant displacements result in personal hardship for those directly affected and also impact the surrounding neighborhoods and other communities within the County. The fundamental goal of the County's anti-displacement policy is to avoid tenant displacement whenever possible. However, when the displacement of tenants is unavoidable, the County will work with developers and property owners to enable displaced tenants to move directly to decent, structurally safe and affordable replacement housing convenient to their place of employment and/or education. Benefits include payment of relocation assistance, relocation services, and advance notice of the planned redevelopment.

The proposed guidelines provide the policy framework for protecting residential tenants who may be displaced due to housing demolition, substantial rehabilitation, conversion to nonresidential use, or sale of a residential property. The guidelines outline the requirements for development of a relocation plan including communications with tenants, assessing tenant rehousing needs, completion of a tenant profile, tenant eligibility requirements to receive relocation assistance, the types and amounts of relocation assistance to be provided, and requirements for relocation plan monitoring and reporting. County staff will provide technical assistance developing and implementing relocation plans at developers' requests. Staff worked with the County Attorney to ensure the proposed guidelines conform with the Virginia Landlord and Tenants Act.

Adherence to the Guidelines will be mandatory for developers and property owners proposing projects which require a rezoning or special use permit, and/or projects that are receiving County support (financial or otherwise). Owners proposing by-right developments, which do not require County Board approval, are strongly encouraged (although not required) to follow the Guidelines. The proposed County

guidelines will not apply to redevelopment projects using Federal or state funding programs (e.g., the Community Development Block Grant program funding or Low Income Housing Tax Credit financing) that require compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).

There is no direct budgetary impact specifically related to this information.

Staff recommends the Board review and discuss the attached draft document and provide feedback on the proposed anti-displacement policy guidelines.

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Ms. Stacey Pethia, Principal Planner for Housing, said she would brief the Board on the Anti-Displacement and Tenant Relocation Policy guidelines that have been drafted. She reminded the Board that this was a work session, and so no action needed to be taken that day. She said it was an opportunity for the Board to review the proposed guidelines and provide feedback.

Ms. Pethia said the presentation will begin with an overview of anti-displacement policies, including the purpose of such policies and a few examples at the federal and local levels. She said they will then review the proposed guidelines for Albemarle County's Anti-Displacement Policy and some feedback that was received through community outreach.

Ms. Pethia said anti-displacement and relocation assistance policies are adopted in efforts to minimize the unnecessary displacement of individuals and families due to the redevelopment or rehabilitation of residential properties, as well as the conversion of rental properties or mobile home parks to an alternative use, such as transferring apartments into condominiums. She said additionally, implementation of such policies helps ensure the fair, consistent, and equitable treatment of residents when displacement from a property is necessary.

Ms. Pethia said residential anti-displacement policies are adopted by all levels of government. She said the following was a review of the policies adopted by the federal government and anti-displacement policies adopted by three different Virginia localities.

Ms. Pethia said the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (commonly referred to as the URA) consolidated and standardized the relocation programs of several federal departments. She said the Federal Highway Administration was identified as the lead agency responsible for administration of the policy, including maintaining and updating the regulations and providing assistance to other federal agencies with policy implementation.

Ms. Pethia said the URA establishes minimum standards for assistance provided to residents and businesses displaced due to federally funded or federal activities related to the real property acquisition, rehabilitation, or demolition and ensures that no residents are displaced unless decent, safe, and sanitary replacement housing is available.

Ms. Pethia said states and local governments must comply with URA regulations when federal funds (such as Community Development Block Grants or federal transportation grants) are utilized for local projects.

Ms. Pethia said to help mitigate hardships created by residential displacement, the URA requires four main types of activities: the provision of relocation advisory services, such as apartment listings or referrals to home ownership programs; minimum resident notification requirements, including providing residents with at least 90 days' notice to vacate the properties; reimbursement for moving expenses by either reimbursing actual moving expenses incurred by residents, or through establishing a set relocation payment schedule; and providing payments for relocation housing, which include a one-time payment to homeowners to help fund the purchase of a new home, or short-term rental assistance payments for rental housing.

Ms. Pethia said local government anti-displacement policies closely align with URA requirements. She said while most local governments adopt anti-displacement policies for federally funded projects, three localities in Virginia have adopted such policies to address displacement due to locally supported work.

Ms. Pethia said Alexandria adopted their anti-displacement policy in February of 2019. She said their policy applies to projects seeking a density bonus through a Residential Multifamily Zoned special use permit. She said the policy outlines both voluntary and mandatory activities, including encouraging developers to provide one-to-one replacement of committed affordable units and guaranteeing a right of return for very low-income tenants who are in good standing under their leases when the redevelopment work begins. She said the policy also requires developers to submit relocation plans and to provide relocation payments for tenants when either temporary or permanent relocation for the property is necessary.

Ms. Pethia said Fairfax County adopted an anti-displacement policy in 1993. She said their policy applies to multifamily rental projects and mobile home parks undergoing demolition, rehabilitation, or conversion to an alternative use. She said compliance with the policy is voluntary, and developers are encouraged to take steps to retain existing residents and to provide relocation assistance when displacement is necessary.

Ms. Pethia said Arlington County first adopted their anti-displacement policy in 1979, which was revised most recently in May 2018. She said those revisions worked to tie the relocation and payment amounts in their policy to the federal URA relocation payment schedule, and to adjust the point in the development review process that final relocation plans must be submitted.

Ms. Pethia said the policy was adopted to promote the preservation and production of housing affordable to very low, low, and moderate-income renter households to minimize tenant displacement and to mitigate the negative impacts of development and redevelopment projects on households and neighborhoods. She said adherence to the Arlington County policy is mandatory for all projects which require Arlington County Board approval, but is voluntary for all by-right projects.

Ms. Pethia said she would move onto the proposed guidelines for Albemarle County, which were modeled after the Arlington policy. She said staff worked with the County Attorney's Office while drafting the document to ensure compliance with state regulations, and specifically with the Virginia Residential Landlord and Tenant Act.

Ms. Pethia said on September 28 of 2019, the Board of Supervisors adopted an anti-displacement policy for Albemarle County, which applies to development and redevelopment projects that receive County funding, or that require a rezoning or special use permit. She said the policy commits the County to minimizing resident displacement in these types of projects or, when displacement is necessary, to ensure displaced residents move directly to safe, healthy, and affordable replacement housing convenient to their places of employment and/or schools.

Ms. Pethia said at the time the policy was adopted, the Board instructed staff to develop a set of guidelines to implement the policy, which she would be presenting. She said the draft guidelines included in the Board's agenda packet establish standards and guidance for developers and property owners assisting tenants facing displacement due to the activities discussed. She said staff proposes the guidelines apply to only multifamily rental properties with four or more units and mobile home parks, and that compliance with the policy guidelines be mandatory for rezonings, special use permits, and projects that receive County funding.

Ms. Pethia said compliance with these guidelines would be voluntary for by-right projects. She said for projects receiving any federal funding, such as CDBG grants, the URA regulations will take precedence.

Ms. Pethia said the draft guidelines contain four broad requirements. She said these requirements include the creation of a tenant relocation plan, provision of relocation assistance to displaced tenants, a ranking system to prioritize and enable residents to return to the site once the project is complete, and the types of assistance County staff will provide to developers and property owners as well as how the County will monitor displacement assistance activities.

Ms. Pethia said there are five elements that make up the tenant relocation plan. She said the first is a list of dates on which various notices to tenants will be issued, such as state required notices to vacant rental properties and when community meetings will be held to discuss the project. She said the plan also includes the results of the tenant survey conducted to create a tenant profile and identify tenant rehousing needs. She said the plan will also include a summary of the types of relocation assistance to be made available and the amounts of relocation assistance payments to be provided. She said finally, the plan will define who is eligible for relocation assistance and how the amount of assistance provided will be determined.

Ms. Pethia said developers will submit a draft relocation plan with the rezoning application, and the final plan will be due at the time of site plan review.

Ms. Pethia said the relocation plan shall include a description of the relocation services to be offered and the amount of relocation assistance to be provided to eligible tenants. She said relocation services a property owner can provide include (but are not limited to) posting listings of available housing units within Albemarle County and the surrounding region, providing tenant referrals to prospective landlords, referring tenants to local homeownership or home buyer programs, and expediting the return of tenant security deposits.

Ms. Pethia said guidelines require property owners to provide a one-time relocation assistance payment to displaced residents. She said the amounts of these payments are based on the URA fixed relocation payment schedule published by the Federal Highway Administration, noting that those amounts were shown in the center column of the table on the slide.

Ms. Pethia said the guidelines propose an increased amount to be provided to very low-income tenants, or those tenants with household incomes equal to or less than 50% of Area Median Income. She said this payment amount was shown on the far-right side of the table. She said the payment amounts are based on the number of furnished rooms in the tenant's current unit and are not based on household size. She said they are designed to help offset the costs of moving and to provide some compensation for having to leave their homes.

Ms. Pethia said for any projects that will provide opportunities for at least some of the tenants to return to the site post-redevelopment, the guidelines propose the developers create a waiting list of interested tenants who are prioritized for return based on a number of factors, as shown on the table on the slide. She said this type of prioritization is similar to the system utilized by the Office of Housing for

awarding House Choice Voucher assistance.

Ms. Pethia said the Office of Housing identifies five categories of households to receive priority ranking on the voucher program waiting list, including veteran status; households who live and work, or have been hired to work, in the County; and persons experiencing homelessness. She said households applying for voucher assistance are assigned a number of points based on the priority categories, with program applicants meeting at least one of these identified categories being placed towards the top of the waiting list. She said households with higher scores are selected through the waiting list.

Ms. Pethia said finally, the proposed guidelines recommend County staff be available to assist developers and property owners with developing their relocation plans. She said this assistance may include providing relocation plan templates or sample relocation plans, or advice on the types of relocation assistance to be offered. She said the guidelines also outline the compliance monitoring requirements, which includes the submission of monthly reports, tracking all relocation activities until the relocation is complete.

Ms. Pethia said staff did conduct some community outreach, and the guidelines were shared with the Housing Policy Stakeholder Committee. She said the committee members reviewed the guidelines and supported them as drafted. She said staff also shared the document with 17 developers (both for-profit and nonprofit), the Economic Development Office, and the Free Enterprise Forum.

Ms. Pethia said staff received a number of comments, which she would summarize. She said one of the comments was that the relocation payments were too low, and suggested they start at \$3,000 for a one-person household. She said the amounts that were listed on the table were based on standard practices throughout the federal government and with all federally funded programs, and are not based on the number of people in the household but on the number of furnished rooms.

Ms. Pethia said staff also received concerns that the guidelines do not protect mobile homeowners. She said under the Virginia Landlord and Tenant Act, mobile homeowners are considered tenants because they generally rent the land upon which their mobile homes are seated. She said these guidelines, because they comply with the Virginia Landlord and Tenant Act, do provide protection for mobile homeowners.

Ms. Pethia said there were also concerns that the County may not have the legal authority to implement mandatory guidelines. She said staff has been working with the County Attorney's Office on those issues.

Ms. Pethia said there was a comment that the priority and ranking list may violate fair housing laws. She said staff does not believe that this is the case because housing authorities are provided the opportunity to prioritize applicants on the waiting list, and this works the same way. She said they are also not denying anyone the right to apply for an apartment, and the waiting list is simply to allow residents to return to the site, if possible.

Ms. Pethia said staff received comments that the guidelines may discourage redevelopment and encourage sprawl, or make housing less affordable overall. She said staff does not believe this would be the case. She said they also received comments that the guidelines do not prevent developers from evicting tenants prior to submission of the application.

Ms. Pethia said she will address the last concern first. She said she created an example of potential redevelopment of a 23-acre site situated in the opportunity zone in the Commonwealth Drive area. She said the site is zoned as a Planned Unit Development with 310 apartments, at 13.5 dwelling units per acre.

Ms. Pethia said the table on the slide showed a potential breakdown of those units by bedroom size, the potential monthly rent received, what the total monthly rent would be, and that they would receive, at-purchase, an annual revenue of \$5.1 million. She said if one were to account for approximately 7% of total annual revenue being used for property operations, the total annual revenue would be approximately \$3.6 million. She said looking out to 36 months (as a rezoning typically takes 24-36 months to complete), they would be giving up approximately \$10.8 million should they choose to evict tenants at the front end.

Ms. Pethia said looking at how much it would cost in this situation to relocate everyone, she did have to make some assumptions about the number of furnished rooms in the units, but it looked like it would be just over \$409,000 to relocate all 310 households. She said this comes out to be less than \$1,000 per unit, which is not an amount staff believes would prevent someone from going forward with the project. She said additionally, because the guidelines will be provided at the front end of a rezoning and it is clearly laid out what the developers need to do, they have expectations and will be able to plan the relocation when they are putting together the project budget.

Ms. Pethia said as far as next steps, if the Board agrees that the guidelines should move forward, staff will return with a resolution of intent for their approval. She said the resolution of intent would be to amend the Code of Albemarle, and staff is examining which portions of the code would need to be amended. She said staff will work to further refine the guidelines with the Board's input, and then work with the County Attorney's Office, Planning staff, and Zoning staff to translate the guidelines into the ordinance for adoption into the code. She said staff will return for a work session in the new year, after these changes have been completed, to receive the Board's feedback.

Ms. Pethia said staff had several questions for the Board's consideration that evening. She said the first was, "Thinking about the priority ranking list, has staff left any groups off of that list, or should anyone be removed from that list?" She said the second question was, "Should compliance with the anti-displacement policy remain as mandatory, or should compliance be changed to voluntary?" She said the third question was, "Does the Board believe that the relocation payments are set at an appropriate level?"

Ms. Mallek said since she did not know quite how to answer the three questions, she may approach it by asking other questions to help her get there. She said she was very discouraged at the beginning reading this because she thought if someone has a lease, this is their protection that they can live there until the lease is up and if the property sold, that was tough for the new buyer. She said apparently, she was wrong about that, or the law has changed in the last 40 years because when she lived in Boston under rent control, this was certainly the rule.

Ms. Mallek said her concern is that it did not seem to be included in the draft as to if the County has authority over other properties than those under legislative or funding process, or if it was strictly federally limited to those two categories.

Ms. Pethia said the County Attorney would likely be better able to answer this.

Mr. Kamptner said the broader question was whether they want it to be only when there is a legislative act being considered. He said his office will work with the Housing Office, moving forward, to repackage this in a way that they think is fully enabled that will have some incentives. He said if they do want redevelopment and the housing stock to be rehabilitated, there are a number of tools available that could encourage developers to do that while at the same time, providing the relocation assistance the Board is looking for in this document.

Ms. Mallek said the overriding concerns are the unintended consequences, that it would push people to go for by-right redevelopment.

Mr. Kamptner said this would be his concern as well.

Ms. Mallek said she was glad to know that Mr. Kamptner is considering and working on that. She said he would likely already take care of the eligibility, that only the people who were there and up to date with their leases would have protection. She said this may have been taken from some other locality, but it makes it seem so easy to get around, and she did not quite understand how the process would work.

Ms. Mallek said another question that may or may not be answerable immediately is if landlords with many smaller properties (e.g. with lots of duplexes or quadruplexes all over the area) going to be included if they go with the mandatory route or if these would also be optional.

Ms. Mallek said there is an interesting variety of rental houses in the area from very small to many units in a building. She said she was somewhat concerned that they will have different rules for differently sized people, which is another thing that may prevent the County's success in this. She said she is very concerned about people who get thrown out because someone who owns the dirt wants to do something else. She said perhaps this person is right, but it is still very disruptive to the families.

Ms. Mallek said on page 8 of the staff report, it talks about all the information that the owner is going to provide to the tenant. She asked where the owner would get the information about all the units that are available everywhere, as this is tricky now even for an individual to do.

Ms. Mallek asked where the money will come from for the relocation assistance, as this was not clear. She said it sounded as if it was coming from the landlord, but she did not hear this specifically said.

Ms. Pethia replied that staff can certainly look into including smaller building sizes, such as duplexes. She said it is generally standard practice at the federal level to only focus on larger buildings (of four units are more). She said she can look into this, however.

Ms. Pethia said in terms of providing rental listings, the developers would be able to print rental listings from the internet. She said having done relocation work in the past, this is how they addressed the issue. She said they would search the internet for available units being advertised and provide a list of those to the tenants in the bedroom sizes needed.

Ms. Pethia said as for who pays, it is on the developer to pay those relocation fees.

Ms. Mallek asked how this would achieve increasing the supply of housing across all the different price points, noting that this would become clearer over the next few months. She said perhaps this is not a tool for doing that, but it was stated that this was one of the reasons for doing this. She said she looked forward to learning more about how that would work as well.

Ms. Price stated that she generally totally supports the purpose of the policy. She applauded the community outreach and the real-life responses from those outside of government who actually deal with housing. She said she did not have enough experience in trying to calculate some of the expenses, and while she appreciated the mathematical calculation that Ms. Pethia provided, she does question whether this is sufficient and whether a more in-depth economic analysis should be conducted to see what the consequences are.

Ms. Price said it also struck her that the presentation provided some information that she did not see in the materials that were provided to the Board. She said Ms. Pethia mentioned in the presentation, for example, that this would only apply to four or more units. She said she did not see this in the materials provided to the Board. She suggested that perhaps she missed it.

Ms. Price said as she was going through the document, on page 2, Item 1.3, it says, "for any project involving tenant displacement," and she now understands that this would be if it involves four or more units. She said the next line under the first paragraph in that same section says that, "Owners will be required or expected," but it does not differentiate at that point which would be required, and which would be expected. She said she did see in some of the examples Ms. Pethia provided from the other localities that they differentiate those, and she definitely wants to know what Albemarle would differentiate as far as "required" and "expected."

Ms. Price said as she understands it, the federal law would apply if federal dollars are involved, and so this would only be applicable to rehabilitation or conversion situations where there are not federal funds involved.

Ms. Price said Item D at the bottom of page 2 talks about how the assistance will be in the form of payments and/or services. She said she believes there needs to be more clarity as to where the differentiation is.

Ms. Price said Ms. Pethia had explained the definition of "tenant" in the presentation, but that on page 4, the last phrase says, "The tenant shall not include...or the owner of a manufactured home lot." She said to her, it would be easier if it said, "The owner of the lot on which a manufactured home is located." She said she was trying to figure out what a "manufactured home lot" was, as it struck her as being two different things.

Ms. Price said on page 7, there are two different calculations that are involved. She said in Item 2.6, if she did the math correctly, it basically requires 90 days, plus 120 days, for a 210-day calculation before vacating the residences. She said Item 2.8 talks about manufactured homes and if she did her math correctly, it was 180 plus 120, which is a 300-day time period, which is a substantial period in advance that a developer would need to take into consideration.

Ms. Price said on the bottom of that page, Item 3.1(a) requires that the owner provide staff "dedicated to service tenants who will be permanently relocated", and she had a question on the impact to those owners who have smaller properties (e.g. four units), as this might be an unreasonable burden placed upon them.

Ms. Price said in terms of the points system, it struck her that the years of tenancy appear to take almost the higher precedence over some of the criteria of years of tenancy, but this might just be a subjective consideration on her part.

Ms. Price said she appreciated some of the comments staff received from the Blue Ridge Apartment Council and the Free Enterprise Forum, and that these raised concerns in her mind as to whether the expenses for this may be so great that they may actually be undercutting the County's objective.

Ms. Price said on page 5, in Paragraph 2.3, Item D ("Total Household Income"), she has some serious concerns about a tenant being required to provide that type of personal information to the owner. She said perhaps this is something that has to happen in affordable housing, but that she believes there should be an independent or third party involved in the disclosure of such personal information.

Ms. Price said in conclusion, she totally supports the idea behind this, but she has some serious concerns as to whether the costs and what staff has proposed may actually undercut their objectives list.

Ms. LaPisto-Kirtley said she also supports the idea, in theory. She said she has some real concerns about how they will roll it out. She said it seems that they could be in a bureaucratic quagmire with everything that is required of the developer to get information from the tenants to provide to the County, who then reviews everything, even all the way up to the County Executive.

Ms. LaPisto-Kirtley said on page 2, she has concerns as to whether or not anyone is going to build rentals, or if they will just choose by-right. She said she is worried about the process being too onerous. She said she would actually like to see the County get a group of developers for rentals and others involved to discuss what they can do.

Ms. LaPisto-Kirtley said one thing that comes to mind is considering the things that have to be done for a relocation, including interviewing the tenant and some who do not want to be interviewed. She said in Southwood, for instance, trying to get the people there to send their kids to the Boys and Girls Club was a challenge because the residents were not sure if they could trust government and worried about being reported to ICE. She said many people are very private, and for the owner or developer to ask about income and how many people are living in their home, these are intrusive questions. She said perhaps they have been paying their rent and not bothering anyone.

Ms. LaPisto-Kirtley said in the guidelines, there are many questions being asked, and that this bothers her.



Ms. LaPisto-Kirtley said regarding the relocation, it is a paperwork nightmare in terms of what has to be provided to the County. She asked if one could forfeit 2-3 months' rent so that the tenant could save that money. She said if there is a 90-day notice, for example, the tenant would not pay the rent for the next 3 months. She said they would thereby save money while the developer or County provides a list of affordable housing nearby.

Ms. LaPisto-Kirtley said there are things in the guidelines about having to find the tenants housing near their place of work or near their school. She said as far as when they would have to move, they have to take into consideration the timing of the school. She said it seemed like they were getting into the weeds on this, and that this bothered her.

Ms. LaPisto-Kirtley said they are providing transportation assistance, which can be done two times. She said they are also providing moving assistance, trucks, and drivers for moving the furniture. She asked who pays for the insurance, and who is liable if something is damaged (the developer or the moving company).

Ms. LaPisto-Kirtley said she is in favor of the relocation plan, but she is not in favor of how they are doing it due to all the paperwork and the questions being asked. She said she has problems with this.

Ms. LaPisto-Kirtley said in the County staff services, there is one person. She said for example, if it is Ms. Pethia that is doing all the monitoring of the ongoing relocation and the aid, this is fine if it is one person. She said she wanted to know, however, if this will cause the County to add to staff to be able to deal with this issue.

Ms. LaPisto-Kirtley said the good developers, in many cases, are helping the tenants. She said she thinks that with the ones that are not so good, the County could have some things in line that will help people.

Ms. LaPisto-Kirtley said she would like to see something put together where the County can help people who are being displaced, but she would like to see something that is more common sense, streamlined, and easy to manage. She said this seemed to her like a bureaucratic nightmare. She said the intent is good, however.

Ms. LaPisto-Kirtley said she was hoping Ms. Pethia would go to the National Fair Housing Alliance located in Washington, D.C. and check to make sure that what she is proposing is in compliance with what they are asking for.

Mr. Gallaway said Ms. Pethia could stop him at any point to address comments before moving onto the next person.

Ms. Pethia said she could respond to the concerns about staff time, using Southwood as an example. She said she assisted Habitat for Humanity in creating their relocation plan and spent approximately 10 hours over three months to do that. She said most of that time was spent looking for examples and templates that the County did not currently have that she could share with Habitat. She said they also have to comply with the federal regulations, which are far more rigorous than what the guidelines propose. She said it was not as staff time-consuming as it appears to be on paper. She said having done relocation work in the past, she is familiar how it works, and it is fairly easy for her to review the compliance reports.

Ms. Palmer said Ms. Pethia provided a brief description of the URA guidelines upfront. She asked if these are what the federal government is requiring, or if there was something else beyond this. She asked if the state uses these guidelines as well.

Ms. Pethia replied that the federal guidelines are used by the federal government and that they do not have any extra ones. She said it is rather dense legislation, and that it was used at Southwood. She said the state also uses the URA guidelines.

Ms. Palmer asked Ms. Pethia if she could provide the Board with a concise side-by-side comparison of what the federal and state governments provide versus her proposed guidelines. She said she was assuming that the URA guidelines override or prevail if the federal and state governments provide money.

Ms. Pethia said this was correct.

Ms. Palmer said there was nothing extra that the County was asking for regarding those. She asked if the guidelines vary at all on the size or the amount of money being put in. She asked if a rezoning is being done and the County is not putting any money into it, where they could put a value on the rezoning, and if saying that they are asking for similar requirements to or less than the URA guidelines, how this would compare with a smaller project (e.g. a fourplex) needing a rezoning to be enlarged, for instance.

Ms. Palmer asked what would happen if there was a rezoning of an apartment complex that has middle-income to upper-income residents living there. She asked if the guidelines still have to be followed, as she did not understand from the materials how this would apply.

Ms. Pethia replied that she wrote that they do apply to all income levels. She said the only difference is that for households with incomes 50% of AMI or less, the amount would increase, which mirrors the federal regulations. She said she could certainly look into making these relocation payments specific to lower-income households.

Ms. Palmer said if they are just rezoning to give more density to an apartment complex owner that has medium-income to upper-income people living there, she was concerned that this may not be appropriate for this kind of situation. She said she would want to make sure that what Ms. Pethia just offered was the case.

Ms. Palmer said she appreciated and agreed with what the other Board members said, adding that she appreciated Ms. Price walking through this. She said she was concerned about the unintended consequences, as Mr. Kamptner mentioned earlier, and about staff looking for incentives. She said it seems to her that when they have someone coming in and asking for money from the County, and the County gives them a long list of things they have to do, they are probably going to roll those costs into their request for money, as well as additional padding for contingencies. She said the unintended consequences are important.

Ms. Palmer said she would like to clearly understand how what the County is doing compares to what federal, state, and local governments are doing, and to what degree.

Ms. McKeel expressed that she had the same concerns that were raised by other Supervisors. She said she did not see how this would keep the County from encouraging by-right development. She asked where the units were that they were going to find for those tenants being displaced.

Ms. Pethia replied that this was why they expanded this to the region.

Ms. McKeel said thinking about where they are, she has a concern about this because now, they are talking about going outside of the area they are familiar with or where their jobs are, possibly. She said it looks to her that they are creating a whole other level of problems around transportation, more expenses for gas, or the need for a car. She said this list could go on indefinitely and that it was a concern for her.

Ms. McKeel said there is talk about modular homes or trailer parks, and she understands the County has some. She asked if they still have a moratorium on allowing modular homes to be built in the community. She said at one point, during the affordable housing discussion, the Board talked about being able to approve modular homes, as they do not do this anymore. She said perhaps if they want the tenants to be relocated, modular homes (which are not what they used to be) could be an option for Albemarle County. She said if they do not allow this, however, they are going to send those people to Greene or Fluvanna.

Ms. McKeel said she is concerned about the unintended consequences, and asked what those unintended consequences were in those communities they were looking at. She asked if there have been extensive discussions about the impacts they have realized.

Ms. Pethia said they have not had those yet, and that it is has been difficult to schedule this.

Ms. McKeel said she would like to hear what those tenants have said as they have gone through this process. She said one of the people that provided some input on this asked a couple of questions that she thought were worthy of consideration. She said if the Board supported this policy, the questioner's thought was that this makes the Comprehensive Plan even more difficult to achieve.

Ms. Pethia said this is why staff will be looking at wrapping this up with a package of incentives to help guide the redevelopment of such properties so that they meet the Comprehensive Plan.

Ms. McKeel asked if, at the end of the day, this was just making housing more expensive.

Ms. Pethia replied that this was not necessarily the case. She said she was in the process of trying to schedule long conversations with the Northern Virginia localities that do this to get their feedback. She said this is looking at the fact that if this were not in place, the tenants would be displaced anyway, and they would not have any assistance. She said this at least provides them with some level of support and financial compensation to assist with that move.

Ms. McKeel said she appreciates this goal, and she knows the Board was clear at Southwood that non-displacement was what they were talking about, and this was an absolute. She said while she appreciated what they were trying to accomplish, she had some concerns, and she did not want to create other problems by trying to solve this one. She said she did agree with many of the other concerns raised.

Mr. Gallaway said he would first react to some of the things in the policy, and then would go to the specific questions Ms. Pethia was asking the Board to respond to. He noted that he did not have much experience with these matters in the guidelines. He asked if the portion about the tenants recording dates and if there was more to it than just reporting the dates versus someone saying that three attempts were made and there was no reply, versus reporting that they tried different means to communicate, etc.

Ms. Pethia replied that staff could work out those details in the next draft. She said they were really looking to make sure that the Board was comfortable with the general framework behind it before

digging into the details.

Mr. Gallaway said the follow-up about the tenants being in compliance with their leases, especially in the current situation, needed to be fleshed out. He said if there is someone who has been in noncompliance for a long time versus someone who has only been in this situation for one month before the redevelopment kicks in, this seems to be a different situation. He said he would put this in the category with his question about the attempts.

Mr. Gallaway said it just occurred to him that when available or return to the units are being provided, hopefully the Regional Housing Partnership will help with that with their new tool coming online, which does this very thing for people looking for affordable housing, but that this could be provided by the School District first so that the tenants can first see the list of houses that are within their current district, and then broken down by different units.

Mr. Gallaway going to the three questions asked to the Board, the first was, "Should any groups be added to or removed from the Priority Ranking List?" He said he was gathering Ms. Pethia was asking about the points system and his reaction to that.

Ms. Pethia replied yes. She asked if the points system is okay, and if there are any other groups of people they would like to prioritize, such as veterans. She asked if they would like to say that if there are veterans who live onsite, and if there is an opportunity to move back to the property once the redevelopment is complete, veterans would be at the top of the list to being offered a unit.

Mr. Gallaway said Ms. Palmer had made the comment about low-income versus high-income, but in looking at the points system, he sees there may be a waiting issue. He asked if he were to receive rental assistance, if this varies based on circumstance, or if it was a flat amount no matter what the circumstance is.

Ms. Pethia replied that it is a flat amount.

Mr. Gallaway said the way he read this is if he lived there for 11 or more years and he is wealthy, he may have 7 points, and that someone who has been there a year and has rental assistance may be lower down on the list. He asked if this is the appropriate wait. He encouraged fleshing out the points system for the priority waiting list, depending on what the goal really is and what they are trying to achieve.

Mr. Gallaway said with regard to compliance being mandatory and not voluntary, and to the legality question that came up in one organization's letter, he supposed that Ms. Pethia would not be bringing this to the Board if it were illegal. He said he is always fascinated when people say that what they are doing is illegal, and he presumed that this part has been explored.

Ms. Pethia replied that it did receive the go-ahead from the County Attorney.

Mr. Kamptner pointed out that this has not been fleshed out because there needs to be more to the guidelines. He said he mentioned the incentives and wrapping the proposal into the incentives, which gives the County a very broad enabling authority to establish criteria for eligibility and to work with developers when they are rehabilitating housing units.

Mr. Gallaway said he would imagine that all the developers would say the costs are too high no matter what the number is, and that they will pass it along, which makes everything more expensive. He said those who are proponents of those helping people will say it is not enough and will have much bigger numbers than what the request is. He said the County has to find a balance between those two camps.

Mr. Gallaway said there has to be a point of altruism. He said there are private developers in the Regional Housing Partnership who are going above and beyond what they typically do, in terms of the bottom line, who say that they are willing to absorb the additional costs for the greater good, and that this seemed what the County was trying to get at here. He said it is not just something they are asking people to pass along.

Mr. Gallaway said if he has a ten-year tenant who has been loyal, he would think the right thing to do would be to offer something to that person, since they have helped him in being a loyal tenant and there is something he can do in return for them with the situation changing. He said how they put this into the policy is the real trick, but he was not going to just fall in the camp of saying it is merely an additional cost to be passed along, or they are not providing it.

Mr. Gallaway said if someone is asking for a special use permit or rezoning, they are already taking on increased costs by going through that process, and they are much greater than what some of the guidelines costs are. He said perhaps there is a balance there, depending on how many units one has. He said the reasons for doing this are different than simply doing it by right.

Mr. Gallaway said just as he gets prickly when people try to convince him to rezone because of the negative consequences of allowing a by-right development to go through, he feels like those same efforts are being suggested here. He said there should be altruism in the fact that the developers will try to absorb some of the costs to pay back those loyal tenants. He said perhaps he was speaking out of turn and this may not be a good policy place, but it was where he was coming from in thinking about this and trying to figure out how they land in the policy.

Ms. LaPisto-Kirtley said on page 11 regarding the points system, it says, "Previously displaced by redevelopment in Charlottesville." She asked Ms. Pethia if she meant to say, "Albemarle County."

Ms. Pethia replied yes and apologized for the error.

Ms. LaPisto-Kirtley said she agreed with Mr. Gallaway about the added costs that would come in. She said she knows there are many developers who, when they redevelop, work with the tenants to make sure that they can either come back or go elsewhere with plenty of lead time. She said she has heard about developers stating they are starting in six months, but then this changes to a year, giving the tenants another six months.

Ms. LaPisto-Kirtley said it seems like with these guidelines, they are almost trying to mandate good behavior. She said she thinks that when the developer wants to rezone and wants money from the County, they should let the developer come up with a plan explaining what they are going to do to get additional funds from the County, be it for rezoning or whatever reason. She said the guidelines seem onerous, which is what bothers her. She said she does not believe the County can mandate good behavior, and that there will be developers who will get around this by charging extra. She said she thinks there is a way to hold people accountable, but that this seems heavy, in a way.

Ms. LaPisto-Kirtley said she thinks they can get to the same place and achieve the same intent without doing it in this way.

Ms. McKeel asked Ms. Pethia if she has had the opportunity to talk to people who have actually done this.

Ms. Pethia replied yes. She said she has worked with developers in other cities that have gone through this process.

Ms. McKeel said she knows someone who has done this who bought a piece of property locally that had what she would call a horrible trailer park on it. She said he and his attorney talked to her at length about the struggles they had because they were trying to tear it down, and he was trying to find places for those residents to go. She said offline, she could provide Ms. Pethia his name, and perhaps she could reach out to him as he is local, and this happened recently (in the last five years). She said she thought it might be helpful to talk to those who have actually done this.

Ms. Pethia said she did not know anyone locally who has done this. She said working for the Housing Authority in Pittsburgh, they had to relocate people on numerous occasions, and worked with other developers to do that as well.

Ms. McKeel said she would provide Ms. Pethia with the name and that she could reach out, as it might be nice to speak to someone local.

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#### Agenda Item No. 11. Closed Meeting.

At 5:21 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider the annual performance of the County Executive; and
- Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice regarding legislation.

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

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price  
NAYS: None

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#### Agenda Item No. 12. Certify Closed Meeting.

At 6:01 p.m., Ms. LaPisto-Kirtley **moved** that the Board 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. Mallek **seconded** the motion.

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

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price  
NAYS: None

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Agenda Item No. 13. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Ms. Dolores Carr (Rio District) said she would like to address Northfields Manor. She said she has been a resident of the Northfields subdivision (at 1904 Dellwood Road) for 32 years. She said she is an educator and a business owner.

Ms. Carr said once she saw Mr. Harris outside of the residence he was building, she addressed him to ask what he was doing because it was out of the norm for the traditional house in the Northfields subdivision. She said he was more than happy to share what was happening and what he would be doing. She said she thought it was a great idea.

Ms. Carr said she is a little concerned and is surprised about the opposition and the challenges Mr. Harris is facing. She said the entrance of the turn to his house could not be more than 20 seconds, which means that no one visiting that property would be going into the subdivision. She said if one is exiting, it is the same situation where they are making a right-hand turn and are back on Rio Road in 20 seconds.

Ms. Carr said the lifestyle of the Northfields subdivision is that they do not have enough parking and driveway space to accommodate their guests. She said currently, Mr. Harris would be the only one who would have enough parking for his guests. She said he has a parking facility in the back, which she has seen personally.

Ms. Carr said prior to Mr. Harris being a resident there, she and other residents always knew when the President of UVA (who used to live in the neighborhood) had an event because of the fact that there were cars lined all the way down Northfields Road. She said they do not have a traditional street with a curb to park on and have to park on grass. She said it is the norm to expect that when one has guests, those guests will be parking on other people's grass.

Ms. Carr said Mr. Harris has more accommodations than anyone in Northfields, and that his facility is beautiful and stunning. She said it is the best-looking property in the subdivision. She said people who are looking for a homestay will find this to be a very accommodating and attractive place. She said the quality of this residence and homestay will only attract high-end clientele looking to enjoy a good time in Charlottesville. She encouraged the Board members to drive by the property, as it is absolutely beautiful.

Ms. Carr said from where she lives (about three blocks down), she cannot see how anyone who lives past the 20 seconds into the neighborhood could complain because they will not hear or see the guests. She said she has personally had a busload of people come to her home to spend the day, and she did not have one person complain or say anything because of the way the area is situated with open space. She said she supports Mr. Harris in his project, which is absolutely beautiful and will be an asset to the neighborhood in the way it is designed. She said she looked to the Board to support Mr. Harris in his endeavor.

Mr. Gallaway closed Matters from the Public.

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Agenda Item No. 14. **Public Hearing: SP202000010 and SE202000002 Airport Animal Clinic.**

PROJECT: SP202000010 and SE202000002 Airport Animal Clinic

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 046B40000001A2

LOCATION: 1758 Worth Park, Charlottesville VA, 22911

PROPOSAL: Special Use Permit request for a veterinary clinic and a special exception request to allow the clinic to be located within 200 feet of a residential property line. The veterinary will occupy an existing building on a 0.74 acre parcel.

PETITION: A veterinary office and hospital under Section 24.2.2.4 of the zoning ordinance. No dwelling units proposed. An associated request for a Special Exception (SE202000002) to relieve the applicant of the requirements of §18-5.1.11(b) and allow the proposed veterinary clinic to be located within 200 feet of a residential property line. ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICT(S): AIA – Airport Impact Area Overlay, EC – Entrance Corridor, Managed Steep Slopes

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

The Executive Summary forwarded to the Board states that, at its meeting on September 1, 2020, the Planning Commission conducted a public hearing and voted 7:0 to recommend approval of Special Use Permit SP202000010 with conditions, as well as Special Exception SE202000002, both for the reasons stated in the staff report. The Planning Commission's staff report, action letter, and minutes from the meeting are attached (Attachments A, B, and C, respectively).

The Planning Commission raised no objections to either proposal but did have a few facility-related questions for the applicant. No members of the public spoke during the public comment portion of

the Planning Commission meeting. Following the Planning Commission meeting, the first recommended condition of the Special Use Permit was also added to the Special Exception request, at the suggestion of the County's Attorney's Office

Staff recommends that the Board adopt: (1) the attached Resolution (Att. D) to approve Special Use Permit SP202000010 with conditions, and (2) the attached Resolution (Att. E) to approve Special Exception SE202000002 with a condition.

Ms. Mariah Gleason, Senior Planner, presented. She said she would be presenting the special use permit and associated special exception request for Airport Animal Clinic for the Board's consideration. She said both requests were heard by the Planning Commission on September 1, 2020 and that the Commission recommended approval of both requests, with conditions for the special use permit. She said that following the Commission meeting, legal counsel advised that the first condition of the special use permit also be applied to the special exception. She said this change was noted in the transmittal summary to the Board.

Ms. Gleason said the proposal is located in the Hollymead area, with the property being the corner parcel at the intersection of Worth Crossing and Fortune Park Road that was developed in the late 1990s. She said the property is set back one block from Route 29/Seminole Trail, across from the Hollymead Town Center, and is surrounded on two sides by similarly zoned commercial buildings that are all generally oriented towards Route 29.

Ms. Gleason said the subject property shares a parking lot with Stifel Investment Services and Forest Lakes Dental. She said other surrounding businesses include Timberwood Grill, McDonald's, Subway, and Dairy Queen. She said abutting the property to the southeast is the residential area Gateway Village Townhouses, and that the Forest Lakes neighborhood lies just beyond that.

Ms. Gleason said this project has two requests for the Board's consideration. She said she would start by going over the special use permit and then moving onto the special exception request. She said at the end of the presentation, discussion and motions can be made on both items.

Ms. Gleason said the proposal is being driven by the relocation of an existing local veterinary clinic located just up the road at the intersection of Route 29 and Airport Road. She said as illustrated in the applicant's materials, the proposed veterinary use will occupy approximately 3,000 square feet of the 8,300 square foot building. She said the remaining building space will be occupied by other commercial/retail and office tenants. She said the applicant is not requesting any changes be made to the exterior of the site, nor any outdoor runs or exercise areas (although there are open green areas on the lot). She said the applicant will simply be occupying the building, and all of the functions of the veterinary use will happen inside the building.

Ms. Gleason said due to the location of the building on the site, the veterinary use requires a special exception. She said no major concerns with the proposed use in this location were identified by staff or members of the public during the review of this proposal. She noted that over 120 property owners and tenants were invited to participate in the virtual community meeting for the proposal, but the meeting was only attended by the PC representative and a media representative. She added that no members of the public spoke during the comment portion for this item at the Planning Commission meeting.

Ms. Gleason said she would keep the presentation short, but that she could discuss any of the topics or information provided in the staff report if the Board desired.

Ms. Gleason said ultimately, staff found the following factors of the proposal to be favorable: no adverse impacts are expected to nearby or adjacent properties; the proposed veterinary use is consistent with the character of the commercial/retail uses in this area; and the proposed use conforms with the Comprehensive Plan.

Ms. Gleason said no unfavorable factors were identified with the application.

Ms. Gleason said staff recommended conditions for the application, which were largely to solidify aspects of the applicant's proposal that led to the favorable findings. She said these conditions are also similar to those that the County typically applies to veterinary uses.

Ms. Gleason said she would move onto the special exception request. She said in accordance with the supplemental regulations to which veterinary uses are subject, veterinary structures are not permitted to be closer than 200 feet to the residential property line. She said the existing building here is approximately 125 feet from what the County Zoning Map designates as a residential property line. She said therefore, the applicant is requesting a special exception for relief from this requirement.

Ms. Gleason noted that the subsection that requires this distancing actually has two requirements in it. She said the first is that the veterinary uses be located no closer than 200 feet from a residential property line, and the second is that the sound generated by this use does not exceed 55 decibels. She said here, the applicant is only requesting relief from the first part so that the proposed use can be located within the existing building. She said if the special exception is approved, the proposed use will still be subject to the sound-related requirements of this subsection.

Ms. Gleason said staff recommends approval of the special exception for the following reasons. She said first, soundproofing will be incorporated into the building's renovations, and the applicant has indicated that the renovations to the building will include sound-attenuating construction materials and techniques (including decoupling the exterior and interior walls to disrupt and diminish the sound waves).

Ms. Gleason said second, the Gateway Village townhouse development includes a 40-foot-wide landscaped open space that will separate and buffer residential units from the proposed use. She said landscaped elements within the area include bermed earthworks as well as a mixture of mature, dense, primarily evergreen trees.

Ms. Gleason said lastly, while the proposed use is approximately 125 feet from what the Zoning Map designates as the residential property line, the nearest residential structure is approximately 195 feet from the proposed veterinary use.

Ms. Gleason said as mentioned previously, following the Planning Commission meeting, the County Attorney's Office recommended the first condition for the special use permit also be applied to the special exception request.

Ms. Gleason concluded her presentation. She said when the Board is ready to make a motion regarding the special use permit or special exception, she had slides that provided possible motion language. She offered to answer any questions.

Ms. Mallek said she believed her questions would be more easily answered by the applicant, and so she would wait.

Ms. Price said with the explanation of the sound-attenuating actions that will be included in the renovation, she was satisfied.

Ms. LaPisto-Kirtley said she was also satisfied.

Ms. Palmer said she was delighted that Dr. Hay found a place nearby to move to.

Ms. McKeel said she had a clarification but would wait.

Mr. Gallaway invited the applicant to speak.

Mr. Daniel Hyer with Line + Grade Civil Engineering said he was representing the applicant and the many people who are helping Dr. Hay relocate his practice.

Mr. Gallaway informed Mr. Hyer he had 10 minutes to present.

Mr. Hyer said he did not have anything new to add to what Ms. Gleason presented. He said he could elaborate on any of it, but at its core, this is the relocation of a veterinary practice that has been in the community for nearly two decades. He said Dr. Hay is his family's vet and has an excellent small animal practice, which is a traditional daytime practice and is not a boarding or kennel operation. He said this location allows Dr. Hay to remain very near where his practice has been and remain close to the community, and perhaps even closer to many people who use his practice for their animals.

Mr. Hyer said it is a relatively straightforward request, with no exterior improvements proposed, as this would be detrimental to the adjacent properties and neighborhood. He said he could elaborate and answer questions as they come up.

Ms. Mallek said her concern is for the applicant not to get unnecessarily boxed into requirements. She said she did not know if the hours of operation were ones that he proposed, or ones that were added by staff. She said the reason she was raising this is that there are times when animals do not heal on a predictable schedule and may need care all night long, and there is no choice when this activity comes up. She said she was concerned that the hours of operation were so firm without any kind of flexibility, which may create a problem in the future.

Ms. Mallek said not being able to walk a dog who has trouble walking on slippery floors out on the beautiful grass there is sad, and so she did not know if this was an option someone would consider rather than being so heavy-handed about it.

Mr. Hyer said the hours originally presented in the application were subtly adjusted by staff to actually make them somewhat longer than what had been proposed. He said he did believe there was language within the application and staff report that says that animals under emergency medical care can be tended to, and that animals under emergency care can even stay overnight in the facility, even though it is technically not a boarding operation, largely due to the fact that not everything can be predicted when it comes to medical care. He said he did think those items were sufficiently handled based on the documentation in place.

Mr. Hyer said he was not sure he fully followed what Ms. Mallek was alluding to, but that he did not think there was anything that would preclude someone from walking an animal around on the exterior. He said they did not want to formalize an outdoor playpen.

Ms. Mallek said as long as the applicant thinks they have access to an outside recovery area, that

was fine. She said she was sorry she missed the detail in the plan, as that answered her question.

Ms. Price said she did not disagree in general with what was just shared, but that she would note at the bottom of page 5 of 7, in Subparagraph C, it does provide that the proposed veterinary use will not offer overnight boarding services (but medical care had been explained, so there was no issue there) or outside exercise areas or runs. She said she does think that if they start opening up to outside exercise areas or runs, it does change the dynamic of a veterinary practice in close proximity to a residential area.

Ms. Price said she does not believe that excludes taking a dog for a brief walk, but that this would be different than an exercise area, and that a run would obviously be much more of a substantial area. She said as long as there is no mixed communication or confusion over that, she had no objection to the application. She said if they were looking at turning it into a regular outdoor activity with the animals, then she believes this goes outside the spirit of her understanding of the application.

Ms. Gleason said it was not meant to preclude any relief activities of animals, but was to formalize that no structure would be put up that may have to be looked into in the future because of the noise aspect.

Ms. Price said this was exactly how she had interpreted it and appreciated her confirming this.

Ms. McKeel said she had one of the same questions that Ms. Mallek had. She said having had a dog that is a small animal and ended up needing overnight care, she thinks this question was answered.

Ms. McKeel asked if a fenced-in run is considered a structure.

Ms. Gleason replied that according to the ordinance, if it is affixed to the ground in any permanent way, it would be considered a structure and would need to go through site plan review, and also be subject to ARB review.

Ms. McKeel pointed out that these pens can be noisy, and so she wanted to be sure. She said she noticed her Planning Commissioner mentioned that surgery would be on the second floor, and so she wanted some clarification. She said when she Googles "small animal," this includes dogs, but she has also known some large dogs. She asked for clarification around the elevator and how the animals will be brought up and down the stairs.

Mr. Hyer replied that this was a fair question and that this also came up previously. He said the answer is still generally the same in that the architectural floor plans that have been developed are still working documents, and the actual interior layouts will be finalized in the days going forward, when this permit application has been successful. He said Ms. McKeel raised a good point, and this would be something the applicant would collectively evaluate. He said interior architecture is not his strongest suit, but the fact that the matter has come up twice now is an indicator that the architecture team should revisit that.

Ms. McKeel said she knows elevators are expensive, but as a retired nurse who has had to move people around who are under 100 pounds, especially if they are unconscious or can barely walk, it can cause a problem.

Mr. Gallaway said he was going to ask this question as well. He asked if there was a cap to the definition of "small animal," and if his 110-pound German Shepherd would be allowed there, for example.

Mr. Hyer replied yes.

Mr. Gallaway said Mr. Julian Bivins (Chair of the Planning Commission) had alluded to the fire safety of the animals on two different floors, and that this seemed like this would be addressed. He said he could not imagine that someone in the veterinary practice would not be concerned for the animals' safety, and so he trusted this would be addressed.

Mr. Hyer replied yes.

Mr. Gallaway opened the public comment portion of the hearing. He asked Ms. Borgersen if anyone was signed up to speak.

Ms. Borgersen replied that there was not.

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

Ms. LaPisto-Kirtley **moved** to approve SP202000010 and SE202000002 Airport Animal Clinic, with conditions contained therein. Ms. Mallek **seconded** the motion.

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

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price  
NAYS: None

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**RESOLUTION TO APPROVE**



**SP 202000010 AIRPORT ANIMAL CLINIC**

**BE IT RESOLVED** that, upon consideration of the staff reports prepared for SP 202000010 and all of their attachments, the information presented at the public hearings, any written comments received, and the factors relevant to special use permits in Albemarle County Code §§ 18-24.2.2.4 and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 202000010, subject to the conditions attached hereto.

\* \* \* \* \*

**SP2020-10 Airport Animal Clinic Special Use Permit Conditions**

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the exhibit titled "Airport Road Animal Clinic Relocation, SUP Exhibit," prepared by Line + Grade Civil Engineering, dated May 7, 2020. To be in general accord with the exhibit, development must reflect the following essential major elements:

- Location of the existing building
- Location of the parking areas

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

2. Any enlargement or expansion of the existing building for the purposes of the veterinary use, other than minor changes needed for renovations and soundproofing, will require an amendment to this Special Use Permit (SP202000010).
3. The hours of operation for the veterinary use may not begin earlier than 7:00 a.m. and may not end later than 8:00 p.m.
4. No outdoor exercise areas or runs.
5. No overnight boarding use, other than for those animals under medical care, may take place at the veterinary clinic.

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**RESOLUTION TO APPROVE A SPECIAL EXCEPTION  
FOR SE202000002 AIRPORT ANIMAL CLINIC**

**BE IT RESOLVED** that, upon consideration of the Staff Reports prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.11(b) and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to allow the proposed veterinary clinic to be located within 200 feet of a residential property line for SE202000002 Airport Animal Clinic, subject to the condition attached hereto.

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**SE202000002 Airport Animal Clinic Special Exception Condition**

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the exhibit titled "Airport Road Animal Clinic Relocation, SUP Exhibit," prepared by Line + Grade Civil Engineering, dated May 7, 2020. To be in general accord with the exhibit, development must reflect the following essential major elements:

- Location of the existing building
- Location of the parking areas

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

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Agenda Item No. 15. **Public Hearing: Buck's Elbow Mountain Tower Lease.** To receive comments on its intent to consider approving a new lease with USCOC of Virginia RSA #3, Inc. for tower and ground space on the County's telecommunications tower located at 7045-7047 Bucks Elbow Mountain Road (Parcel 03900-00-00-001B1), effective July 1, 2023.

The Executive Summary forwarded to the Board states that the County owns a 120-foot telecommunications tower and tower site located on Buck's Elbow Mountain. This tower hosts equipment used by the Charlottesville-U.Va.-Albemarle County Emergency Communications Center ("ECC") as part

of the regional 800 MHz. public safety radio system. From 1996 to 2001, the County leased excess space on the tower, as well as ground space for an equipment shelter, to Charlottesville Cellular Partnership, the local licensing entity for U.S. Cellular Corporation. In July 2001, the County renewed the lease for another five-year term that ended in July, 2006. Following the expiration of that lease, U.S. Cellular remained on-site and continued to make payments according to the lease terms.

After obtaining a fair market value study from RCC Consulting, a firm that the ECC contracted for various telecommunications matters, the parties subsequently entered a new five-year lease (for 7/1/2008-6/30/2013), with two additional five-year extensions (for 7/1/2013-6/30/2018 and 7/1/2018-6/30/2023, respectively).

USCOC of Virginia RSA #3, Inc. now wishes to enter a new lease with an initial term of 7/1/2023-6/30/2028. The resulting lease, attached to this summary, has been accepted by U.S. Cellular. Virginia Code § 15.2-1800 requires the Board to hold a public hearing prior to approving a lease of this County property.

The proposed lease is based on 3% annual rental increases from the fair market values determined by the prior RCC Consulting study. See Attachment A, Section 7 - Rent. For the first year of the new term (July 1, 2023-June 30, 2024), U.S. Cellular would pay \$37,685.76, an increase of 3% from the prior year. During the 5-year term, rent would increase by 3% each year. Following this initial term, the parties could extend the lease for up to two renewal terms of five years each. Rental rates for these renewal terms would be negotiated based on then prevailing fair market values for the tower space.

In addition to the \$37,685.76 payment for Year 1 of the lease, the following payments would be made in subsequent years of the 5-year term:

Year 2 (7/1/24-6/30/25) -- \$38,816.33

Year 3 (7/1/25-6/30/26) -- \$39,980.82

Year 4 (7/1/26-6/30/27) -- \$41,180.25

Year 5 (7/1/27-6/30/28) -- \$42,415.65

Staff recommends that following a public hearing, the Board adopt the attached Resolution (Attachment C) approving a proposed lease and memorandum of lease of the Buck's Elbow Mountain tower site.

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Mr. Andy Herrick, Deputy County Attorney, said he would speak to the Board about the proposed lease for excess space on the Buck's Elbow Mountain tower. He said as noted in the staff report, the County owns a 120-foot telecommunications tower on Buck's Elbow Mountain, with the primary use being for the Emergency Communications Center (ECC).

Mr. Herrick said the County also leases extra space on the tower, with one tenant being U.S. Cellular and its representatives or subsidiaries. He said the County has been leasing to U.S. Cellular and its subsidiaries since 1996 in some form. He said the County is nearing the end of its second lease with the U.S. Cellular affiliate, with this lease expiring in 2023. He said U.S. Cellular has expressed interest in extending that lease.

Mr. Herrick said staff has proposed taking the existing lease, adjusting it to recognize the different equipment that U.S. Cellular currently has on the tower, and to extend it under basically the same terms that exist in the current lease. He said there is an inflation adjustment factor that is built in for annual 3% increases of the current rent but otherwise, it is basically an extension of the current lease that has existed in this form since 2008.

Mr. Herrick said staff included in their report the proposed lease that has already been signed by the U.S. Cellular affiliate, as well as a memorandum of lease that they have asked to be prepared to summarize the lease. He said there is also a proposed resolution staff is recommending the Board adopt. He said staff recommends the approval of the proposed lease and the adoption of the resolution.

Mr. Herrick said he was glad to see Mr. Gabe Elias and Mr. Sonny Saxton from the ECC in attendance, as well as the applicant affiliated with U.S. Cellular. He offered to answer any questions from the Board.

Ms. Mallek asked Mr. Herrick if the access to this property is off Emerald Ridge or Mint Springs.

Mr. Herrick replied that it is at the end of Bucks Elbow Mountain Road and goes through a property that is owned by Nepenthe Corporation. He said one other issue is securing access and he has been working with the corporation on that.

Mr. Gallaway asked if there was an applicant presentation or if the tenant wished to make any additional remarks.

The tenant, Kenneth Kazera, said Mr. Herrick summarized everything perfectly, and thus he had nothing to add.

Mr. Gallaway asked if there was anyone on the phone who wanted to speak. Hearing no public comment, he closed the public hearing and brought the matter back to the Board.

Ms. Mallek **moved** to adopt the resolution attached to the staff report. Ms. Price **seconded** the motion.

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

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price  
NAYS: None

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**RESOLUTION TO APPROVE A TELECOMMUNICATIONS  
TOWER LEASE ON BUCKS ELBOW MOUNTAIN**

**WHEREAS**, the County owns a 120-foot telecommunications tower and tower site located on Buck's Elbow Mountain, which hosts equipment used by the Charlottesville-U.Va.-Albemarle County Emergency Communications Center ("ECC") as part of the regional 800 MHz. public safety radio system; and

**WHEREAS**, the County leased excess space on the tower, as well as ground space for an equipment shelter, to Charlottesville Cellular Partnership, the local licensing entity for U.S. Cellular Corporation, from 1996 to 2006; and

**WHEREAS**, following the expiration of the lease in 2006, U.S. Cellular remained on-site and continued to make payments according to the lease terms, until the parties subsequently entered a new five-year lease with an updated fair market value commencing on July 1, 2008 and including two additional five-year extensions (to commence on July 1, 2013 and July 1, 2018, respectively); and

**WHEREAS**, USCOC of Virginia RSA #3, Inc. now wishes to enter a new five-year lease to commence on July 1, 2023.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby approves a new tower and ground space lease and memorandum of lease with USCOC of Virginia RSA #3, Inc., and authorizes the County Executive to execute a lease and memorandum of lease on behalf of the County once it has been approved as to substance and form by the County Attorney.

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**TOWER AND GROUND SPACE LEASE**

This lease, dated this 22<sup>nd</sup> day of October, 2020, is by and between the COUNTY OF ALBEMARLE, a political subdivision of the Commonwealth of Virginia, whose principal address is 401 McIntire Road, Charlottesville, Virginia 22902-4579, hereinafter referred to as "Lessor," and USCOC OF VIRGINIA RSA #3, INC., a Virginia corporation with its principal place of business at Attention: Real Estate Lease Administration, 8410 West Bryn Mawr Avenue, Chicago, Illinois 60631, hereinafter referred to as "Lessee."

**WITNESS:**

**WHEREAS**, the Lessor and Lessee were parties to a Tower and Ground Space Lease from July 1, 2008 to June 30, 2013 (the "Original Lease"), an Addendum to the Original Lease for the term of July 1, 2013 to June 30, 2018 (the "First Addendum"), and a Second Addendum to the Original Lease for the term of July 1, 2018 to June 30, 2023 (the "Second Addendum"), and desire to enter into a new tower and ground space lease.

**WHEREAS**, the Lessor is the owner of certain real property in the Buck's Elbow area of Albemarle County which has an existing communications tower erected on it and existing communications equipment owned by Lessee; and

**WHEREAS**, the Lessee desires to lease a portion of the property, including some space on the tower.

**NOW THEREFORE**, in consideration of the mutual promises, conditions and other good and valuable consideration of the parties hereto, it is covenanted and agreed as follows:

**1. Property.** The Lessor is the owner of certain property, hereinafter referred to as the "Property," located in the County of Albemarle, Virginia, identified as the "Tower Site" on Exhibit A, which is attached hereto and incorporated herein by reference. Lessor also is the owner of a 150-foot telecommunications tower, hereinafter referred to as the "Tower," which is located on the Property. The portion of the Property that has been used by Lessee for its telecommunications facility, hereinafter referred to as the "Site," is depicted on Exhibit A, which is attached hereto and incorporated herein by reference. The demised premises referred to in Section 2 are located within the Site.

**2. Demise of Premises.** Lessor hereby lets and demises unto Lessee, and Lessee hereby receives and accepts from Lessor, the following described Premises:

"Tower Space": Attachment locations on the Tower located on the Site for the placement and affixing of: Four (4) approximately 8' panel antennas, 1 Rad Center approximately 102' above ground level, and Eight (8) lines (1-5/8" coaxial cable), and attachment locations for the placement and affixing of one (1) Eight (8') foot microwave dish, 1 Rad Center approximately 75' above ground level and lines (EW-65 coaxial cable), and additional attachment locations on the Tower as authorized by the Lessor in writing.

"Ground Space": 240 square feet of ground space at the Site, adjacent to the base of the Tower for the placement of a radio station concrete equipment shelter ("Lessee's Building") approximately 20' X 12', one generator, and a line bridge structure.

"Access Easement": A nonexclusive easement over the Site, measuring approximately 99 feet in width and 98 feet in length for ingress and egress extending across the Property, which easement shall be for the purposes described herein.

"Utility Easement": An easement for utility lines and related appurtenances extending between the Site and suitable utility company service points.

The Tower Space, Ground Space, Access Easement and Utility Easement are collectively referred to hereinafter as the "Premises," and each shall be located on the Site as shown on Exhibit A.

**3. Use of the Premises.** Lessee shall be entitled, at Lessee's sole expense, to use and occupy the Premises for the commercial purpose of affixing, installing, operating and/or maintaining four cellular antennas and one microwave antenna on the Tower Space, an access road on the Access Easement, an equipment building on the Ground Space, and a security fence around the perimeter of the Premises, together with all necessary lines, anchors, connections, conduits, devices, and equipment for the transmission, reception, encryption, and translation of voice and data signals by means of radio frequency energy and landline carriage, as shown on Exhibit A.

**4. Term.** The term of this Lease shall be five (5) years, commencing on July 1, 2023 and expiring on June 30, 2028 (the "Original Term").

**5. Extensions of Term.** The parties acknowledge that it is their intent to extend the lease for two (2) additional, five (5) year terms upon the following conditions:

(a) The conditions and provisions contained in this lease will be the basis for any lease amendment executed for a renewal term, except for the rental terms in Section 7.

(b) The annual rent and annual percentage increase in rent for each renewal term will be determined by the parties prior to the renewal term to reflect then existing market conditions (fair market value). Fair market value will be determined by a third-party appraiser to be mutually agreed upon by the parties.

(c) Written notice of intent to renew must be provided by Lessee to Lessor no later than ninety (90) days prior to the expiration of the current term.

(d) Notwithstanding the provisions of this section, neither party is bound to accept a renewal term.

(e) Neither the original nor any renewal term of this Lease shall be established without the express written consent of the Lessor.

All references in this Lease to the "term" of this Lease shall be deemed to include the original term hereof and any and all extensions thereof pursuant to this Section.

**6. Option to Terminate.** Lessee shall have the unilateral right to terminate this Lease at any time by giving written notice to Lessor of Lessee's exercise of this option and paying to Lessor as liquidated damages an amount equal to one year of rent at the time of termination. These liquidated damages are for Lessor's damages resulting from the termination of the Lease only, and by Lessor's acceptance thereof, Lessor does not waive any right or remedy it may have against Lessee arising from any default by Lessee as described in Section 16 of the Lease, from any damage caused by Lessee to the Property or any improvements thereon, or from Lessee's failure to remove its property and/or restore the property if requested to do so by Lessor, as provided in Section 24.

**7. Rent.**

7.1. Original Term Rent. Rent for Year One of the Original Term, beginning July 1, 2023 and ending June 30, 2024, shall be as shown below. In Years Two, Three, Four and Five, rent shall increase annually by three (3) percent, also as shown below:

Term	Rent
Year 1 (7/1/23-6/30/24)	\$37,685.76
Year 2 (7/1/24-6/30/25)	\$38,816.33
Year 3 (7/1/25-6/30/26)	\$39,980.82
Year 4 (7/1/26-6/30/27)	\$41,180.25
Year 5 (7/1/27-6/30/28)	\$42,415.65

7.2. Submission of Rent. Rent shall be due annually on the first day of each Lease year (July 1). Payment shall be made to the County of Albemarle, Department of Finance, 401 McIntire Road, Charlottesville, Virginia 22902-4579, and the payment shall identify that it is for the Buck's Elbow Tower and Ground Space Lease, and state the date of this Lease.

**8. Maintenance.**

8.1. Maintenance of the Tower. Lessor shall, at Lessor's expense, keep the Tower in good condition and repair, and include the Tower in a regular regime of inspection and maintenance. In the event that the condition of the Tower is such that Lessee is unable to transmit, receive, encrypt and translate voice and data signals by means or radio frequency energy and landline carriage from the Site, and such condition is the result of Lessor's failure to keep the Tower in good condition and repair, Lessor shall, upon receipt of notice from Lessee of such inability, promptly make necessary repairs to restore Lessee's ability to provide such services. In the alternative, Lessor may authorize Lessee to make such necessary repairs by written agreement which shall, among other things, specify the work to be performed and the cost therefor. Notwithstanding the foregoing, Lessee may effectuate emergency repairs to the Tower with the prior authorization of Lessor, who shall reimburse Lessee for the reasonable cost for such repairs. Lessor shall not unreasonably withhold such prior authorization.

8.2. Maintenance and Replacement of Equipment. Lessee shall keep all of its antennas, lines, anchors, connections, conduits, devices, and other equipment located on the Tower in good condition and repair. All trash and unwanted debris shall be properly disposed of and removed from the premises. Lessee shall remove any propane tanks from the Premises no later than 60 days after execution of this Lease. Lessee may maintain and repair any lines, anchors, connections, devices or equipment without prior consent of the Lessor.

Lessee shall not add any antennas to the Tower, or relocate its antennas, without the prior written consent of Lessor, which consent shall not be unreasonably withheld or delayed. Lessee shall not add or relocate any antennas, lines, anchors, connections, devices or equipment without the prior written consent of Lessor, which consent shall not be unreasonably withheld or delayed. In addition, prior to replacing any currently existing equipment or antennas with new or modified equipment, Lessee shall conduct a structural analysis of the tower, at its sole expense, to ensure that any newly placed equipment will not impair the structural integrity of the tower and provide a copy of the structural analysis report

to Lessor. Lessee shall submit to Lessor the names and proposals of three (3) contractors qualified to perform that work for selection by Lessor.

9. **Aviation Hazard Marking.** Lessor shall, at Lessor's sole cost and expense, comply at all times with the Tower marking, lighting, recording and notification requirements of the Federal Communications Commission and the Federal Aviation Administration.

10. **Utilities.** Lessor shall cooperate with Lessee in any efforts made by Lessee to obtain utility services at the Site for Lessee's intended use. Lessee shall be responsible for the separate metering, billing, and payment of its utility consumption by its operation.

11. **Taxes.** Lessee shall pay all personal property taxes levied against Lessee's Building and Lessee's base station equipment. Lessor shall claim any exemption from real and personal property taxes to which Lessor is entitled.

12. **Compliance with Laws.** Lessee, shall, at Lessee's cost and expense, comply with all federal, state, county or local laws, rules, regulations and ordinances now or hereafter enacted by any governmental authority or administrative agencies having jurisdiction over the Premises and Lessee's operations thereupon.

13. **Indemnification.** Lessee shall indemnify and hold Lessor harmless from and against any loss, damage, or injury caused by, or on behalf of, or through the fault of Lessee, its officers, employees and agents. Nothing in this Section shall require Lessee to indemnify and hold Lessor harmless from and against any loss, damage, or injury caused by, or on behalf of, or through the fault of Lessor its officers, employees and agents.

14. **Insurance.** Lessee shall continuously maintain in full force and effect a policy of commercial general liability insurance with limits of not less than One Million Dollars covering Lessee's work and operations upon the Property. Lessee shall name the "County of Albemarle, its officers, agents, employees and volunteers" as additional insureds and, within five days of the execution of this Lease, shall provide to Lessor a certificate of insurance so stating.

15. **Interference.** Lessee's base station shall be installed and operated in a manner which does not cause interference to the operations of any Protected Users. "Protected User" shall mean any user of the Site and the Tower whose claimed protected operations chronologically predate Lessee's accused offending operations. Lessee agrees to immediately cure any such interference or, if such interference cannot immediately be cured, to temporarily reduce power or cease the offending operations, if so demanded by Lessor on the ground of interference, until a cure at full power is achieved. Lessor covenants to use Lessor's best efforts to protect Lessee from interference caused or potentially caused by subsequent users of changes in use.

16. **Default.** If Lessor or Lessee fails to comply with any provisions of this Lease which the other party claims to be a default hereof, the party making such claim shall serve written notice of such default upon the defaulting party, whereupon a grace period of thirty (30) days shall commence to run during which the defaulting party shall undertake and diligently pursue a cure of default. The grace period shall automatically be extended for an additional thirty (30)

days, provided the defaulting party makes a good faith showing that efforts toward a cure are continuing.

17. **Quiet Enjoyment.** Lessor hereby covenants that Lessee shall have quiet and peaceful enjoyment of the Premises throughout the lease term as long as Lessee is not in default hereunder.

18. **Title, Access and Authority.** Lessor covenants and warrants to Lessee that Lessor presently owns the fee simple interest in and to the Property; that Lessor is duly authorized and empowered to enter into this Lease; and that the person executing this lease on behalf of the Lessor warrants himself to be duly authorized to bind the Lessor hereto.

19. **Assignment of Lessee's Interest.** Lessee's interest under this Lease may be freely assigned in connection with the transfer of the Federal Communications Commission authorization to operate a cellular common carrier mobile radio telephone communications system, so that the name and identity of the holder of Lessee's interest hereunder can be consistent with the name and identity of the holder of said Federal Communications Commission authorization. Any other assignment of this Lease by Lessee shall require Lessor's prior written consent, which consent shall not be unreasonably withheld.

20. **Environmental Warranty.** Lessor hereby represents and warrants to Lessee that Lessor has never generated, sorted, handled, or disposed of any hazardous waste or hazardous substances upon the Premises, and that Lessor has no knowledge of such uses historically having been made of the Premises or such substances historically having been introduced thereupon.

21. **Subordination.** Lessee agrees to subordinate this Lease to any mortgage or trust deed which may hereafter be placed on the Premises, provided such mortgagee or trustee thereunder shall inure to Lessee the right to possession of the Premises and other rights granted to Lessee herein so long as Lessee is not in default beyond any applicable grace or cure period, such assurance to be in a form reasonably satisfactory to Lessee.

22. **Notices.** Any notice, demand or communication which Lessor or Lessee shall desire or be required to give pursuant to the provisions of this Lease, shall be sent by registered or certified mail; and the giving of such notices shall be deemed complete upon mailing in a United States Post Office with postage charges prepaid, addressed as indicated below, or to such other address as such party may heretofore have designated.

**If to Lessor:**

Executive Director  
Charlottesville-U.Va.-Albemarle County Emergency Communications Center  
2306 Ivy Road  
Charlottesville, VA 22903



If to Lessee:  
USCOC of Virginia RSA #3, Inc.  
Attn: Real Estate Lease Administration  
8410 West Bryn Mawr Ave.  
Chicago, Illinois 60631

**23. Lessee's Personal Property.** All personal property placed upon the Premises by Lessee shall remain the sole and exclusive property of the Lessee, and may be removed by Lessee at any time, including upon the expiration or other termination of this lease or any extension hereof.

**24. Upon Expiration of this Lease.** Prior to the expiration or other termination of this Lease, Lessee may remove Lessee's building, antennas and lines. Upon thirty days' written notice prior to the expiration or other termination of this Lease, at Lessor's request, Lessee shall (i) remove any or all other personal property placed upon the Premises by Lessee, (ii) request that overhead utility lines and related appurtenances be removed from the utility easement and (iii) restore the Premises to its condition as of the original date of this Lease. In no event shall Lessee remove any improvements made to the Tower. Upon the expiration or other termination of this Lease, all improvements made by the Lessee on the Site shall revert to Lessor and shall be free from any encumbrance at the time of such reversion.

**25. Limitation of Lessor's Liability.** Lessor shall not be liable to Lessee for any damages whatsoever for any damage to Lessee's property located on the Premises, including but not limited to any equipment of Lessee installed on the Tower, or for any interference with, or any damage, injury, or loss to its operations, caused by fire, flood, wind, rain, snow, hail, ice, lightning, earthquake, or any other force of natural cause, or any accident not caused by and not within the control of the Lessor.

**26. Binding Effect.** All of the covenants, conditions and provisions of this Lease shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

**27. Entire Agreement.** This Lease constitutes the entire agreement between the parties and supersedes any prior understandings or oral or written agreements between the parties respecting the within subject matter.

**28. Modifications.** This Lease cannot be modified except by a written agreement executed by both parties expressly stating that it seeks to modify this Lease.

COUNTY OF ALBEMARLE, VIRGINIA

Approved as to form:

BY: [Signature]  
Jeffrey B. Richardson, County Executive

[Signature] 10-22-2020  
Albemarle County Attorney

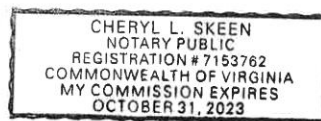
COMMONWEALTH OF VIRGINIA

~~COUNTY OF ALBEMARLE~~ CITY of CHARLOTTESVILLE

The foregoing Tower and Ground Space Lease was signed, sworn to, and acknowledged before me on this 22<sup>nd</sup> day of October, 20 20, by Jeffrey B. Richardson, County Executive, on behalf of the County of Albemarle, Virginia.

[Signature]  
Notary Public

My commission expires: Oct. 31, 2023



USCOC of Virginia RSA #3, Inc.

By: [Signature]  
Vice President

STATE OF ILLINOIS

COUNTY OF COOK

The foregoing Tower and Ground Space Lease was signed, sworn to, and acknowledged before me this 27<sup>th</sup> day of August, 20 20, by Jack R. Phipps, Vice-President, on behalf of USCOC of Virginia RSA #3, Inc.

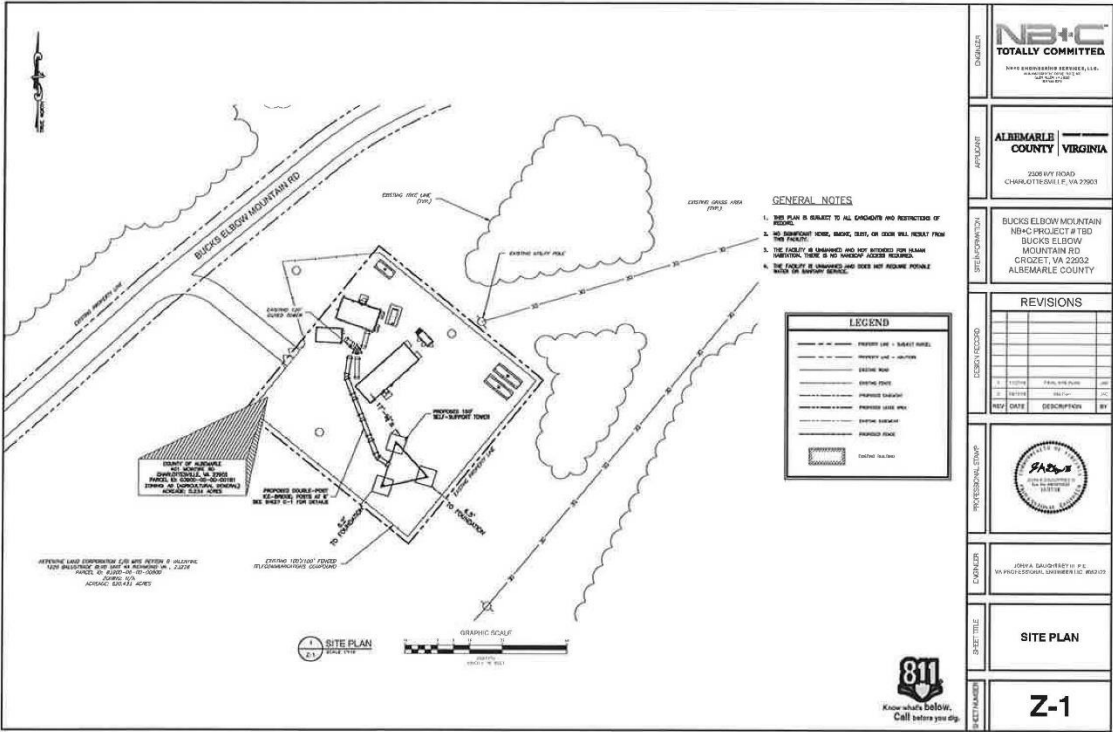
[Signature]  
Notary Public

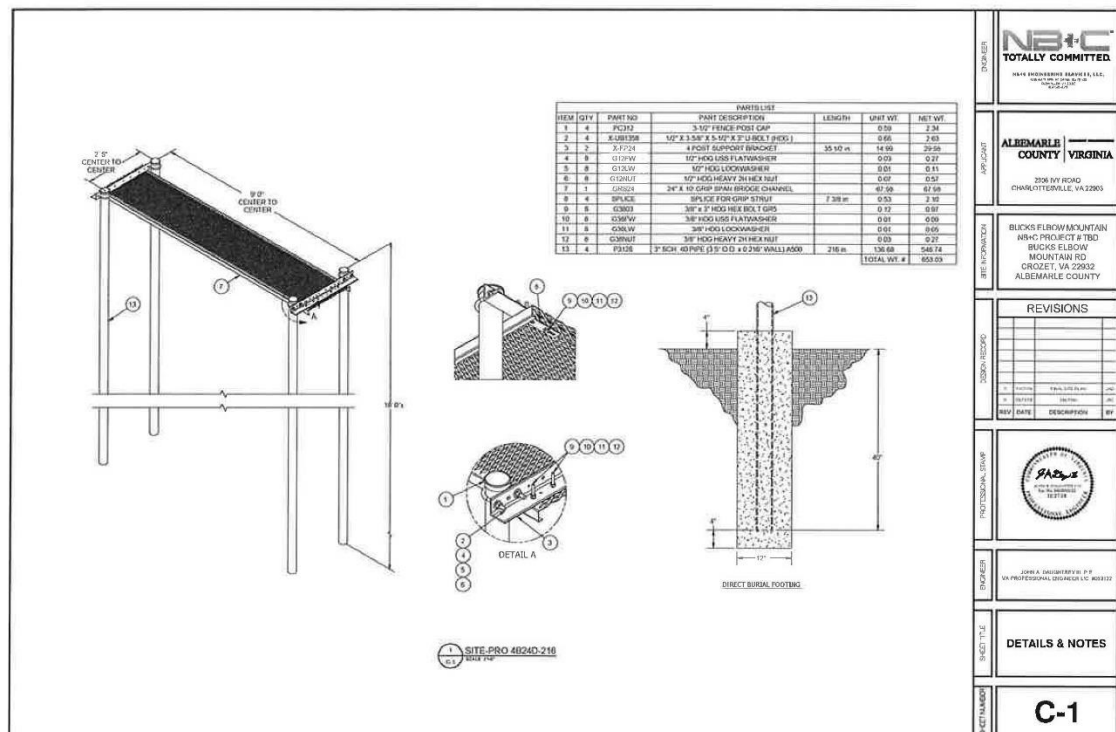
My commission expires: 1/22/2021

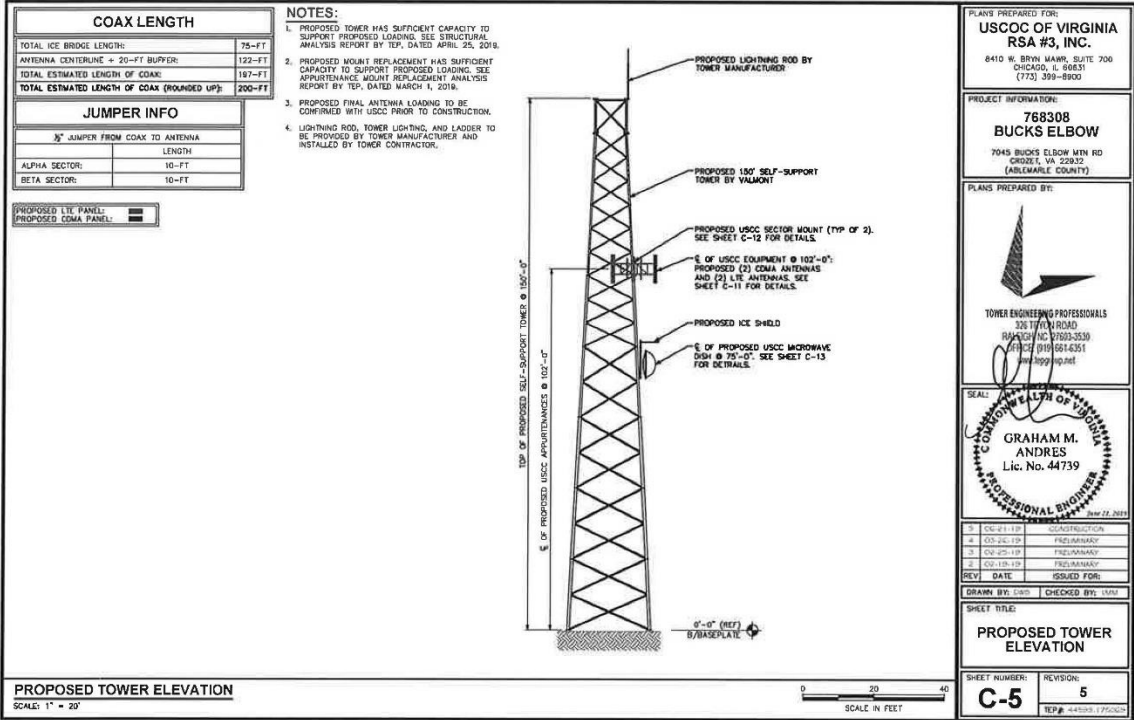
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[illegible]







Prepared by and return to:  
USCOC of Virginia RSA #3, Inc.  
Attention: Real Estate Legal  
8410 W. Bryn Mawr Ave.  
Chicago, IL 60631

Site Name: Bucks Elbow  
Site Number: 768308  
County: Albemarle  
State: Virginia

**MEMORANDUM OF LEASE**

**THIS MEMORANDUM OF LEASE** is made and entered into by and between the County of Albemarle, a political subdivision of the Commonwealth of Virginia, whose address is 401 McIntire Road, Charlottesville, Virginia, 22902-4579, hereinafter referred to as "Landlord", and USCOC of Virginia RSA #3, Inc., a Virginia corporation, whose address is Attention: Real Estate Lease Administration, 8410 West Bryn Mawr Avenue, Chicago, Illinois 60631, hereinafter referred to as "Tenant."

**WITNESSETH:**

**WHEREAS**, by the terms of a certain Tower and Ground Lease, entered into on the 22<sup>nd</sup> of October, 2020, ("the Lease"), the Landlord has leased to Tenant certain property and easements, all being more particularly bounded and described as set forth in Exhibit "A" attached hereto and made a part hereof (the "Premises"), upon the terms and conditions set forth in the Lease; and

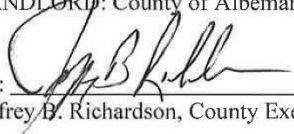
**WHEREAS**, the Landlord and the Tenant desire to execute this Memorandum of Lease to evidence said Lease and certain of the terms therein for the purpose of placing the same of record in the Clerk's Office for Albemarle County, Virginia.

**NOW THEREFORE**, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Landlord does hereby lease to Tenant the Premises, including certain easements, upon the terms and conditions of the Lease, which is incorporated herein by specific reference, and do agree as follows:

1. The Landlord leases the Premises, including certain easements, all as more particularly described on the attached Exhibit A, to Tenant for an initial lease term of five (5) years. The Lease provides for renewal terms that may extend the term of the lease for up to two (2) additional five (5) year terms, which may be exercised upon the terms and conditions more particularly as set forth in the Lease.
2. This Memorandum of Lease is subject to all the terms and provisions of the Lease, which is incorporated herein and made part hereof by reference as if all the provisions thereof were copied in full herein. Any conflict between the provisions of the Lease and the Memorandum of Lease will be resolved in favor of the Lease.

IN WITNESS WHEREOF, the Landlord and Tenant hereto have caused this Memorandum of Lease to be executed by their duly authorized officers as of the date of full execution.

LANDLORD: County of Albemarle

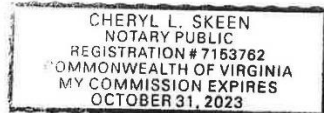
By:   
Jeffrey B. Richardson, County Executive

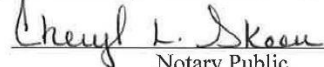
Date: 10/22/2020

COMMONWEALTH OF Virginia)  
~~CITY OF CHARLOTTESVILLE~~  
COUNTY OF Albemarle )

I, the undersigned, a notary public in and for the state and County aforesaid, do hereby certify that Jeffrey B. Richardson, County Executive, known to me to be the same person whose name is subscribed to the foregoing Memorandum of Lease, appeared before me this day in person and acknowledged that, pursuant to their authority, signed the said Memorandum as his free and voluntary act on behalf of the County of Albemarle, for the uses and purposes therein stated.

Given under my hand and seal this 22<sup>nd</sup> day of October, 2020



  
Notary Public

My commission expires Oct. 31, 2023



TENANT: USCOC of Virginia RSA#3, Inc.

By: *[Signature]*  
Vice-President

Date: 8-27-2020

STATE OF ILLINOIS           )  
  )  
COUNTY OF COOK           )

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that Jack R. Phipps, Vice-President of USCOC of Virginia RSA#3, Inc., known to me to be the same person whose name is subscribed to the foregoing Memorandum of Lease, appeared before me this day in person and acknowledged that, pursuant to his authority, he signed the said Memorandum as his free and voluntary act on behalf of the named Tenant, for the uses and purposes therein stated.

Given under my hand and seal this 27<sup>th</sup> day of August, 2020.



*[Signature]*  
Notary Public  
My commission expires 1/22/2021

**EXHIBIT A**

Legal Description of Premises



Mr. Greg Kamptner, County Attorney, said in January 2020, his office began working with the Office of Equity and Inclusion (OEI) related to their work in rewriting the County Code. He said his office has worked with OEI since then, and that this was the first ordinance to come through related to that work. He said OEI has reviewed 12-13 chapters of the County Code, looking for language of bias.

Mr. Kamptner said this was the first ordinance, beginning with Chapter 1. He said the first change is the change in gender pronouns to expressly address how gender pronouns are to be applied in the County Code. He said it expressly allows use of pronouns other than the masculine in the County Code. He said there are some uses of “she” or “her” scattered throughout the code, though not in any organized way. He said this effort is part of the ongoing work to remove gender-based terminology in the County Code.

Mr. Kamptner said one might ask why this was coming forth this month, and the reasons are two-fold. He said one reason is that October is LGBT History Month, and another was that October 11 was National Coming Out Day. He said when he was talking to Ms. Siri Russell (Director of OEI) that day, she added a third reason, which was that October 21 is International Pronouns Day.

Mr. Kamptner presented the change in the terminology, explaining it takes them away from a binary construction of the use of the masculine to one that is much broader to include all gender identities. He offered to answer any questions.

Ms. Price expressed great appreciation to the County for taking this action to be as inclusive as possible beyond simply being the masculine or the feminine. She said she also appreciated the timing of this.

Ms. McKeel said she wanted to thank Mr. Kamptner and staff for bringing this forward. She expressed surprise that there was a day to celebrate pronouns.

Mr. Gallaway asked if anyone from the public wished to speak.

Ms. Lisa Green said she is not a County resident, but is a County employee representing the LGBTQIA affinity group. She said the group would like to thank the Board for its leadership in this work towards inclusivity and equity on all fronts. She said they appreciate the work that continues to be done.

Ms. Green said, to Ms. McKeel’s comment, that there is a day for everything. She said National Bosses Day was the previous Friday, and that there are many celebration days. She thanked the Board again.

Ms. Price **moved** that the Board adopt the proposed revision (Attachment A) as provided by County staff. Ms. McKeel **seconded** the motion.

In further discussion, Ms. Price said she recognizes that there are many people in the country who may not recognize the significance of this. She said if one is one of the 21,600,000 Americans who do not identify as male or female, this is the type of language that makes one feel like they are part of this country. She thanked the County for taking this action and said she fully supports the amendment.

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

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price  
NAYS: None

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## **ORDINANCE NO. 20-1(1)**

AN ORDINANCE TO AMEND ARTICLE 1, THE ALBEMARLE COUNTY CODE, OF CHAPTER 1, 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 Article 1, The Albemarle County Code, of Chapter 1, General Provisions, is hereby amended as follows:

### **By Amending:**

**Sec. 1-102 Rules of construction.**

### **Chapter 1. General Provisions**

### **Article I. The Albemarle County Code**

**Sec. 1-102 Rules of construction.**

The following rules of construction apply to the construction of the Code, unless the application of a rule would be contrary to the purposes of the Code or the context clearly indicates otherwise:

- A. *Catchlines of subsections.* The italicized catchlines of subsections within sections of the Code are intended as mere catchwords to indicate the contents of the subsection and are not part of the substance of the subsection.
- B. *Chapters, articles, divisions, sections, or subsections.* Any references to a chapter, article, division, section, or subsection of the Code is construed to be followed by the words "of the Albemarle County Code of 1998" unless otherwise provided.
- C. *Computation of time.* The manner in which to compute time is as follows:
  - 1. *Providing notice before a public hearing or other proceeding.* When notice is required to be given before a public hearing or other proceeding, the day on which the public hearing or other proceeding will be held is not counted against the time allowed, and the day on which notice is given may be counted against the time allowed.
  - 2. *Act to be performed after a decision or event.* When an act must be performed within a prescribed period of time after a decision or event, the day on which the decision or event occurred is not counted against the time allowed.
  - 3. *Effect of Saturday, Sunday, or legal holiday on time in which to perform an act.* When the Code requires, either by specification of a date or by a prescribed period of time, that an act be performed on a Saturday, Sunday, or legal holiday or on any day or part of a day on which the County office where the act to be performed is closed, the act may be performed on the next business day of the County that is not a Saturday, Sunday, legal holiday, or day on which the County office is closed. Any day on which the governor authorizes the closing of the State government shall be considered a legal holiday.
- D. *Conflicting provisions.* If any chapter, article, division, or section conflicts with another, the provisions of each chapter, article, division, or section shall control on all matters pertaining to the subject matter of that chapter, article, division, or section. If clearly conflicting provisions exist in different sections of the same chapter, the provisions of the section last enacted shall apply unless the construction is inconsistent with the meaning of that chapter.
- E. *Definitions within other chapters.* Any definition within a chapter shall apply only to that chapter unless otherwise provided.
- F. *Gender pronouns.* A word used in the masculine or the feminine, in particular "he," "she," "him," and "her," includes all gender identities.
- G. *Headlines of sections.* The bold-faced headlines of the sections of the Code are intended as mere catchwords to indicate the contents of the section and are not part of the substance of the section.
- H. *Including.* The word "including" is construed to be followed by the phrase "but not limited to."
- I. *Interpretation of words and phrases, generally.* Words and phrases that are not defined in the Code shall be given their plain and natural meaning which is most appropriate in the context in which they are used; provided that technical words and phrases are presumed to be given their technical meaning and words and phrases having legal significance are presumed to be given their legal meaning.
- J. *May.* Depending on the context in which it is used, the term "may" is permissive or it is the grant of authority to act.
- K. *Notes following sections or subsections.* The legislative history notes and the State law references appearing after sections are not intended to have any legal effect but are merely intended to indicate the sources of the matter contained in the sections.
- L. *Number.* A word used in the singular includes the plural, and a word in the plural includes the singular.
- M. *Officers; employees; departments; boards; commissions; agencies.* Any reference to an officer, employee, department, board, commission, or agency is construed to be followed by the words "of the County of Albemarle, Virginia."
- N. *Owner.* The term "owner," when it is used in reference to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or a part of the building or land.
- O. *Shall.* The term "shall" is mandatory.
- P. *Signature.* A "signature" may be a mark when a person cannot write.
- Q. *Tense.* In the appropriate context, any word used in the past or present tense includes the future tense.
- R. *Written, writing, or in writing.* The terms "written," "writing," or "in writing" include any representation of words, letters, symbols, numbers, or figures, whether printed or inscribed on a tangible medium, or stored in an electronic or other medium and retrievable in a perceivable form.

(§ 1-101: Code 1967, § 1-2; Code 1975 § 1-2; Code 1988, § 1-2; § 1-101, Ord. No. 98-A(1), 8-5-98)(§ 1-103: Code 1967, § 1-4; Code 1975 § 1-4; Code 1988, § 1-4; § 1-103, Ord. No. 98-A(1), 8-5-98)(§ 1-104: § 1-104, Ord. No. 98-A(1), 8-5-98)(§ 1-105: § 1-105, Ord. No. 98-A(1), 8-5-98)(§ 1-106: § 1-106, Ord. No. 98-A(1), 8-5-98)(§ 1-110: § 1-110, Ord. No. 98-A(1), 8-5-98); § 1-102, Ord. 18-1(1), 1-10-18; Ord. 20-1(1), 10-21-20)

Agenda Item No. 17. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Price reminded everyone that they were in the last couple of weeks to vote. She encouraged everyone to vote early and to sit back, relax and enjoy the results as they come in.

Ms. McKeel said the County has a quick and safe voting option and that everyone should take advantage of it.

Mr. Gallaway said on October 20-21, the Commonwealth Transportation Board held their meeting. He said it may be on the radars of Regional Transit Partnership, MPO (Metropolitan Planning Organization), and TJPDC (Thomas Jefferson Planning District Commission) that the 5311 monies that were held back from CARES fund in a reserve for rural transit were being decided on. He said he did not know the outcome, but he was sure Mr. Chip Boyles or Mr. Brad Sheffield would be providing an update on it, as it does impact JAUNT.

Mr. Gallaway said it was going to emergency capital and operations, and he knows that JAUNT had put in a request. He said they will continue to keep it on the radar that that money was held back but is now being programmed. He said they would hopefully learn more details and see how this will help with rural transit in Albemarle.

Ms. McKeel added that they were anticipating that they would be voting at the CTB (Commonwealth Transportation Board) meeting on the approval of the dollars for the two transit grants: the Regional Transit Grant and the Albemarle County Transit Grant. She said in fact, they received the information in a presentation, and while she did not think CTB were not supporting it necessarily, they moved the vote to their December meeting, which is unfortunate for the County's timing as they were hoping to get this taken care of.

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Agenda Item No. 18. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said he had a brief check-in for the Board to bring some matters to their attention as well as to the community.

Mr. Richardson presented a picture of the Simpson Park Trail Project in Esmont that was taken that morning. He said there was a volunteer trail building day. He said creating a trail has been a long community priority project, and the pandemic has demonstrated the importance of having safe, accessible recreation opportunities for community members.

Mr. Richardson said the County is glad to add this amenity at Simpson Park for the benefit of Southern Albemarle. He said they are grateful for the support of the volunteers helping to build the trail to make it a reality. He said the picture on the screen was of a trail that will be 1,000 linear feet through the woods and will connect to the existing perimeter at Simpson Park. He said it was a wonderful day outside to work that day.

Mr. Richardson reminded the Board and community that Saturday, October 24 is Drug Take Back Day, from 10:00 a.m. to 2:00 p.m. at Sentara Martha Jefferson Hospital. He said this would take place in the patient transport area, at the back of the hospital. He said the Board is familiar with and supportive of this program, and he appreciates the support. He said the program safely discards unwanted and expired prescription drugs. He said there is a drop-off that is designed with COVID-19 prevention measures that are in place. He said this is another good partnership with Albemarle County Police Department and Sentara Martha Jefferson Hospital for the benefit of the community.

Mr. Richardson said the Board has likely been receiving questions from HOAs and residents in the community, and that his office has been as well. He said Albemarle County encourages everyone to review the CDC guidelines and make a plan to celebrate Halloween safely. He said the safest way is to plan activities with members of one's household. He said in partnership with the Health District and the City, the County is providing the community downloadable signs that people can post on their doors indicating whether they are participating in trick-or-treating. He said they are encouraging people to do grab-and-go trick-or-treat setups as opposed to having the traditional ringing of doorbells.

Mr. Richardson said in the following week, the County will be launching its Spooky Stories videos on Facebook. He said County staff will put up Halloween books and stories to provide options for the community to participate safely. He said he participated in this and that it was so much fun.

Mr. Richardson said the Board is connected with the community in so many ways and shares compliments openly in their meetings. He said he would also like to compliment the great work going on at COB 5th. He said for in-person early voting, they have had 14,684 voters at the COB 5th location. He said by mail, there were 19,559 ballots mailed out and 11,571 ballots returned. He said it is a painless process, and the most common compliments he hears are, "It took me less than 10 minutes," "It was so easy to get in and out," "People are so friendly," and "The volunteers there are doing an exceptional job." He said Mr. Jake Washburne and the Electoral Board, as well as the staff at COB 5th, have done a nice job to flex in a way to where they are utilizing the space for the betterment of the community.

Mr. Richardson said he wanted to remind the community that there are joint meetings over the next week. He said the Board would be meeting with the Scottsville Town Council on Monday, October 26

at 5:00 p.m., followed by the joint meeting with UVA leadership and the Charlottesville City Council on Wednesday, October 28 at 2:00 p.m. He thanked the County’s key partners for working hard to make these upcoming meetings worthwhile and helpful in focusing on collaborative efforts happening in the community.

Mr. Richardson said in all, 1,300 face coverings were distributed on October 9, and 475 redbud seedlings were distributed in partnership with Dominion. He said the County also took the opportunity to distribute information on early voting, fire prevention, climate action, COVID-19 financial assistance, Halloween safety, and how to pay taxes for the second half of the yearly cycle.

Mr. Richardson said he would wrap up by reminding the community that regarding local government operations, the County will extend its building closure through at least Tuesday, January 19. He said this is not to suggest that they are not open for business. He said they are open for business and prepared to handle customer walk-ups. He said they are taking lots of appointments and moving people to the appropriate customer service resource to be able to handle people swiftly and safely while keeping a close eye on employee safety, as the Board would expect.

Mr. Richardson said this will be revisited in mid-December to look at mid-January if they need to change their positioning. He said the factors they will be looking at are the COVID-19 health metrics and the flu season. He said the experts at Thomas Jefferson Health District continue to be outstanding partners and are very helpful.

Mr. Richardson said the County will continue to look at feedback from customers on their service levels during the pandemic and consult with the Health District.

Mr. Richardson concluded his presentation and thanked Ms. Emily Kilroy and her staff for helping with the outreach efforts. He offered to answer any questions.

Ms. LaPisto-Kirtley mentioned that UVA has a permanent drop-off box for old prescriptions across the street from its main entrance. She said this is a green box inside of the building.

Ms. McKeel said it was nice to see the pictures of the park trail.

Agenda Item No. 19. Adjourn.

At 6:55 p.m., Mr. Gallaway adjourned the meeting to a joint meeting with the Scottsville Town Council on October 26, 2020, 5:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(14) “An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster.”

Chair

Approved by Board
Date 08/03/2022
Initials CKB