

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 18, 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.

BOARD MEMBERS 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.

COUNTY 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.

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway said there were some amendments to make to the agenda. He said Ms. Mallek had requested to add in "From the Board: Committee Reports" a discussion on approaches to broadband use in other places and possible direction given to ABBA (Albemarle Broadband Authority).

Mr. Gallaway said he would like to add a conversation about Boards and Commissions that operate in the County, also during the item "From the Board."

Mr. Gallaway said Ms. Palmer and Ms. Mallek were both interested in pulling Item 8.3, "Stream Health Initiative Update" from the consent agenda. He said this item would be pulled and taken up briefly after the approval of the consent agenda, if this was fine with the Board.

Mr. Gallaway said Ms. Price also had a request and asked her when she would want to handle her item.

Ms. Price said she would like to add to the final agenda a proposed motion to amend the Board's Rules of Procedures pertaining to "Matters Not Listed on the Agenda for Public Hearing" in order to allow the applicant and the public to comment on previously deferred applications when they return to the Board for consideration. She said during the actual discussion, she would include the specifics of that motion. She said she believed this would be done during the 6:00 p.m. discussion.

Mr. Gallaway asked Ms. Price if she meant they would do this at the beginning of the 6:00 p.m. meeting.

Ms. Price replied yes.

Mr. Gallaway asked if there were any other amendments or changes that would need to happen before adopting the final agenda, and heard none.

Ms. LaPisto-Kirtley **moved** to adopt the final agenda, as amended. Ms. Palmer **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.

Agenda Item No. 5. Brief Announcements by Board Members

Ms. Mallek said the Artisans Studio Tour, which is normally one three-day whirlwind, began last weekend and was online until the end of 2020 at www.artisanstudiotour.com. She encouraged everyone to visit with the 37 artists who are on the website.

Ms. Mallek said she is on the NACo (National Association of Counties) Arts and Culture Commission, and there is an ongoing effort to collect images and videos from localities across the country in ways that artists are helping to heal their communities. She said this is the theme of 2020's effort to

bridge cultural and racial divides through art. She said that some refer to artists as “second responders” in this role, and so she would ask that if people have information to share with her, they avail themselves of that.

Ms. Mallek said the Crozet Master Plan work is zooming along. She said there were over 70 participants in the meeting last week and lots of challenging new concepts being introduced by staff to solve problems that hopefully, if they work in Crozet, will be able to be used across the County and other growth areas. She said this is a little anxious making for the Crozet residents who feel vulnerable, since no one knows exactly how it will turn out. She said they are all working very hard together.

Ms. Mallek said her virtual town hall would be held the following evening (November 19) at 7:00 p.m. She said White Hall residents have done a great job and encouraged them to send their questions to her beforehand via email, if possible, so she has a better chance to get the information together.

Ms. Price said she will be having a virtual town hall meeting on Tuesday, December 1 at 7:00 p.m. She said a notification for this was just sent out, and she looked forward to meeting virtually with as many of her constituents as possible.

Ms. LaPisto-Kirtley said she wanted to give a shoutout to the Election Board for the outstanding job they did. She said there were unprecedented numbers of early voting and mail-in ballots, with a very high turnout. She said Mr. Jake Washburne and his team of workers and volunteers did an outstanding job in making sure the procedures were seamless.

Ms. LaPisto-Kirtley gave a shoutout to Ms. Grace Tamblyn, as it was her one-year work anniversary.

Ms. Palmer said she would add to Ms. Tamblyn’s one-year anniversary shoutout, adding that she was amazed at how fast the year had gone by. She said she wanted to say that many people do not understand what the Clerk’s Office is actually doing because they see the Board members and everything running smoothly. She said Ms. Tamblyn is at the Clerk’s Office running the program that will be online for those who want to watch portions of the meeting in the future, to go back and see what happened if they have a particular issue they are concerned about or want to learn more about. She said the Board appreciates the Clerk’s Office, and Ms. Tamblyn has been a great addition there.

Mr. Gallaway said he was struck by the comment the Board Clerk made in sending a note out to them about the fact that everyone talks about returning to a “new normal,” but she ventured that this was Ms. Tamblyn’s “normal.” He said coming in during this timing was true and interesting. He agreed about being grateful that Ms. Tamblyn was on board.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6. a. Proclamation in Support of Front-Line Workers.

Ms. McKeel **moved** the Board adopt a Proclamation in Support of Frontline Workers and read the proclamation aloud. 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.

Ms. Palmer said the Board whole heartedly agrees with the proclamation and is grateful to those who have been doing this work. She said it is amazing that all these people continue to work during this period of time.

Ms. McKeel said the worst of the pandemic and its challenges may still be ahead of them, which the Board would discuss later. She said she did not want people to think that by the Board reading this proclamation, they think it is over and done with. She said they just greatly appreciate the people who have helped them get to where they are now, and hopefully they will be able to support them going forward.

Mr. Gallaway said this was well put, especially the fact that the Board will be supporting them moving forward.

Ms. Mallek added that among the community members, she thinks there is a much greater understanding of how everyone in all the different jobs across the community have to point in the same direction to make any progress on this. She said people are so grateful for the work being done by people in the stores, by Fire Rescue, County staff, and teachers. She said she thinks this is a good thing that comes out of this awful situation.

Mr. Gallaway asked Ms. Siri Russell, Director of the Office of Equity and Inclusion, if she wanted to comment.

Ms. Russell replied that she had no comments other than to thank the Board for its continued support of frontline workers, and to thank their partners (UVA Equity Center and PVCC’s Community Self-

Sufficiency Division) for their leadership in elevating this conversation for the region.

Proclamation in Support of Front-Line Workers

WHEREAS, Albemarle County recognizes that front-line workers during the COVID-19 pandemic are vital for the core functions of the economy and our community; and

WHEREAS, regionally front-line workers receive lower wages on average, and come disproportionately from socio-economically disadvantaged groups compared to the overall workforce; and

WHEREAS, we have an opportunity for our region to emerge from COVID recovery with an increased focus on ensuring safe and equitable conditions for frontline workers; and

WHEREAS, the Board of Supervisors supports the ideals of our regional partners (community-based advocates from the Equity Center Local Steering Committee, Network 2 Work, and UVA President's Council on Community-University Partnerships) to establish a regional standard of fair and equitable treatment of front-line workers; and

WHEREAS, the leadership of Albemarle County Local Government has taken considerable steps in alignment with the aim of supporting front-line workers including:

- Health and Safety Protections
- Educating workers and managers on COVID safety
- Financial pandemic risk recognition
- Paid leave and flexible schedules
- Support for wrap around-services and child/family care
- Affordable health care; and

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors do continue to affirm our commitment to our front-line workers and to supporting through our actions and our partnerships the promotion of an equitable and inclusive Albemarle County.

Agenda Item No. 7. 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.

Mr. Gary Grant (Earlsville area, Rio District) said it is apparent that the Albemarle Board of Supervisors as a whole, and the six Supervisors individually, do not care to answer questions submitted by telephone from constituent residents, property owners, taxpayers, and/or voters. He said the 18 questions asked of the Board on October 7, October 21, and November 4 by telephone remained unanswered.

Mr. Grant said those 18 questions will now be submitted in writing to the Albemarle Board of Supervisors as a whole, and to the six Supervisors individually. He said to consider this an integrity test of their commitment to their alleged County Government transparency related to questions submitted by constituent residents, property owners, taxpayers, and/or voters.

Mr. Grant said meanwhile, there is still a telephonic question related to the present meeting agenda. He said there will be a public hearing that evening from which the Board hears from the public before taking a vote. He said according to the Rivanna Supervisor, at the September 6, 2020 meeting, "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." He said the question is how many of the Supervisors, in addition to Ms. LaPisto-Kirtley, already know how they are going to vote on the item before the evening's public hearing.

Mr. Grant said on a personal note, as of last Thursday with numbered checks 850 and 851, he as an Albemarle County resident, property owner, taxpayer, and voter now has 2,156 more reasons to expect answers to questions from elected Supervisors.

Mr. Grant thanked the Board for his less than three minutes of their valuable time. He wished them best regards for a productive meeting and a safe Thanksgiving.

Ms. Abigail Turner said she was speaking on behalf of the Albemarle County Democratic Party and wanted to celebrate with the Board the elections operations during very challenging times and during a pandemic, with high voter anxiety about getting their votes counted. She said they had an almost 80% turnout, with 20 precincts at over 80%. She congratulated the Electoral Board, Mr. Peter Wurzer, Mr. Jim Heilman, Mr. Michael Rodemeyer, and especially Mr. Jake Washburne's office and his staff for the months of work on the designs for safe voting for both early voting and Election Day.

Ms. Turner said two-thirds of County voters voted early, either in person or by mailing or dropping off their ballots. She thanked Mr. Heilman for keeping this data separate so that they can study what happened by precinct.

Ms. Turner thanked Mr. Lance Stewart for setting up traffic flow and the parking lots at 5th Street to keep voters safe, and for efficient handling of outside curbside voting.

Ms. Turner thanked the Board for providing a budget for Mr. Washburne so that he could hire many part-time workers to handle the over 20,000 applications for mail-in voting to get those ballots mailed and processed when they return.

Ms. Turner said Mr. Washburne and Ms. Clarice Schermerhorn recruited, by her calculation, at least 300 elections officers who worked at early voting and on November 3, during the pandemic. She said they made the systems work.

Ms. Turner thanked the legions of partisan observers and workers during early voting and on November 3. She said that as an example, the Albemarle Democrats had over 200 observers and other volunteers inside and outside the polls on November 3.

Ms. Turner said she particularly wanted to celebrate the voters who showed up. She said on September 18, at the beginning of early voting, people waited in line beginning at 5:45 a.m. She said these included women with their garden chairs and walkers. She said they rarely had lines, except on the first day of early voting and before the polls opened on November 3.

Ms. Turner said she hoped the Board would agree that all of this teamwork resulted in a celebration of democracy.

Mr. Gallaway closed Matters From the Public.

Agenda Item No. 8. Consent Agenda.

Mr. Gallaway reminded the Board that Item 8.3, "Stream Health Initiative Update," was pulled and would be discussed after the consent agenda approval.

Ms. McKeel **moved** to approve the consent agenda, as amended. Ms. LaPisto-Kirtley **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

Item No. 8.1. County Grant Application/Award Report, Including CARES Funding, **was received for information.**

Item No. 8.2. FY 2021 Quarterly Financial Report., **was received for information.**

Item No. 8.3. Stream Health Initiative Update (*pulled for discussion*).

The Executive Summary forwarded to the Board states that, in 2017, the Board of Supervisors directed staff to develop strategies for improving stream health in the county; this project is referred to as the Stream Health Initiative. A public engagement effort in 2017-2018 involved three stakeholder meetings, focused on development, conservation, and farming/forestry, as well as public meetings and surveys to reach the wider community. These efforts generated thoughtful discussion, as well as a recognition of the broad scope of the project, ultimately resulting in the division of the initiative into two phases. Phase I has focused on development-related issues and strategies for improving stream health. Thirteen specific proposals were developed, some of which have been implemented; work on others is ongoing. Phase II of the Stream Health Initiative will be focused on rural area issues and land uses, and on developing strategies for improving stream health in the Rural Areas. A public engagement effort is planned in order to build on what was learned in 2017, and to focus on solutions supported by the communities, landowners, and organizations that live and work in Albemarle's Rural Areas.

A summary report is provided as Attachment A, which outlines the project timeline and public engagement approach for Phase II of the Stream Health Initiative, focused on the Rural Areas. Public engagement will focus on maintaining good communication, encouraging stakeholder involvement in development of strategies and solutions, and incorporating continual feedback throughout the process. Presentation of final proposals to the Board of Supervisors will occur prior to the end of December 2021.

There is no budget impact at this time.

This report is for information only. No action is necessary.

(Note: Pulled for discussion later in the meeting.)

Item No. 8.4. VDoT Monthly Report (October) 2020, **was received for information.**

(At this time, the Board went back to Item 8.3:

Item No. 8.3. Stream Health Initiative Update.

Ms. Palmer said this item was not for action, but was for information only, so she was not sure how they would address this. She said her concern was that it sounded as if they were doing what they did before, and there were some problems with Phase 1 in terms of how the public responded to it. She said there was some confusion, and it sounded as if they were doing something similar as before.

Ms. Palmer said she wanted to have a discussion at some point (recognizing that this was not the right time) to consider, especially during the pandemic, a different approach to this in picking a waterway that they know is being impacted, is in trouble now, and needs to be addressed. She said perhaps they could have lessons learned from that in a situation where they already know the area residents are very interested in doing something about it.

Ms. Palmer said she would give the example of the Moormans River, where the Board has had some discussion about the parking issues up at the reservoir. She said they have not had the discussion, however, about what is happening downstream from the reservoir. She said there have been many complaints, and people are parking to go swimming and sunbathing. She said there was a lot of increased use before COVID-19 and now, it is increased from that.

Ms. Palmer said they have heard from the Girl Scouts camp representative that they cannot bring the Girl Scouts over to their swimming hole they were using before because they never know what is going on there. She said there is a lot of trash, erosion, etc. She said there are several things going on. She said there is even a put-in and take-out for kayaks along the river that are regularly used.

Ms. Palmer said she thought if they took something and used it as an example, they would have lessons learned. She said this was for a future discussion, but she was concerned about repeating what they did before and the reaction they will have from the public on that.

Ms. Mallek said her questions were in search of answers in the future because she was confused by the status of this process. She asked if it was just beginning, or if it had been going on for a year (in which case, she would have many questions about details under each of the lines, who the partners are, what they are doing, and what the engagement will be like). She said she was looking for more information and was not sure whether bringing up those questions now was useful, or if someone was planning to bring it back with more detail at a later time and this was just an initial step.

Ms. Mallek said she was not sure how much feedback she should provide immediately or if this was better done at another meeting in the future. She apologized for being behind on her questions and that she should have sent them to Mr. Kamptner the week before.

Mr. Gallaway asked Ms. Kim Biasioli if she wanted to comment.

Ms. Kim Biasioli, Natural Resources Manager, said she could share an overview of the project that she believed may address Ms. Mallek's questions.

Ms. Biasioli said to address Ms. Mallek's question about where they are in the project, the Stream Health Initiative is a large project that started before her time. She said it was endorsed as part of the Natural Resources work plan and developed in response to many of the goals and strategies of the Comprehensive Plan and Biodiversity Action Plan, and was also part of the most recent CDD work plan that was reviewed.

Ms. Biasioli said the bigger project started in 2017, and there was a broad public engagement effort then that Ms. Palmer had referred to. She said there was a decision at that time to divide the project into two phases, with Phase 1 being focused on the Development Areas issues related to strategies for improving stream health and Phase 2 focusing on the Rural Area issues, land use, and solutions and strategies for improving stream health.

Ms. Biasioli said all of the work that has been done to date has been in Phase 1, on all the proposals and working with the development community. She said most recently in July, updates to the 13 proposals that Mr. Frank Pohl brought up for review were divided into two categories (which were unfortunately also called "phases," which staff would try to remedy). She said the first category included those that could be implemented immediately, and the second category included those that were put on hold before further budget analysis can be done in order to address staffing needs.

Ms. Biasioli said the report on the agenda that day was really about the new phase of the project that is focused on the Rural Areas and planning for how to engage the public and stakeholder groups, hopefully in new and strategic ways to not necessarily repeat what was done but rather, to build on it and create more of a collaborative and iterative process where staff can receive feedback and incorporate it as they work on building solutions.

Ms. Biasioli said this hopefully answered the Board's questions. She said she agreed with Ms. Palmer that there was more discussion to be had, and welcomed her feedback and recommendations if she had any for how to do that well.

Ms. Palmer said she would glad to talk to Ms. Biasioli at a different time directly, as she is concerned about how this is going, just knowing what happened and what the public's response was the last time. She said she wanted to avoid that, and so she would love to have a conversation with Ms.

Biasioli about that at a later time.

Ms. Mallek said she would look forward to learning about the partners, as there is a tremendous amount of information already available for partner agencies on all these questions. She said the detail she is looking for is around how they are getting information from others so that they are not reinventing the wheel on any of this, and that they amass a certain amount of information first before they go out to the public to ask them what they think. She said giving them a blank page is very confusing.

Ms. Price said she understood this was an update on where things are, recognizing that there can be very different considerations between the Development Area and Rural Area, where there are agricultural and animal husbandry issues. She said she was pleased to see that the County intends to work hand in hand with a number of the organizations and confirmation groups, such as the Farm Bureau. She said one of the concerns she always has is that it appears that sometimes, government regulations put form over substance. She said here, she thinks they really need to look at what may be the best business practices rather than relying principally or solely on a standard distance of 50 feet or 100 feet. She said she was pleased to see that the County will make sure that all those voices are heard.

Ms. LaPisto-Kirtley said she agreed with Ms. Palmer and looked forward to hearing some additional information.

Mr. Gallaway asked if there was a summary of those later conversations, that the whole Board be kept in the loop so that everyone has the same information.

Agenda Item No. 9. **Action Item:** Confederate Memorial Time Capsule Presentation.

The Executive Summary forwarded to the Board states that, on August 6, 2020, the Board held a public hearing and adopted a resolution to remove the Civil War memorial, "At Ready" from its court square property; and, the memorial was taken from the site on September 12, 2020.

Following the removal of the memorial from the site, a time capsule was removed (with consultation from UVA Special Collections staff) from a cavity in the ground where the statue stood. The time capsule, originally placed in 1909, was transported from the site to the UVA Special Collections lab that same day.

Since its removal from its previous location underneath the At Ready statue, the time capsule has been in the possession of UVA Special Collections for assessment and recovery of its contents. Evaluation of the time capsule contents revealed quickly that the majority paper contents of the box had been bathed in ground water, subjected to large insect activity and most likely bacterial activity. Despite the significant deterioration, UVA Special Collections staff have spent considerable time working to salvage as much of the time capsule contents as possible.

Optimal recovery and exhibition of the time capsule contents will require significant preservation capacity. The condition of the contents necessitates specialized digital and physical resources and considerable expertise. UVA Special Collections has expressed a willingness to take responsibility for the long-term investment needed to keep the time capsule contents available and accessible for community use.

The Board is authorized by Virginia Code § 15.2-953 to make a gift of personal property to the University of Virginia.

No budget impact is anticipated.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to approve the University of Virginia library Deed of Gift Agreement (Attachment B) and to authorize the County Executive to sign the Agreement.

Ms. Siri Russell, Director of the Office of Equity and Inclusion, presented. She said she was joined by Ms. Sue Donovan and Ms. Molly Schwartzburg of UVA Special Collections, who would be part of the presentation.

Ms. Russell said they would talk about the time capsule that was recovered from the foundation at the "At Ready" monument. She said she would provide a brief background, and then the bulk of the time would be spent with Ms. Donovan, who would share with the Board some of the detailed information about the recovery efforts of the contents of the time capsule. She said they would speak about long-term exhibition options and leave room for questions.

Ms. Russell said as this is an action item, they will be putting forth a proposal to the Board to deed the time capsule contents to the UVA Special Collections Library.

Ms. Russell said the time capsule had been placed inside a copper box in the foundation of the "At Ready" monument in May of 1909. She said in August of 2020, the Board held a public hearing to remove the "At Ready" monument from Court Square, which was followed on September 12, 2020 by the actual removal. She said at the time that the "At Ready" monument was removed, the time capsule was also removed with consultation from UVA Special Collections staff.

Ms. Russell presented an image of what was seen when the time capsule was actually recovered. She presented another image, taken moments before the capsule was actually lifted out of the ground. She said she chose this image because looking closely at her cell phone shown in the image, one can see an image of UVA Special Collections Conservator Ms. Sue Donovan, who walked them through the process. She said she would turn the presentation over to Ms. Donovan to tell the Board about those recovery efforts.

Ms. Sue Donovan, Conservator for Special Collections at the UVA Library, said she was happy to be presenting to the Board about the time capsule that was unearthed from the monument on September 12, 2020. She said her specialty is in book and paper conservation. She said in order to prepare for this time capsule and help with its assessment once it was uncovered, she reached out to quite a few conservators in different specialties, such as the Virginia state archaeological conservator, a local textiles conservator, and conservators and historians who have dealt with time capsules before.

Ms. Donovan said she was first contacted about the time capsule by Ms. Russell, and during a call with her and Mr. Blake Abplanalp (Chief of Facilities, Planning, and Construction), she discussed what she knew about time capsules, including the potential for damage. She said generally speaking, a time capsule is an enclosure made of a sturdy material, such as metal or stone, that is buried underground. She said time capsules are buried under monuments or are otherwise enclosed in a component of a building, such as another time capsule that was recently uncovered from a granite sphere on the Salt Lake City Church of Latter-Day Saints temple.

Ms. Donovan said in general, time capsules commemorate a special event, such as the erection of a building or monument, the turn of the century, or a specific person. She said their contents are selected by specific communities or organizations that are responsible for the special event, monument, or building. She said historian Sarah Beetham notes that time capsules are frequently found underneath monuments erected in the 1910s through 1920s because they were actually part of the fundraising event around the statue itself. She said the "At Ready" time capsule was filled with documents and artifacts celebrating the Confederacy, and so it represents the culture of a particular community that erected the monument.

Ms. Donovan said there are things that can go wrong with time capsules. She said time capsules that are buried underground are at a great risk of water infiltration, especially when placed underneath monuments that weigh thousands of tons. She said even a well-constructed and sealed time capsule can be breached and its contents damaged beyond repair.

Ms. Donovan said the time capsule underneath the Lee Monument in Raleigh, NC (as pictured on the slide) was crushed by the weight of the statue, and its contents were unrecoverable. She said she spoke with one of the conservators in Raleigh who participated in the salvage efforts prior to the removal of the "At Ready" monument, and they shared with her that because the time capsule had been breached, all that was left of the paper in the capsule were small pieces of text amidst the debris. She presented a picture of the time capsule that had been underneath the Raleigh monument, noting that what was shown behind the person holding the box was what was left of the paper. She said this could have been an indicator to her of what was to come.

Ms. Donovan said the reason why water penetration is so damaging is that water solubilizes acids that are found in papers from the late 19th-century and 20th-century papers. She said ground water and rainwater also carry debris and silt that can further damage paper. She said even a small amount of humidity can cause mold growth, which is devastating even to good quality paper. She said they cannot rule out that there could be some kind of microbial action within the time capsule, given the foul odors that often accompany time capsules.

Ms. Donovan said the next slide would talk about what could go wrong with the particular time capsule underneath the "At Ready" statue. She said based on the list Ms. Russell had shared with her, they knew that the contents of the time capsule were primarily paper, and they had been put in in 1909. She said she was anticipating possible mold growth, and had described to Albemarle County representatives that mold growth on early 20th-century paper would be very damaging, and that any rupture of the time capsule box could be disastrous.

Ms. Donovan said the knowledge that the time capsule had been made of copper, however, gave her hope because copper can act as a natural fungicide and pesticide. She said she had discovered that there was a double-walled copper time capsule buried in 1915 in the cornerstone of the Arlington National Cemetery, which had been removed intact. She said while she knew there was a greater chance that the "At Ready" time capsule would be in poor shape, she still thought there might be some hope that the contents could be in fair condition.

Ms. Donovan said with approval from her director and from her associate University librarian, she offered to receive the time capsule at her lab after it was taken out of the ground in order to assess the condition of its contents and perform stabilization as necessary.

Ms. Donovan said she watched the livestream of the statue removal and was on hand via telephone to answer questions with Ms. Russell when the time capsule actually came out of the ground. She said when she saw the hole in the cement filled with water, she knew she needed to adapt a salvage approach, but she was not prepared for the extent of the damage of the paper-based items.

Ms. Donovan said the time capsule contents were completely bathed in water. She said the foundation of concrete into which the copper box had been placed had expanded over time, which pushed in on the copper box and popped the lid off, allowing rainwater to come in. She said this meant that the time capsule had been soaking in groundwater since slightly after the box had been put into the ground in 1909. She said silt from the groundwater colored the water brown, coated the exterior of the piles with mud, and effectively acted as an adhesive between the different layers of paper.

Ms. Donovan said as the water level rose, the contents of the time capsule became bathed in what the Virginia state archaeological conservator called “an acidic soup.” She said it was not pleasant to smell, either.

Ms. Donovan said inside the box, the acidic water had stripped the outer layers of the metal, leaving the sides of the box orange and shiny, as depicted in the image shown. She said while areas above the waterline were a dull, greenish brown, similarly when the commemorative badges were excavated from the time capsule, the metal was shiny and bright – not at all what would be expected from metal obtained from an archaeological context. She said on exposure to air for the first time in over a century, however, the brilliance of the copper quickly tarnished. She said in the pictures shown, one could see the difference between when she first uncovered the medal (in the middle photo) and roughly an hour later (on the right-side photo).

Ms. Donovan said the next slide showed a video of her recovering the medal seen in the accompanying photo. She said the medal was sunk in, and the video shows that with her left hand, she was trying to use the capillary action of the nonwoven spun polyester backing to try to peel apart the paper layers so that she could get at the medal. She said it was very tedious and difficult work, but it was incredible to finally uncover the medal, which was distinguishable and clearly something that had weathered the course of time.

Ms. Donovan said the textiles within the time capsule were also intact, although there was a small battle flag that was heavily stained, and only the faintest colors were discernible. She said the left-hand photo on the slide showed how she peeled back a silk badge that was listed in the contents. She said the video on the right showed her uncovering the battle flag that had been rolled up that was at the very bottom of the time capsule. She said she did not want to pull this out all at once because she did not know how weak the wood of the flag was, and she did not want to cause any further damage.

Ms. Donovan said in contrast to the metal objects and textiles, the paper-based items did not fare as well. She said unlike paper made from rags prior to the 1850s, paper made with wood pulp from the 1910s and 1920s has very short fibers and is inherently acidic. She said the paper simply did not have the structural integrity to withstand over a century of immersion in dirty acidic water.

Ms. Donovan said the contents were in two distinct rectangular piles, with what looked like paper pulp and other debris collected in the middle. She said the exterior edges of the paper piles received the most mechanical damage, perhaps due to water and sediment entering between the individual leaves as the water came into the time capsule, which caused the paper to slough away.

Ms. Donovan said that because of this damage, there was no way to identify and separate one item from another, and everything felt soft to the touch, like the bottom of a lake. She said when she is doing paper treatments, she is usually able to feel some kind of inherent quality of the paper, but when she touched these items, they simply “poofed” away. She said she had never seen anything like this before. She said she did find, however, that she could use strips of nonwoven polyester and the capillary action of wet pages to peel apart sections and reveal some less-damaged text in the middle of the piles, which was depicted in the image on the top-left corner of the slide and in the bottom-right photo.

Ms. Donovan said at that point, Special Collections Curator Ms. Molly Schwartzburg and Digital Production Group staff member Mr. Eze Amos photographed pages that she was able to reveal in this manner to help with future cross-checking against a known list of contents of the time capsule. She said the paper she was able to peel off in small sections she laid on the drying rack in the conservation lab.

Ms. Donovan said she sent a few of the thicker sections to be frozen at the UVA Library preservation freezer. She said at present, the frozen sections are still not ready to be removed from the freezer because of how wet they were when they first went in. She said this is a process that will probably take another month or so until they can see if they can try to separate those pages that have been frozen.

Ms. Donovan presented images of what she found interesting about items that came out of the time capsule and what they looked like afterwards. She said in the photo on the far left, she was peeling away a picture postcard of the UVA Chapel. She said when it first came out of the time capsule, the image was very clear, and one could discern that it was the UVA Chapel. She said upon drying, however, the photographic emulsion changed and formed a cloudy image, so it is harder to discern what it is. She said the top images showed the medal she had discussed before where they could see how it looked when it first came out of the time capsule, how it looked an hour later, and how it looked as of a couple of days ago.

Ms. Donovan said from her perspective as a conservator, she thought it was quite surprising that they were able to recover as much as they did from the breached copper box. She said that while the acidic composition of the water meant that most of the paper-based items were damaged beyond repair, it did prevent a buildup of corrosion products that is typical in archaeological metals so that details on the commemorative badges can be clearly discerned. She said it would be interesting to do some research

on where those medals were made and who manufactured them. She said they can do this work now because there was not a lot of corrosion on the medals as they came out.

Ms. Donovan said she does think that the acidic water, the environment that was low in oxygen, and the fungicidal properties of the copper box also allowed the two textiles to be preserved.

Ms. Donovan said currently, the metal and textile items are being kept in temporary housing that aims to achieve low-humidity conditions. She said to preserve their condition, the metal items should be kept in tightly sealed boxes with silica gel and humidity detectors that keep the humidity low and prevent further degradation.

Ms. Donovan thanked everyone who was in the lab with her that day, including her colleague Nicole for her support and extra set of hands, Ms. Schwartzburg for her curatorial guidance and cool head, and Mr. Amos, who was key to photographing and preserving the process.

Ms. Donovan said she was also very thankful that the County entrusted her and the library with the salvage of this time capsule. She said it is something that not many conservators or curators get to witness. She said Ms. Russell's and Ms. Emily Kilroy's alacrity and professionalism helped her immensely as she moved through the process. She thanked the Board for listening to her presentation.

Mr. Gallaway asked if the Board should make their questions and comments.

Ms. Russell asked if they could hold off until she could make a couple of quick points. She said after having seen Ms. Donovan's detailed presentation, she wanted to make a couple of points about the long-term exhibition considerations for these items. She said one of the things that Ms. Donovan alluded to and was important to elevate is the significant investment in preserving the items, both from a physical and digital material point of view. She said there is also a matter of community accessibility, which they have had several conversations with the Special Collections Library about, and have a lot of confidence in their ability to maintain the accessibility of the items to the local community. She said this will increase the storytelling that goes along with the items.

Ms. Russell said what she has been able to gather from UVA, Ms. Donovan, and Ms. Schwartzburg is that they do have a commitment to a long-term investment in the exhibition of the materials, as well as a commitment to the larger community and to maintaining some connection to the County.

Ms. Russell asked Ms. Schwartzburg if she could speak briefly about the future plans on unveiling the materials jointly with the County and Special Collections.

Ms. Molly Schwartzburg said she is grateful for being able to witness the unpacking of the time capsule and discovering the items. She said this was truly remarkable. She said even as they were going through the box, they were talking about how interesting it will be for members of the community to see what was in the time capsule. She said she had questions from friends when she was out walking her dog who said, "Do you guys have anything to do with the time capsule?" She said it became clear to her that there is a lot of interest from the general public in the time capsule.

Ms. Schwartzburg said in conversation with Ms. Russell and Ms. Donovan, they came up with the idea of doing a Zoom grand reveal event for the public in January, in conjunction with the County, Special Collections, and the Nau Center for the Study of the Civil War, which is at UVA and shares their building. She said the center has a strong relationship with Special Collections and uses their Civil War collections heavily, so she spoke with their director, and they are very excited about participating.

Ms. Schwartzburg said they would like to put together a program that would be open to the general public that would basically include Ms. Donovan doing a demonstration about the salvage effort, the County presenting what they would like to present about the material and its history or context, and the Nau Center representative discussing the scholarly perspective or information on memorials and the Civil War. She said the center is contemplating the approach they would take for such an event. She said the team would like to do an event like this to unveil the objects so that their significance in the historical moment is properly documented and so that everyone in the community has a chance to participate, ask questions, and discuss.

Ms. Russell asked if she was correct in noting that if the contents of the time capsule were deeded to the Special Collections library, that Albemarle County would maintain the name and the title of the exhibit so that it is noted as being from Albemarle County, Virginia wherever it travels.

Ms. Schwartzburg replied yes. She said when Special Collections acquires materials, they are very careful about the language that they use to describe them. She said she can include specific instructions to the archivist to ensure that Albemarle County is front and center in the title of the item. She said when people borrow items from Special Collections for display elsewhere, they are required to cite the title Special Collections gives to a collection based on their own language, and so there is control over this.

Ms. Russell opened the discussion to questions from the Board.

Ms. McKeel said she was amazed. She said her first thought was how lucky they are in the community to have Special Collections and their work available, and to be able to keep the artifacts in the

community so that the public can actually learn from them and see them. She said the idea for January was great.

Ms. McKeel said she was not sure if she had questions because she was overwhelmed with what she just saw. She said she was amazed Special Collections was able to tease that much out, and was surprised to hear that the items went into a freezer. She said she appreciated seeing this and learning from it. She said she would likely follow up later with thoughts about it.

Ms. Mallek said this was fascinating, and when she saw the first photo of the materials covered in mud, her question went out the window, which was, "What do you mean you have the right to throw it away?" as this was in the document and she was concerned about the loss of control over its future livelihood. She said obviously, there was such a discrepancy between the things which could possibly be understood and those which can't.

Ms. Mallek said it did bring back a wonderful memory from 1967, when she was working at a bank and a customer came in with a trunk full of money, which had been flooded and turned into an enormous chunk. She said the people the bank sent them to at the time put the whole thing in a bathtub, and soaking the money loosened it up. She said the money, which had been made from rag and linen, was so much better quality than what was used in the time capsule that over the space of some length of time, every single bill (out of hundreds of dollars) was able to float separately and be able to be recovered, whereas if they had tried to peel it when it was dry, it all would have been destroyed.

Ms. Price thanked Ms. Donovan, Ms. Schwartzburg, and Ms. Russell for what they had done. She said she would echo what the previous Supervisors said about how blessed they are as a community to have UVA and Special Collections there.

Ms. Price said a couple of years earlier, she was doing some family research and learned that in the Special Collections was one of only six existing copies of the book that had the information she was looking for. She said to know now that this material, through the action they can take at the Board, will be protected and preserved at UVA Special Collections makes it special. She expressed her appreciation for the work and the presentation.

Ms. LaPisto-Kirtley echoed the previous Supervisors. She said it was interesting to see what was there and what they could actually uncover, and that they were keeping it for others to see and study. She said this is very special, that everything went well, and everyone did a great job.

Ms. Palmer she agreed with what everyone said, but she had to ask what the text was about that they were able to recover, as she could not see it in the picture.

Ms. Donovan replied that they had uncovered some text about the history of UVA.

Ms. Schwartzburg said Ms. Donovan had showed the Board just a select number of images, and she would add that the images themselves that they took during the salvage process are now an important part of the collection because these were not materials that could be salvaged. She said they could pull back one chunk from another, but as Ms. Donovan said, everything else was much like what one would feel when they put their foot on the bottom of a lake. She said as soon as they attempted to peel another page, there was no page to peel, but they could photograph those openings.

Ms. Schwartzburg said in Special Collections, they own everything on the list except for one item, which was the one about the Red Land Club, which was a mystery. She said they hold copies of everything else, so when they are actually back on grounds and start prepping for the January presentation, what will be fun is comparing those images they took with the artifacts in the collection and matching up the books they have with the fragments they can see in the images. She said there was a roster from an alumni report from UVA as well, and this may have been one of the images.

Ms. Schwartzburg said it is a wide range of material, and it was interesting to try to match things up with the things that were on the list that was originally published in The Daily Progress. She said they have not undertaken all the research to figure out what matches with what. She said she did believe that the flag was not included on the list, nor the marbles found. She said they were excited to discover that a couple of extra things were apparently tossed in at the last minute.

Ms. Palmer said mainly, they were historical items that explained what the community was like. She said there was a history of the Red Land Club. She said it was interesting to think about what one would want to put in a time capsule.

Ms. Palmer said as the daughter of someone who was an antique dealer for 60 years, and having tried to put together boxes of destroyed items that were brought home over the years, she was amazed at what Special Collections was able to recover. She said she would have to go back and look at the list, as she believed she had missed it in The Daily Progress.

Ms. Schwartzburg said they were able to figure out that there were two rolled-up issues of The Daily Progress, and she had assumed that they would be part of the unidentifiable sludge. She said they were able to see that this is what they had been. She said the good thing is that nothing was unique, and these were all printed materials. She said no manuscripts were listed. She said as a curator, she always wants to keep anything that is unique, but everything was a printed artifact rather than a unique one when it came to the texts.

Ms. Palmer said there are copies, then, of all these things elsewhere.

Mr. Gallaway said he would imagine that as part of the display or what will be released in January, the behind-the-scenes videos would be available, as they were interesting.

Ms. Schwartzburg said yes.

Mr. Gallaway said the Board appreciated the information and the work.

Ms. Price **moved** that the Board adopt the attached Resolution (Attachment A) to approve the University of Virginia library Deed of Gift Agreement (Attachment B) and to authorize the County Executive to sign the Agreement. 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

**RESOLUTION TO APPROVE A DEED OF GIFT AGREEMENT
WITH THE UNIVERSITY OF VIRGINIA LIBRARY**

WHEREAS, the At Ready Civil War Memorial was removed from the court square site on September 20, 2020, followed by the removal of a time capsule from a cavity in the ground where the monument stood; and

WHEREAS, the time capsule was transported to the UVA Special Collections lab for assessment and recovery of its contents, where the evaluation of the time capsule contents revealed that the majority of paper contents had been bathed in ground water and subjected to large insect activity, and most likely bacterial activity; and

WHEREAS, the UVA Special Collections staff have spent considerable time working to salvage as much of the time capsule contents as possible, but the optimal recovery and exhibition of the time capsule contents will require significant preservation capacity, specialized digital and physical resources, and considerable expertise, and UVA Special Collections has expressed a willingness to take responsibility for the long-term investment needed to keep the time capsule contents available and accessible for community use; and

WHEREAS, the Board is authorized by Virginia Code § 15.2-953 to make a gift of personal property to the University of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves a Deed of Gift Agreement between the County and the University of Virginia Library for the preservation of the time capsule contents from the At Ready Memorial site, and authorizes the County Executive to execute a Deed of Gift Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.



DEED OF GIFT

1. Transfer of Ownership

We, Albemarle County Board of Supervisors, of 401 McIntire Road, Charlottesville, VA 22903 ("Donor") hereby donate and convey to the Rector and Visitors of the University of Virginia, on behalf of and for the benefit of the University of Virginia Library (the "Library" or "University," as appropriate), all rights, title, and interest that we possess in the materials described on Exhibit A to this Deed of Gift (the "Donated Materials"), except as noted in this Deed of Gift.

By signing this Deed, Donor understands and agrees that the location, retention, cataloging, preservation, and disposition of the Donated Materials by the University will be conducted in the University's sole discretion, in accordance with University policy and practice and applicable law. Common discretionary uses by the University include, but are not limited to, exhibition, display, copying (including digitization) for preservation, archival and access purposes, storage, and making works available (including online) for research and scholarship. Donor acknowledges that the Library may dispose of any Donated Materials not selected for permanent retention without further notice to Donor. Retained Donated Materials shall be made accessible for research, subject to the terms and conditions, if any, stated on attached Exhibit A. Any Donated Materials in digital form ("Digital Donated Materials") will be transferred in accordance with the terms and conditions stated on attached Exhibit B.

2. Copyright

A. Current copyright ownership and control

To the best of my knowledge, (please select *only one* of the following statements):

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3. Exclusivity (Typically applies where donor retains a copy, as in digital files or manuscripts—leave blank if inapplicable)

- ☒ Donor agrees not to sell, donate, or deposit the Materials, including digital files or copies, at or to any other institution.


4. Donor Estimate of Value

Please enter an estimated value of your gift: \$0

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SIGNATURE OF DONOR:

I (we) represent and warrant that I am (we are) the sole owner(s) of the materials described above; that I (we) have full right, power, and authority to give the materials to the University; and that the information I (we) have provided is accurate. The terms of this Deed of Gift shall apply to all of the Donated Materials described on Exhibit A and on any subsequently delivered Exhibit notwithstanding that some materials may be delivered before or after the date of this Deed of Gift.

Signed:
DocuSigned by:


Attestable County Board of Supervisors,
By: Jeff Richardson, County Executive
Jeff Richardson

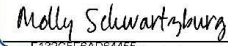
(Printed Name)
2/3/2021

(Date)

RECEIPT OF GIFT (to be filled out by library staff):

This gift was received by the library on the 18th day of November, 2020

RECOMMENDATION
This gift is recommended for
acceptance.


DocuSigned by:


(Molly Schwartzburg, curator)
Molly Schwartzburg

(Printed Name)
2/1/2021

(Date)

ACCEPTANCE BY UNIVERSITY
This gift is accepted on behalf of the
Rector and Visitors of The University of
Virginia by University Advancement
Services

DocuSigned by:


(Julie Featherstone, Associate Vice
President for Advancement Operations)
Julie Featherstone

(Printed Name)
2/5/2021

(Date)

Gifts valued >=\$1,000,000 Or with special conditions: _____
Assistant Vice President for Finance

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EXHIBIT A TO DEED OF GIFT

Description of Donated Materials (including any Digital Donated Materials)
and Copyrights Therein

Time capsule unearthed from beneath the “At Ready” statue in front of the Albemarle County Courthouse, Court Square, 12 September 2020. Includes a copper box, contents of the box, and objects found adjacent to the box in the soil at the time of the unearthing.

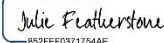


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Document Pages: 4	Signatures: 3	Envelope Originator: Michael Campbell PO Box 400220 Charlottesville, VA 22904 mc3ch@virginia.edu IP Address: 128.143.20.253
Certificate Pages: 5	Initials: 0	
AutoNav: Enabled		
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Molly Schwartzburg mas5by@virginia.edu University of Virginia – Library Security Level: Email, Account Authentication (None)	<div>DocuSigned by:  F130C5E6AD04455...</div> Signature Adoption: Pre-selected Style Using IP Address: 71.62.165.129	Sent: 2/1/2021 3:54:31 PM Viewed: 2/1/2021 9:47:45 PM Signed: 2/1/2021 9:48:09 PM
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In Person Signer Events	Signature	Timestamp
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Holly Thornhill hjb6@virginia.edu Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 2/1/2021 3:54:32 PM
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

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Agenda Item No. 10. **Work Session:** Strategic Plan Review and Capital Planning Work Session:

Item No. 10. a. Strategic Plan Progress Update.

Item No. 10. b. Capital Planning.

The Executive Summary forwarded to the Board states that, in September 2018, County staff and the Board of Supervisors held a Strategic Plan work session to review progress on the FY17-19 plan, share staff perspectives about objectives moving forward and review emerging initiatives. At that time, Board members assigned weighted prioritization of high, medium and low for each initiative. At the October 3, 2018 Board meeting, staff provided a draft of the prioritized list and received direction from the Board to return in November with a proposed finalized draft. On November 7, 2018, the draft FY 20 - FY 22 Strategic Plan was approved by the Board of Supervisors. The first year of the FY 20 - FY 22 Strategic Plan ended June 30th. Many of the Strategic Plan's priority goals have been supported by projects included in the County's Capital program.

On October 21, 2020, the Board and School Board held a work session in which they gained an understanding of the current financial picture, discussed affordability and the Capital Budget, and approved a simplified Capital Budget development process for the remainder of FY 21 and the FY 22 development process.

At the November 18, Board Work Session, The Board will review and discuss the County's progress on the current Strategic Plan and how the COVID-19 pandemic impacted our progress to date. Staff will also recommend a process to update the Strategic Plan for FY 23. In response to the changing economic and social landscapes, the recommended process will include an environmental scan and community engagement to ensure the Strategic Plan captures the needs of our community.

Additionally, per the Budget Development schedule approved at the October 21, the Board will review and discuss an initial staffed ranked list of currently paused and delayed Capital projects and provide direction to staff and to the Board's CIP Advisory Committee's representatives. This work will provide guidance to staff and the Board's members of the CIP Advisory Committee during the next step in the budget development process.

This work session will inform the mid-year and the FY 22 Budget development processes.

Staff recommends that the Board of Supervisors utilize this work session to:

- gain an understanding of the County's progress on the strategic plan
- advise staff on any Strategic Plan investments that should be made given the impacts of the COVID-19 pandemic
- review and discuss staff's initial recommendation regarding adjustments to the current year capital budget and the FY 22 budget

Mr. Jeff Richardson, County Executive, said he had a number of staff present with him who had been instrumental in working to get to this point. He said he would be introducing Ms. Kristy Shifflett soon, followed by Ms. Nelsie Birch. He said Ms. Shifflett and Ms. Birch are working hand in glove with the Finance and Budget Department to prepare for the late fall capital work, then to take them straight into the FY 22 operations work on the budget with the Board.

Mr. Richardson said they would use their time to talk about the Strategic Plan review and the capital planning work session for the afternoon. He said the Board had in front of them an agenda for the work session. He said they would try to work judiciously through the material and then hand it over to Mr. Gallaway in the 2:45 p.m. timeframe for Board discussion.

Mr. Richardson said in terms of desired outcomes for the day, he would start with the affordability framework. He said he would then hand it over to Ms. Shifflett, who would revisit the strategic plan with the Board and what is next in future planning. He said Ms. Birch will then talk more specifically about some of the capital projects that were paused and delayed. He said they would then turn the discussion and questions over to the Board in an effort for there to be advice given by the Board to staff and Board representatives on the CIP Advisory Committee as they move towards the end of the month with the two committee meetings that are scheduled for the timeline that will be reviewed.

Mr. Richardson said he had mentioned affordability framework and reminded the Board that around this time last fall, they were working judiciously with the School Board on capital project prioritization. He said this meant they were planning to grow the Capital Improvement Plan (CIP) by about \$55 million over a five-year period, which was going to obligate the Board of Supervisors to consider future-year tax rate increases that would be earmarked for the additional capital projects.

Mr. Richardson said that since then, there has been significant and dramatic change at every level of government in the United States. He said now, staff was back before the Board almost nine months later and would talk about affordability framework. He said this framework is their financial connection between the capital budget decisions they make and the operating budget.

Mr. Richardson said they still have some challenges in affording future operational costs because they are just not to a point with their economic stability and recovery where they fully understand if there is long-term damage to the structure of the local economy. He said they have a challenge in balancing the execution of capital projects with the position freezes and other things they have done with the operational budget, with the "3-6-6" budget strategy.

Mr. Richardson said that with the new affordability framework, which they talked about last month with the School Board, they have no obligated tax rate increase in FY 22, and in order to be able to stay with that commitment, they have to work within some conservative financial realms (both on the capital side and the operating side) to make sure they still meet the required services they provide citizens every day.

Mr. Richardson said the first quarter financial report is consistent with the budgetary expectations, but as the Board knows, they are still keeping an eye on the January real estate assessment. He said in the January timeframe, they will begin to get some clarity on where they are with the FY 22 operating budget.

Mr. Richardson said he was proud to say that, as the Board is aware, the County continues to maintain its strategic contingencies and reserves, including the Board's capital strategic initiative for one-time funding.

Mr. Richardson said he would talk about the decision matrix for the timing of the funding. He said the financial foundation, which was at the bottom of the triangle diagram shown, represented the core for

the organization. He said he mentioned the “3-6-6” strategy, and when they were hit with the pandemic in March, they knew they had three months left in the fiscal year (April, May, and June). He said they have closed out those three months, and the Board would receive a report in December on how they closed out and how things look, which is a big part of this.

Mr. Richardson said with the “3” and “6” in the strategy, they divided the current year into two six-month segments and are reaching the medial point. He said once they get the January real estate reassessment from Mr. Pete Lynch and his team, they will better know how they stand with recurring revenues for next budget year. He said as they look at their economic stability, this will help them begin to determine if they need to consider future structural readjustments to the General Fund budget. He said it will take longer to determine what the long-term effect of the economic recovery looks like.

Mr. Richardson said in the Board’s consideration of their strategic initiatives, based on what they have seen, learned, and managed through over the last nine months, the question will be whether they need to expedite recovery in some way that was not previously contemplated with their strategic initiatives. He said it is also possible that there are opportunities or needs that have emerged over the last nine months where, once the Board goes through the strategic initiative review between now and January, it becomes more clear that there is opportunity or need to do something now with one-time money.

Mr. Richardson noted that the top of the triangular diagram was labeled “Workforce Stabilization.” He said he choreographed to the Board that they would be freezing positions in the current year. He said currently, there are 28 frozen positions, and this has had a day-to-day operational impact on the workforce where, when combined with the work that is required daily to work a nine-month national, state, and local emergency, they have to keep an eye on the workforce and capacity related to recruitment and retention, physical and mental health, and associated issues.

Mr. Richardson said he appreciated the opportunity to kick things off and would turn things over to Ms. Kristy Shifflett to move into the strategic initiatives review.

Ms. Kristy Shifflett, Interim Deputy Chief Financial Officer, said they would review the strategic planning efforts and a progress report about where they are today. She said strategic plans are used to set priorities and focus energy and resources to move organizations towards their vision. She said Albemarle County has used strategic planning for three years to inform policy development and financial decision making, and to achieve the community’s desires and values as articulated in the County’s Comprehensive Plan.

Ms. Shifflett said FY 20-22 Strategic Plan is a prioritized plan that focuses on nine strategic priority areas. She said it was adopted by the Board of Supervisors on November 7, 2018 for the period beginning July 1, 2019 and goes through June 30, 2022.

Ms. Shifflett presented a slide listing the nine priorities. She said normally, she would be bringing staff to the podium to speak to the Board about the work areas that they focus on. She said instead, given the situation, she had a video to show the Board in which staff talks about these areas. She played the video for the Board, which addressed the focus areas of Climate Action Planning, Expand and Promote Outdoor Parks and Amenities, Economic Development Program, School Space Needs, Infrastructure Planning, Revitalize Aging Urban Neighborhoods, Expand and Upgrade the General District and Circuit Court, Expand Broadband, and Redevelop the Rio/Route 29 Intersection Area.

Ms. Shifflett thanked staff for participating in the video and said she especially wanted to recognize the Communications and Public Engagement team for putting the video together.

Ms. Shifflett said the video will be published on the County website, along with a final report for the Board to see the progress to date. She said this report will focus on three key areas: the progress made to date in implementing the goals and strategies that were discussed in the video; areas in which they have had to pivot due to the pandemic; and the projects and efforts that have been delayed due to the Board meeting in April, where they discussed maintaining essential services and evaluating discretionary spending.

Ms. Shifflett said in the video, the Board had heard Mr. Roger Johnson speak about the fact that Economic Development had to shift its focus to Project Rebound, which was to establish programs, Lift grants, and Safe Spaces & Places grants for the commerce community. She said the County also created Park Ambassador programs to support the trails and parks to be accessible by following safety guidelines in the pandemic. She said that there is a focus on broadband and how the pandemic has only highlighted the need for virtual and telework options and the continuing partnership with the School Division as they bridge digital equity gaps.

Ms. Shifflett said in terms of delays, some of the things she would call out were either delayed because they were areas where staff had to shift priorities, or that social distancing requirements created a pause in some of the work efforts, specifically the field survey as an example where going out into the public and doing that research took some time for the TJPDC (Thomas Jefferson Planning District Commission) to overcome.

Ms. Shifflett said there were projects that had been delayed due to the financial stability outlook that Ms. Birch would speak to shortly, as they connect and talk about the efforts moving forward in the strategic plan.

Ms. Shifflett said she would identify for the Board where they are in their strategic planning effort. She said the timeline on the slide noted where they are today in FY 21 and as the Board heard, staff just gave them the first-year completion of the plan, and they will now focus on what they will do in FY 22 and how the plan might be updated. She said this will inform the Board of the lifecycle of the strategic plan so that they can talk about how they can align the new five-year financial plan with the new five-year CIP that staff will be developing so that those things in FY 23 can come together.

Ms. Shifflett said there was a question mark on the slide to convey that they will need to determine what the next strategic planning effort looks like as they engage the community and connect with them on the pandemic or post-pandemic community needs.

Ms. Shifflett said she would hand the presentation over to Ms. Nelsie Birch.

Ms. Nelsie Birch, Chief Financial Officer, said in October, the Board had met with the School Board and talked about the capital plan with respect to an affordability lens. She said there were assumptions used and that will be used to help prepare them for both the “now” and for the future.

Ms. Birch said the present meeting was an opportunity for the Board to provide some feedback not only to staff to make sure they are giving the Board updated information on project costs, project development timelines, but also to their colleagues who sit on the CIP Advisory Committee. She said the committee would begin their work the following week, and that this is a joint committee between the Board of Supervisors, School Board, Planning Commission, and a member at large.

Ms. Birch reminded those that were watching the meeting, as well as the Board, of some of the assumptions staff is using at the outset to plan for their capital budget for FY 21 and as they develop FY 22. She said they are in a very unique situation, and this is not only because of the pandemic, but because of the decisions that were made in April about the capital plan. She said they paused or delayed several projects, which are coming back to the Board. She said this was unique as this has typically not been done. She said about 10 years earlier when there was a recession, there were changes made. She said in recent history, however, they have not paused or delayed projects that were initially approved or in a recommended budget and then pivoted midstream.

Ms. Birch said now, it was time for the Board to talk about those projects, but through a different lens. She said they are preparing to not have a dedicated tax rate increase for capital, as Mr. Richardson mentioned, and so this changes what they can afford. She said it is changing their ability to be able to complete all the projects listed.

Ms. Birch said another unique aspect of this was that they would use the efforts of the CIP Advisory Committee over the following few weeks to help inform both the School Board and Board of Supervisors about what projects they might want to move forward with completing or beginning in FY 21. She said the question will be what they are comfortable with and what the priorities will be over the next six months.

Ms. Birch said the CIP Advisory Committee will also be informing Mr. Richardson about some priorities they have as he develops his recommended budget for Board deliberation starting in February.

Ms. Birch said she wanted to remind and provide for the public in particular that there are several projects currently underway that received funding that are in the capital program that are not necessarily for discussion that day, as they are in motion. She said she wanted an opportunity to pause and let the public know where they can find those projects. She listed the hyperlink on the slide: <https://www.albemarle.org/government/budget/current-budget>.

Ms. Birch said she also wanted to call out an opportunity that the Board has as part of the strategic reserves that Mr. Richardson indicated to on an earlier slide. She said there is about \$3.6 million that is considered as “capital projects” in the capital plan and budget where the Board has an opportunity to make a decision on what initiatives they would like to advance, using those funds. She said the funds are already appropriated and can be used and programmed once the Board provides some guidance to staff and to the CIP Advisory Committee.

Ms. Birch pointed out that the two members of the Board of Supervisors who sit on the CIP Advisory Committee are Ms. LaPisto-Kirtley and Ms. Price. She noted that the meetings will start the following week and will be public meetings. She said they will move forward with a recommendation that will come before the Board in December.

Ms. Birch said the biggest piece of this that she wanted to spend some time and focus on before they turn it over for discussion with each Board member was to talk about the work staff has done since they met on October 21 with the joint Boards. She said staff wanted to take and look at the capital budget and their modeling, but provide the Board with a prioritization that included some criteria that reflected where they are now.

Ms. Birch said the first bucket was the strategic plan and new reality. She said the Board had just heard from Ms. Shifflett about the strategic plan and what they could and could not accomplish, as well as about what further work they can do in the current strategic plan. She said she would also call out something on the following slide that is related to their changing reality. She said the strategic plan video that was played did some of this communication for her.

Ms. Birch said the Board would see Biscuit Run as the number one prioritized project on the list that staff has prepared for the Board's discussion. She said much of this has to do with the pandemic. She said she knows that herself, many staff, and Board members have taken advantage of the beautiful public parks and trails offering in the community. She said looking at it from that perspective, Biscuit Run had been put on hold, but the cost impact is low as far as continuing to operationalize that project. She said staff can execute and begin the first phase, which is why this project was coming in at the top.

Ms. Birch said another thing they talked about was the affordability lens. She said they had stripped out the dedicated tax rate increase that was anticipated when the Board all deliberated on their priorities from last year.

Ms. Birch said she had already hit a little on the last two buckets. She said staff worked internally with each project and program manager that has a project in the capital budget on the list to make sure that they are able to execute those projects in the event that the Board provides a recommendation to move forward, particularly for FY 21 as this needs to be executed rather quickly.

Ms. Birch said the last piece, which they had hit on a few times both that day and over the past month, was that they must be mindful of the operational cost impacts and the impact to the General Fund. She said when they make these investments now, they need to make sure what might come later from a cost impact. She explained that if they keep affordability in mind, if they are keeping things and not knowing how far the pandemic may go, it will be harder for them to be able to absorb in the future because of the uncertainty of the revenue structure.

Ms. Birch noted that there are Schools projects on the list, but the School Board has not provided their prioritization work yet. She said this was work that they and their staff are currently working on to make sure they can provide recommendations to their board representatives for discussions and deliberations that will begin the following week with the CIP Advisory Committee.

Ms. Birch said as a staff, they needed to make sure that they put the information there, and this was based on information they had about operational cost impact before the pandemic. She said they fully recognize, having worked with Superintendent Haas and his team, that they are still crunching those numbers to determine the cost impact. She said those numbers and how they have prioritized is based off of information and prioritization they have used from last year's exercise.

Ms. Birch said in the virtual world, it is hard to make sure that the Board can see the prioritization of all the projects (which would cover two slides). She said the public would have this information to review, and that it could possibly already be on the website. She said the first ten projects were listed on the slide shown, in priority order, based on the criteria she just explained. She said this was staff looking at through the four lenses that they just spoke about and knowing that they will not have as much in terms of revenue to support this program, meaning they will have to scale back.

Ms. Birch said what was shown on the slide was the initial prioritization, numbers 1-10. She said the right-hand side of the slide indicated where the project falls in the strategic plan, as well as the estimated operational impacts of those.

Ms. Birch said the next slide showed the remaining prioritized projects, numbers 11-23. She said they could toggle back and forth between the slides as the Board discusses their priorities.

Ms. Palmer asked if Ms. Birch could email the presentation to the Board members immediately so that they could toggle back and forth themselves. She said she did not see this list in their packets.

Ms. Birch replied that this was a list that staff had sent to the Board for their discussions that week, but she would make sure that someone could send this over to the Board.

Ms. Palmer asked if it was the same list they had gotten before, since it looked different.

Ms. Birch replied yes. She said it was exactly the same list as what the Board received earlier, but staff would send it again so it would be at the top of the Board's inbox.

Ms. Birch said at this point, she would ask Mr. Gallaway to go around and ask his colleagues to provide some feedback for discussion. She said this was to inform the Advisory Committee as they prepare for their work that will begin in the following week. She said the committee will be providing their recommendation to the boards on FY 21 projects that they want to see advance, as well as FY 22 projects to the County Executive for consideration as he prepares his proposed FY 22 capital and operating budgets.

Mr. Gallaway noted that there were questions listed on the slide shown for the Board members to answer, and that if they had any questions, this would be a good time to ask those. He said it was both about clarifying and identifying if anything was missing.

Ms. McKeel said having the list in front of the Board members would be helpful. She thanked staff for the video, expressing that it was informative and provided an update to the Board that was much appreciated. She said when she looks at the projects and look at the reality as they have been moving through the pandemic, they have community members who have been impacted differently. She said they all recognize that there are many people who are doing just fine, and many people who are not. She said

where she was going with this was that she was trying to look, through an equity lens, at the people who have been hurt the most and how the projects, moving forward, will support those individuals and marginalized communities.

Ms. McKeel asked if this list had been looked at through an equity lens. She said she knows they have the new equity atlas with lots of data in it, and wanted to know how the work Ms. Siri Russell's office has been doing with the atlas connects to helping the Board decide which projects should be prioritized.

Ms. Birch said she would turn this over to Mr. Andy Bowman, who has been working very closely with Ms. Russell from the Office of Equity and Inclusion on this. She said this would be a great opportunity for Mr. Bowman to talk about the plan for equity and what they can already see and use as part of this, as well as where they are headed in the future.

Mr. Andy Bowman, Budget Manager, said that after the Board's October 21 joint meeting with the School Board, Ms. McKeel's comment was correct about the direction being to look at this through an equity lens. He said he and staff in the Budget Division coordinated with the Office of Equity and Inclusion to consider what this would look like as they evaluate all the projects. He said with the creation of the office two years ago and their new organizational value of community, they did not have the data available to them in the same way they did in the strategic plan, with the operating attached to the other financial information they had when these projects were originally created.

Mr. Bowman said knowing they had an immediate data limitation for these projects to get ready for the present meeting, they also identified that equity is not just about these 23 projects they prioritized, but about decisions that were made over the past 10 or more years. He said this lens had not been fully incorporated in the list before the Board, but some of the discussions with staff in the meantime followed two tracks, with one being the longer term. He said when the Board has an updated strategic plan and long-range financial plan in the future, an equity lens will be ingrained in the same way as a strategic plan lens would in a financial analysis in the future.

Mr. Bowman said with the Office of Equity and Inclusion, they are determining the data they need to get and the resources they need to cobble together to do that analysis, moving forward.

Mr. Bowman said that more recently, they have had conversations to say that knowing they cannot do a full equity analysis and that the Board will be considering decisions before FY 23, they will need to determine the pieces that they will need to put together to inform how the historical planning decisions have been made for the short-term. He said this would not involve any full-blown equity analysis that would become the best practice (where the Office of Equity and Inclusion has worked with some other offices, to date), but it was about the data points they could get together between now and the finalization of the FY 22 budget.

Mr. Bowman said this may be a long way to say that for the present meeting, they did not have a full equity analysis, but these were the two tracks they were thinking of as they move forward in the future, knowing the Board's interest in this.

Ms. McKeel said she was hearing that through no fault of the Board's own or staff's own, there was a bit of a disconnect and a timing issue. She said she supposed what they were saying was that they do not have all the data they need to be able to do what she was talking about in looking at projects through an equity lens. She said she understood this.

Ms. McKeel said she recognizes that ships are hard to turn, but she would hope that they would approach this with some flexibility. She said they all know the CIP is fluid, and it is not written in stone. She said this is the one thing where, as they are starting to look at the atlas data that Ms. Russell presented to the Board that shows where the greatest need is and where the lack of support over the decades has been, she would hope that they would at least be able to maintain some realization that the CIP changes and can change as they need it to. She said this was a broad statement and that it is not written in stone.

Ms. McKeel said she sees investment in parks, which is great, but there are parks that people have to drive to and are not where the marginalized communities are, making them difficult for these communities to get to. She said she was just throwing out some thoughts, and believed this was what staff wanted. She said she was not saying that she did not agree with this one or two years ago with this, but they are now living in a different reality.

Ms. McKeel said she was perhaps confused. She said connectivity is important to the Board, but it was not part of this. She asked if connectivity is not a part of the CIP because it did not need to be.

Ms. Birch asked Ms. McKeel if she was talking about this from a broadband perspective.

Ms. McKeel replied yes. She said she thinks many of the Board members recognize that connectivity is one of their highest priorities. She asked if they were looking at this separately from this particular discussion because it was in the CIP, which she understood.

Ms. Birch replied that she did not believe it was exclusive. She said what the Board was seeing here was that they do not have dedicated capital funding for broadband. She said it has heretofore been done a little differently through grant funding, etc. She said she does believe it is absolutely part of the conversation of the capital plan, with the question of if they want to invest capital dollars to do things

differently when it comes to broadband. She said she does believe this is appropriate here.

Ms. McKeel said this was what she was getting at. She said she was trying to point out that this list does not include anything for broadband right now.

Ms. Birch replied that this was correct.

Ms. McKeel said this certainly crosses both the County Government and Schools side. She said she does understand the Schools piece that remains on this list, and she recognizes that she does not have control over Schools, but does appreciate the fact that primary grade schools such as elementary schools need to be supported. She said she did hope there would be further discussions with Schools and the School Board about how virtual learning is going to change their space needs. She said this was not for the Board of Supervisors to tell them, and they need to tell the Board this. She said she does think this is a conversation going forward, and she thinks Superintendent Haas has even alluded to it at times.

Ms. McKeel asked if she could see the next page of priorities (11-23). She said she was looking at the green spaces and boat launch, noting that this was all great and needed. She said looking at this through the lens of the marginalized communities that have not had the funding and support, recognizing that they are the communities right now that have been struggling, the question is how the Board gets at that with the CIP. She said she would leave her comments there and perhaps would go back to other notes she had as the discussion goes forward.

Ms. Mallek said she would start with asking a question based on what Ms. McKeel was just speaking about. She said in terms of having accessibility to the recreation aspects, some of the recreation offerings that are on the list are there because this is where the land is that the County was able to get their hands on. She said if they also go along with enhancing transit and access for people, no matter where they are, so they can hop on a bus and get to where the land is, she hoped that was one option that would be valuable for people.

Ms. Mallek said there are limited areas where one has enough acreage to have a place with large distance trails like Biscuit Run has. She said from the traffic and visitor counts that occurred that summer due to people's desperate need to get out on a trail and walk somewhere outside, she thinks this has shown the Board a whole new level of need where before, the understanding was around group programming and now, they understand how important it is for families and individual groups to be able to get outside and enjoy things without having to pay.

Ms. Mallek said another important thing is that the open spaces have a lower operational cost, which is a good thing, but since they are not charging admission fees to these parks, this is a big plus to keep them on the list.

Ms. Mallek said she definitely supports the prioritization of the Schools projects, and it was the Schools that actually chose the projects on this priority list because the kids are already there, and many of them were sitting on the floor. She said when they had the tax increase a number of years ago for Woodbrook, and people tried to get after her for that, she told them that the children were already there and this needed to be done, which was the end of it. She said she understands there is always a balancing of the dollars, but when there are already capacity issues that are way over the top, she understands why those projects are there.

Ms. Mallek said she did hope that they would take in what they have learned about how important broadband is and how they need to look very carefully at how they are using taxpayer dollars in the most effective way and get better service to citizens from the companies with whom the County is working.

Ms. Mallek said they will certainly continue their effort on affordable housing, as described in the video presented. She said this may take them through their investment for the next year or so.

Ms. Mallek said in terms of climate, she keeps reiterating that having a focus on what they buy and how they build and do things, always having that sustainability element there, will help them in the long run.

Ms. Mallek said the main thing she had to contribute was that if they are beefing up transit in a way to be able to improve the accessibility throughout the growth area, for example, and all across it, they will be able to have their citizens take advantage of a wide variety of different activities they need.

Ms. Price thanked everyone who had contributed to this part of the conversation. She said she and Ms. LaPisto-Kirtley will be on the CIP panel starting the following week, and so she would ask that each of the Supervisors email both of them with their specific priorities so they can make sure they have this for their discussion.

Ms. Price said one thing that was very clear to her was that as they look at the nine priority areas and 23 projects, they simply cannot ignore any area of work in the County. She said candidly, at that point, she somewhat felt like the little Dutch child with her finger in the dyke. She said they have so many things they have to do, yet they know finances are limited, but they have to do them all.

Ms. Price said as she looks at the reports that are coming out from the pandemic, there are several things that appear to be consistent across the country. She said one is that currently, the residential market appears to be doing well. She said they know there are 60 million people in the

restaurant industry nationwide, and they certainly have their own share there in Charlottesville and Albemarle County, and that many of those businesses have either closed or will closed and are likely not to reopen. She said there will be a “new normal,” moving forward.

Ms. Price said since the first time since February, she was beginning to have a sense of optimism, as it appears that vaccines are very close to being released. She said even with that and with their very high efficacy rate, they also know that it will likely not be until the spring that they will actually see nationwide relief in terms of the risks they face with the pandemic.

Ms. Price said what they see is that the hospitality, restaurant, entertainment, and commercial and business real estate markets are all going to suffer, and she expects there will be long-term changes from that.

Ms. Price said what she would like to see is that they look to try to shift some of their funds into broadband expansion. She said just that weekend, a resident called her and wanted to talk about broadband. She said this resident and their family found a wonderful house they wanted to move to in a more rural area, but both of them work from home and their children are being schooled from home, so if they did not have adequate broadband, they would not purchase the home or make an offer.

Ms. Price said she appreciated the work Albemarle County has done, as Mr. Mike Culp mentioned in the video, for the five years they have been able to get the grant funding they have managed to expand broadband greatly. She said if they do not expand it now, they will leave their residents, as well as the businesses and educational systems that rely on it, behind.

Ms. Price said they cannot ignore any of the areas, and she believes they must maintain the infrastructure and expand the schools. She said they have to help existing businesses more than bringing in new businesses at this time and expand broadband. She said she wants to see Parks and Recreation increased without fees to the residents because as they see with the changing quality of life situation in the County, they must provide more outdoor opportunities for the residents. She said all of this must be consistent with the Climate Action Plan and, as other Supervisors have mentioned, through the equity lens.

Ms. LaPisto-Kirtley expressed that she had the same thoughts as Ms. Price, and that she did understand what Ms. McKeel and others had said. She said as she looked at the list, which was a good list when it originally came up, she looks from a pragmatic viewpoint of where the County’s money will help the most people. She said this would include for kids and adults to be able to walk on trails. She said she also looks at things like water quality and infrastructure to make sure that nothing collapses while they are going through this pandemic.

Ms. LaPisto-Kirtley said frankly that one of her most important areas she would like to see is an increase in broadband internet. She said she was on the phone two days earlier with a primary school teacher who teaches virtually and cannot do so from her home. She said the teacher actually sat in the fire department driveway for two hours trying to teach her class, in the rain. She expressed that this is not acceptable, and the County needs to get broadband internet out to everyone. She said the teacher’s landline was down, and she cannot even make a 911 call. She said in her opinion, getting broadband to everyone has to be a priority, as well as to see where the monies will go the farthest to help the most citizens. She added that they need to make sure Schools have the funding they need.

Ms. LaPisto-Kirtley said this was the lens she was looking at the list through and that she would definitely be proposing some changes to the initial prioritization.

Ms. Palmer said she thinks it is great that Biscuit Run is the first priority. She said she was a little concerned because the entrance is on Route 20, and she knows one can get in from Old Lynchburg Road where, if they are talking about an equity lens, this is an area where many people could access the park if there was a safe and easy way to access it. She said it is important to keep it open so that one does not feel as if they are trespassing when they are back there. She said she thinks this is a great, important priority and would agree with it.

Ms. Palmer said she wanted to mention the column on the list that the Board had in their materials that states whether or not a project is related to strategic priorities. She said under “Water Resources,” it says, “Water quality mandated TMDL program; no direct connection to strategic priorities.” She said she would disagree, as she thinks all of their water quality projects have a direct connection to the Climate Action Plan, or at least should. She said the natural resources projects that support those and water quality, to her, certainly have something to do with climate, even though it may not be one of the things listed explicitly in the Climate Action Plan.

Ms. Palmer said she also thinks that given they have had a wonderful example from Ms. Siri Russell as to how to incorporate equity into everything they do and are working on that, she would say they need to take Climate Action and use this example to start trying to work climate into everything they do. She said there are things they can do that do not really cost any money that the Board has discussed before, with this model in mind. She said she hoped they could keep Climate Action at the top of the list, or somewhere close to the top of the list, with what they are doing, as this is extremely important.

Ms. Palmer said she knew there was already the money that was mentioned for advancing strategic priorities, but she will always bring this up any time she can to keep some kind of continuity in trying to get their convenience centers in. She said the one they discussed for Southern Albemarle

certainly has an equity component. She said a lot of the trash dumping is out of their sight, and there are many people in the community that are stockpiling or burning trash in their yards because they either do not have any easy or convenient way to get rid of it, or they cannot afford a hauler. She said the Board had discussed doing a site plan for a convenience center in Southern Albemarle, and she knows this is under a different group, but she had to mention it.

Ms. Palmer said as far as broadband is concerned, being on the Broadband Authority, she does agree with what the Supervisors said with respect to that. She said looking at the budget they had going into this in 2019, there was about \$1.3 million in the ABBA budget, and they have spent it all. She said there is a lot of fiber coming to the home, and she received a call from someone that weekend with someone who was looking to buy a house in a rural area in Albemarle County and wanted to know if that area was going to get broadband. She said she was very pleased to look up their address, and they are on a list for fiber to the home in one of the groups of about 800 homes that are involved in one of the County's projects.

Ms. Palmer said when they talk about broadband, she thinks that giving more money to ABBA is a great thing. She said she did not know what was in this current budget to go into ABBA for next year, as there were no numbers yet. She said she thinks they definitely need to have a discussion.

Ms. Palmer said the Schools have to weigh in, and she was glad to see that their priorities will likely be for the elementary schools. She said clearly, Crozet Elementary is in need.

Ms. Palmer said she was looking at priorities 1-10, and staff will obviously have to evaluate these things through the equity lens that they do. She said she did see that parks can be valuable for a lot of people, especially since many of them are free to enter (with the exception of those that are for swimming in the summertime).

Mr. Gallaway said Ms. McKeel had mentioned the equity lens piece, and even though the data may not be readily at hand, thinking about equity in the CIP process can certainly be applied. He said he agrees that this should be at the forefront as they work on the CIP. He said that based on past work they have done with the School Board, the projects still have to go through the process to determine what their priorities are. He said this was not meant to insinuate, but was based on past information. He said Ms. Birch had said this and he appreciated it.

Mr. Gallaway said he thinks the top five projects are the right five. He said he may get a little squirrely in trying to reorder the top five, as he has done that in his head. He said overall, however, the top five were there.

Mr. Gallaway said in terms of Crozet Elementary, he knows that when one does an addition versus a new school, the operational impacts are much lower. He said if he recalled correctly, it was not just about growth, but they would be bringing some relief to Brownsville and their population there. He said when they move population, they move staff and support, so they are not necessarily bringing on a lot of new resources or staff to support that. He asked if this was staff's understanding.

Ms. Birch replied that she believed so. She asked Ms. Lori Allshouse and Mr. Bowman if either of them wanted to speak to the specifics.

Mr. Gallaway said \$170,000 seemed a little low, even with the knowledge that impacts are smaller than if they were to build a new building. He said later on the list, the High School Center project had a much larger operational impact, as it is a brand-new facility. He said he could not recall the numbers from Woodbrook, which involved moving students around rather than growth, and they were reassigning staff.

Ms. Lori Allshouse, Finance Director, replied that the way she understood it was that Schools take growth into account in general and do not put it to a specific project, to Mr. Gallaway's point. She said the figures are older, and she knows that the Schools will look again at the operational impact numbers for the projects as they get closer to making some determinations about what they will do. She said Mr. Gallaway was correct that Schools know the general growth pieces happen, and they do not take this into account for specific projects. She said she knows Schools will take any new information they have into account for any of these projects that they want to consider for funding.

Mr. Gallaway told Ms. LaPisto-Kirtley and Ms. Price that he would be keeping his eye on this number, as \$170,000 was probably not even enough for 3-4 staff people. He said operational impacts moving forward in the budget, no matter the project type, will be critical for the Board to keep an eye on, in any case.

Mr. Gallaway said he agreed with Ms. Palmer's point about the "no direct connection" comment, but when this list is put up in front of the community, just because a project does not connect to one of the strategic priorities doesn't mean it does not connect to another County priority of some sort. He said the strategic priorities list is just that: for planning purposes, where they will be focusing down the road. He said it does not mean that there are no other priorities that a project would connect to, with examples being health and safety and other areas that are not necessarily the Board's strategic priorities but are still governmental obligations.

Mr. Gallaway referenced the fifth priority (Transportation Leveraging Program) and said that to the point he heard being made about Parks and Recreation and a lot of people going out to use these

amenities, which was great, there are also a lot of people in the Urban Areas getting out and walking. He said he is getting more talk about sidewalks along East Rio Road than he ever has, and this is simply because more people are out walking around their neighborhoods and are trying to get to the trail to the John Warner Parkway. He said being that there are no sidewalks completely down that corridor, this is problematic.

Mr. Gallaway said as the Board thinks about providing places like parks, they also have to think not only about car rides, but how the sidewalks play into this. He said this would be one instance where he starts to think about whether the fifth priority is proper, or if it should be moved up.

Mr. Gallaway said the same was true for the fourth priority (Additional Economic Development Funding for Public Private Partnerships). He said he thinks this is an important project to be in the top five.

Mr. Gallaway said further down the list was "Parks Restroom Renovation/Modernization." He said he could be completely off base, but it seems to him that if they have more people going out to the parks, it is probably putting a strain on aged infrastructure to be used for restroom facilities. He said as they are in a health crisis and are thinking of modernization of facilities, he wondered if this was properly prioritized in terms of being number 10 out of the first 10. He said if they put a new facility in Biscuit Run, this would be of a different type, but in thinking about older Parks and Recreation, the question was if modernization is of a higher need now because more people are going out to those places.

Mr. Gallaway asked if the estimated savings for the McIntire County Office Building (COB) Windows Replacement project change if there are less employees in the building. He asked if the facility will still run at 100% air conditioning and heating. He acknowledged that staff may not have the answer to this yet and said he was curious as to if this would play into it at all.

Ms. Birch said she would see if Mr. Trevor Henry would know the answer offhand.

Mr. Gallaway said if the answer was not readily available, they could think about it down the road.

Mr. Trevor Henry (Assistant County Executive) replied that this savings reflects what the request originally was, and it was an assumption of full occupancy of the building. He said an analysis has yet to be done because when they get to their new state, the question is to how much staff will be in the building on a regular basis and what this will look like in terms of heating and cooling. He said this is analysis they will not get to until they land the post-pandemic life at the County Office Building.

Mr. Gallaway said this was all the comments and questions he had in reaction to the list. He said he did not think anything was missing from the list and, while he may tweak some priorities, they could wait and see how the CIP process plays out.

Ms. Birch said with that, there was a final presentation slide, which was a reminder of next steps. She said the following week, work would begin with the CIP Advisory Committee. She said for FY 21, those projects will come in front of the Board, potentially in January, with a formal appropriation request from the School Board. She said they will see a reflection of the FY 22 prioritized projects work when the County Executive proposes his budget in February.

Mr. Gallaway said he would go back through the speaking order in case there were any additional items.

Ms. McKeel said she supported many of the things Mr. Gallaway and some of the other Supervisors said as far as being important.

Ms. Mallek said the presentation was well done, and the pre-discussion was very helpful.

Ms. Price said her comments had been more general rather than about the specific projects listed. She said she looked forward to getting all the input to her and Ms. LaPisto-Kirtley in terms of the other Supervisors' prioritization so they can be best prepared for their meeting the following week.

Ms. Palmer said she agreed with Mr. Gallaway on the modernization of the restrooms and that this should be looked at. She said she recognized that Mr. Gallaway was not suggesting this, but her point about water resources not having a strategic priority attached to it was more of a general comment that many of the things come under the heading of climate, and they need to start thinking about it in this way.

Mr. Gallaway said as a final thought that he did not think it was appropriate for this to be on the list, but Ms. Palmer's comment reminded him that when they had talked about the strategic fund they put aside for the Board to use, that project was specifically talked about during budget time, but so was the smaller-scale roundabout at Earlysville and Reas Ford Roads as an additional project that could be done outside of the work of the typical transportation projects and funding mechanisms they go through every year. He said this could be a way to get at that project. He said he was happy to support convenience centers, as he sees the need for them, but the Board seems supportive of doing some work there to do something of a smaller scale at Earlysville and Reas Ford Roads, so it is important to him that this project remain a possibility as well.

Ms. Mallek said in addition to all of this, she knew it was stated somewhere in the fine print that

everything in the maintenance category is above the line, meaning that these things get done first. She said if there are leftover monies, they then get to figure out how to apportion the leftovers. She said this is so important to the long-term culture of the County that they take care of what they have first. She said she knows it is important for Moody's and for the Triple A rating that counties do not get into trouble.

Ms. Mallek said it is always discouraging for her to think they have so many zeroes in the figures and then suddenly, once they take everything above the line out (maintenance), it is a much smaller piece of the pie. She said they will get there, though.

Ms. McKeel said she hoped this hadn't changed.

Ms. Birch said it had not.

Ms. McKeel said it cannot change and she agrees completely.

Mr. Richardson said before the Board goes to a break, he would like to check in with the Board. He said he took notes from all six Board members, and they had all talked about the elevation of broadband access as a priority. He said he would like to make a recommendation for the Board to consider that the staff work on a broadband access proposal to bring back to the Board in the December to early January timeframe that would look at both rural and urban access, as well as affordability, for the Board's consideration.

Mr. Richardson said once they bring that back for the Board's consideration, they would know more about where they stand going into the budget process. He said with this proposal, they may be able to scale it in a way where due to some great work by ABBA, Mr. Culp and his team, they are able to be more specific about how the money would be used.

Ms. Palmer said it would be great to get that report back to the Board to make sure it includes everything that is in the pipeline. She said Mr. Culp alluded to some of those in the video, but there is a lot in the pipeline now that would be helpful to include in the scope of that report.

Mr. Richardson said Ms. Palmer is a member of ABBA and is spot-on with that comment. He said Mr. Culp was on the call, and he wanted to thank him for his work and dedication to ABBA, broadband, and the citizens of the County. He said Mr. Culp has done enormous work over the last several years to serve ABBA and broadband, involving many hours, nights, and weekends, to try to push broadband access forward.

Ms. Palmer said Mr. Culp has made sure that they are looking at all these projects as the amount of money it takes to get to a particular resident, evaluating these projects with a cost per resident.

Ms. McKeel thanked Mr. Culp for giving her CAC a great presentation that Monday evening. She thanked Mr. Richardson for pointing out that broadband is not just a Rural Area problem, but is also an Urban Ring problem.

Ms. McKeel said at some point, she would like to look at the water and sewer infrastructure in the Urban Ring. She said she has people across the street from her in the Urban Ring that are not hooked up to public sewer. She said through Ms. Russell's work with the atlas, this should be a data point so that they know about it. She said she hears it anecdotally, but she would like to know about it from an environmental standpoint and from a CIP hook-up connection issue. She said currently, the residents are being told that they have to pay what the developers pay to hook up to public sewer. She said she understands this has been the policy, but as a result, there are residents in the Urban Ring who have septic systems that are not in good shape. She said to her, when she talks about equity issues, this is a piece of that discussion.

Ms. Palmer said this was something Mr. Gary O'Connell could discuss the next time he comes to the Board.

Ms. McKeel said she has talked about it with Mr. O'Connell, and she would like to have it mapped so she knows if there are two houses in this situation, or 20, as she does not know.

Ms. Mallek said she appreciated what Mr. Richardson said about taking a cohesive look and that she would add some more assignments to this, which she would run through at the end of the meeting that day in terms of thinking carefully about how they spend the broadband money so that they make sure they are getting the best value. She said just like all the people in the Urban Ring who are just over the hill from good service because theirs is coming through DSL, and the phone company hasn't modernized anything in 55 years, the same holds true in the country, where with all the wonderful projects the County has been paying through the nose to get CenturyLink to put in, the five houses a quarter mile away have nothing.

Ms. Mallek said the small gaps (whether they are urban or rural) must be a focus but no company will do it, even if they are bribed as is being done now. She said this is the basis of her trying to get people to think, talk, and research about what other communities are doing with their money to take control of this. She said the Board would discuss this later on.

Recess. The Board recessed at 3:35 p.m., and reconvened at 3:50 p.m.

Agenda Item No. 11. **Presentation:** Code Compliance Program Information Session.

The Executive Summary forwarded to the Board states that Albemarle County's code compliance process has continued to evolve, with substantial changes to the ordinance over the years. It has been several years since a comprehensive overview of the process has been presented to the Board.

Staff's presentation will include trends in zoning enforcement data and overview of the following processes:

- Daily preliminary and final commercial/residential zoning inspections
- Violations
- Court / Civil penalties

No budget impact is anticipated.

Staff recommends that the Board receives this presentation for information.

Ms. Lisa Green, Manager of Code Compliance for the Zoning Division in Community Development, said she had a lot of information to present, which she would go through as quickly as possible so that they could save some time for questions and discussion.

Ms. Green said she would be covering three topics: the inspection process, the enforcement process (including how to file a complaint), and some key takeaways.

Ms. Green said the Code Compliance Team is made up of four Code Compliance Officers (CCO) and herself. She said one of those four positions is currently frozen, leaving three CCOs covering all 726 square miles of the County for all permit inspections and zoning enforcement complaints.

Ms. Green said most of the Board's contact with the team relates to enforcement cases, but zoning inspections account for approximately half the workload for a typical workday. She said although not emphasized as much as enforcement, this is an important and time-sensitive part of the job, as they are most often the last inspection before the financing for a loan can be obtained, families can move into their new home, or the grand opening of a new business can take place. She said getting these inspections completed on time can be vital to the economy.

Ms. Green presented a photo example of a final zoning inspection request. She said even though the owners are eager to occupy, this was not ready for approval. She said these inspections relate directly to health and safety for the whole community.

Ms. Green said inspections are for residential and nonresidential new constructions and any additions, signs, sheds, accessory buildings, farm structures in the Rural Area, structures related to agriculture, commercial, multifamily, any amenities that may be required with a new subdivision, any conditions associated with a special use permit or special exceptions, and to ensure proffers are constructed per the approved rezoning. She said basically, CCOs inspect anything the Board has approved related to new development, rezoning, ordinance changes, or conditions of approval. She said CCOs are the Board's eyes in the field to ensure the Board's mandates are completed as approved.

Ms. Green said every building permit and zoning permit applied for in the County gets a preliminary review and a final zoning inspection. She said the preliminary review occurs prior to any construction, inspecting the proposed location in the field and ensuring the project will comply with setbacks from property lines and stream buffers, is not in easements or critical slopes, and that the use is appropriate for that zoning district. She said these are time-sensitive in nature, and they are often the last review before a permit can be issued to begin construction. She said the final inspection confirms the project was indeed built per the approved site plan and permit, with all conditions and proffers met.

Ms. Green said these inspections are needed as a part of the certificate of occupancy from the Building Official. She said site plans often go through rigorous reviews and approvals, and the CCOs are the eyes in the field to ensure each detail is constructed per the approved plan. She said this often takes multiple inspections just for one site plan.

Ms. Green presented a bar chart to offer a quick look at some data staff has collected over the last 10 calendar years, including their projections for Calendar Year 2020. She said this particular data is based on work done by the Code Compliance Team. She said even with projections for the current year, the trend line is continuing to increase. She said it is important to note that with every new approval, site plan, special exception with conditions, ordinance change, etc., these approvals are cumulative and expand the scope and scale of the program for the life of the site and not just for the life of the project.

Ms. Green said another more well-known aspect of the program is the enforcement of the Zoning Ordinance and portions of the County Code. She said this may be more familiar to the Board and it accounts for the other half of the workday.

Ms. Green said one question staff often gets is how to file a zoning complaint or concern. She said staff has a system where anyone (including the Supervisors) can file in two ways. She said the first way is through the County's website, which has recently been updated, with the link now being much

easier to find. She presented a screenshot of the website on the screen, explaining that one would click on "How Do I" to pop up a new window, where they would then click on "Property Nuisance Incident." She said this will take the person to an online form, where there is information to follow, questions to answer, and a form to fill out. She said when this information is submitted, it will go directly to intake personnel for processing.

Ms. Green said the second way to file a complaint is to dial staff's direct number: (434) 296-5834. She said this will take the caller to a detailed voicemail that will ask them to leave some information. She said this information will also directly go to intake staff, who will put this into the same database. She said staff always asks that callers leave their contact information so that they can get back to them for additional questions or simply provide more information. She said without enough information and a contact number, staff may not be able to process or investigate the concern.

Ms. Green said that by utilizing this system, staff can track the receipt of all calls and online form submissions.

Ms. Green said it is important to know that the enforcement process is a complaint-based program, except for a couple of types of violations: signs in the VDOT right-of-way and homestays from the newly adopted Homestays Ordinance in 2019. She said complaints found to be violations are civil cases. She said that because most of the property owners or residents in the County do not know the Zoning Ordinance, they are typically unaware they have a zoning violation.

Ms. Green said after a complaint or concern has been received, the information is logged into a database, where staff assigns a CCO and tracks the investigation. She said the CCO then contacts the complainant within a couple of business days to make sure they have the right information and to introduce themselves as the person assigned to the case.

Ms. Green said the inspection process begins, which includes a site visit and contact with the property owner. She said at this point, staff makes a determination as to whether there is a violation or not. She said they do receive complaints that are not found to be a violation at all; however, this does not mean the complainant will always be satisfied.

Ms. Green said when complaints are found to be in violation, this begins the process of building a relationship and educating the property owner as to why they may be in violation and to help them understand what steps are necessary to gain compliance. She said some of these violations are very easily resolved, and some of them take more time.

Ms. Green said through building relationships and education, staff has continuously resolved over 70% of the total cases in less than 120 days.

Ms. Green said in other cases where there has been an unresponsive property owners or residents, that case must take a different route. She said if no progress is made within 60 days, a notice of violation is sent. She said this timeframe can be much sooner, depending on the circumstances. She said the notice contains language of appeal, which is a 30-day time period dictated by State Code and gives the property owner an opportunity to appeal the decision to the Board of Zoning Appeals.

Ms. Green said after those 30 days if there is still not compliance, staff files a warrant in debt with the court, which is now a civil penalty case. She said once filed, the case timeframe is at the mercy of the court; however, the CCOs continue to work with the property owner or violator to gain compliance.

Ms. Green said if compliance is still not achieved after the civil fines reach the \$5,000 cap set by the State Code, staff then seeks other measures from the court, which could be an order to abate or injunctive relief. She said even though a small amount of those cases goes this far, it is important to know that staff does not close a case until a property is in full compliance. She said that while very few violations linger or become repeat offenders, staff recognizes some of these noncompliance tendencies may be mental health related.

Ms. Green said many cases that rise to this level require a coordinated effort with other County departments or agencies. She said staff frequently works with Albemarle County Police, Fire Rescue, the County Attorney and courts, Department of Social Services, and Health Department, just to name a few.

Ms. Green presented a bar chart of zoning data that staff collected over the past 10 calendar years, with their projections for Calendar Year 2020. She said the trend line continues to go up. She said the data shows complaints regarding zoning complaint cases only. She said it does not include engineering or building complaints.

Ms. Green noted that the spike seen in 2019 and 2020 accounts for the new Homestays Ordinance, and staff does not expect those numbers to decrease in the upcoming calendar year. She said just as with inspections, she wanted to reemphasize the responsibility for the CCO Team is increasing. She said that with the adoption of a new ordinance and approvals for new developments, there is more opportunity for complaints and violations.

Ms. Green presented a snapshot from those numbers of the top ten complaint types for 2020 thus far. She said homestays, junkyards, and inoperable vehicles make up more than two-thirds of the current complaints.

Ms. Green said staff has also noticed an increase in noise complaints in 2020, but what they found after looking at the data is that most of those relate to activities that have moved outdoors due to the pandemic. She said noise complaints are one of the more complex violations, and staff does work closely with Albemarle County Police Department, as noise complaints are often reported late at night or on weekends. She noted that some of these complaints are not zoning-related and fall under Chapter 7 of the County Code, which is enforced by the Police Department.

Ms. Green said the key takeaways for the Board about the inspection process were as follows. She said legal mandates and health and safety items take a priority for all the CCO's work. She said inspections are time-sensitive and have an economic impact. She said when the ordinance is refined to better address the community's needs, those approvals and ordinance additions expand the scope and/or scale of the program.

Ms. Green said some key points about the enforcement process were as follows. She said compliance takes time and is achieved at a high rate through education and relationship building. She said some violations are complex and require coordination with other departments and agencies. She said that throughout the years, repeat offenders make up a very small percentage of cases and that in a very small percentage of cases, civil penalties do not guarantee compliance.

Ms. Green thanked the Board for their time, adding that they could always reach her via email or by leaving a voicemail for her. She offered to answer any questions.

Ms. McKeel said over the years, she has had some experience with violators. She said Ms. Green was correct that many times, these are resolved with no problem. She said they do sometimes have what she refers to as "frequent flyers" who cause staff a great deal of time. She said at times, what she has seen happen (especially with those frequent flyers) is they play Ms. Green's staff and office against the police, and it is a "whack-a-mole" situation where staff tries to straighten something out, and the problem is moved onto the public roads, which becomes a police problem before being moved back again. She said this can go on for a long time, and sometimes for years, at least in a case she is familiar with.

Ms. McKeel said it has been mentioned to her that a way to get at some of this to save everyone some time would be to establish a team approach where someone from CCO and someone from the police work in conjunction so that there is better information flow going back and forth rather than experiencing the "whack-a-mole" issue. She asked if there was any movement towards an approach like this, or if Ms. Green believed it would be helpful.

Ms. Green replied that staff often reaches out and works with the police on a lot of cases. She said sometimes, their timing is off, so to speak. She said staff has a meeting set up for December 7 with the police to go over the finer details of some of the ordinances so that they are all on the same page about what staff enforces and what the police enforces.

Ms. Green said staff works very closely with the police. She said she reaches out and speaks to the District Commanders, including Corporal Sean Reeves, frequently, probably weekly. She said this theme is not required on every case, but there are cases where they do, including those that are dangerous. She said staff does take the police with them in areas where needed.

Ms. McKeel said she knows staff works closely with the police. She said with the frequent flyers, it does seem to her that a team approach where they are both focused on the violator would save everyone some time and bring about resolution where they do not have to wait long periods of time while the violator is playing games.

Mr. Bart Svoboda, Director of Zoning, said as Ms. Green stated, one of staff's discussion topics for that meeting is to figure out how to deal with the frequent flyers.

Ms. McKeel said this was great. She said she just had some significant work done by Robertson Electric at her house, and they were talking to her about how they would have to get a County Inspector to come by and take a look. She said Robertson Electric spoke at length about how wonderful Albemarle County is with the inspections, even during the pandemic, and about how another neighboring community was not doing so well. She said she just wanted to let staff know that the businesses are appreciating the fact that the County is keeping up with those inspections and making them happen.

Ms. McKeel said in talking with several VDOT employees around her concern, and with someone who is embedded in the world of maintenance, her concern she has mentioned several times about the Board approving public versus private roads is private roads being maintained by homeowners while VDOT takes public roads into account. She said one thing that was pointed out to her was that the public versus private road is not so much a problem when the road is first built, but is a maintenance issue down the road when the community is no longer able to afford the maintenance. She said homeowner dues fall by the wayside, and there is a whole myriad of problems there.

Ms. McKeel said she was told that in 2008, there were two County inspectors under the County Engineer who inspected all of the roads that the developers were putting down to make sure this was done to VDOT standards and put in properly. She said with the downturn in the economy, those were two of the positions the County lost. She said what VDOT told her was that when those inspectors went away, the issue regarding public versus private roads became more problematic because there was not the strong inspection as those roads were going in.

Ms. McKeel said she was thinking about asking for some real discussion with the Board around this issue. She asked Ms. Green if her group would not have been the group inspecting those roads.

Ms. Green said this was exactly right, that it would be under the Engineering Department, under the County Engineer. She said she could not speak to that program, and would advise Ms. McKeel to ask those questions and have people come back to her with that information. She said CCOs deal with the parcel itself.

Ms. McKeel said this was helpful and made sense.

Ms. Mallek said she wrote all of this down, as it reminded her of some things she wanted to mention. She said several citizens each year have asked her for help with the complaint process as they are afraid to make complaints themselves. She said an elderly woman at the end of a long dirt road, for instance, or a young person with a family is not going to go toe-to-toe with their neighbor who might have a gun. She said this was a great concern, and she wanted Ms. Green to be aware of that.

Ms. Mallek said she has not used the online form because she goes straight to Ms. Green, but she has also told people to give her the information so that she can supply it to Zoning herself and they can remain unnamed. She said this is a fear people have, whether it is a voice on the phone or filling out the online form. She said they need to find out how to make those occasions when people do find out the names very rare, as it could go badly very quickly for people in some of these circumstances.

Ms. Mallek said she loves the team approach idea. She said Ms. Green mentioned the danger in going to inspect many of these places, and she knows that when Ms. Ashlee Henshaw was sent up to Fox Mountain, she asked her to take a police officer with her because she needed one.

Ms. Mallek said because they have this culture of citizen complaint, it is a built-in antagonism among neighbors. She said she did not know how to fix it, but she knows it is a problem for some situations. She said she knew staff knew about this and was thinking about it, and she was very glad that they are being proactive about some things, as people are driving by and noticing things. She said with the two categories that were mentioned, the proactive category is very important, and if there are solutions that can be dealt with to be able to have less complaint-driven matters, she would love to know about that.

Ms. Mallek said she knows the Board sends staff a lot of things on enforcement issues that are things they cannot enforce. She said she just learned the day before, for example, that their light ordinance does not apply to residential. She said people call all night saying there is a light shining in their house all night long and they can't sleep, and the staff has to go out and tell them that the laws do not take them into consideration.

Ms. Mallek said she would ask that if staff is doing their day-to-day operations and if there are gaps staff identifies, to please share them with Mr. Richardson, as there may be some tremendous time savings if the Board could bridge some of the gaps where they are leaving things out that staff still has to deal with. She said she is convinced that if they have good rules, 99.9% of the people will follow them, which will reduce the other numbers staff has to deal with on a regular basis.

Ms. Green said if someone calls in with a zoning complaint, if they say they would like to remain in confidence, the Code Compliance team keeps that in confidence. She said per State Code, this is protected by FOIA. She said for other complainants, such as building code, it is not the same, but for Zoning, those complainant names are protected.

Ms. Green said many times when CCOs go out, they have people who think they know who called. She said sometimes they are right and sometimes not. She said it is hard when someone is standing at their driveway taking pictures, then sending them to staff. She reiterated that if someone tells them in the voicemail or online form that they would like to remain in confidence, staff keeps this protected.

Ms. McKeel asked if this was pointed out anywhere.

Ms. Green replied yes. She said it is online, and it is on the voicemail. She said in terms of Ms. Mallek's point about the lighting, she is correct that some lighting is not something staff can enforce. She said the lighting ordinance relates to certain types of wattages of bulbs and is not meant for residential.

Ms. Green said as she pointed out, however, staff does work and build relationships with the residents and property owners, and they will still go out to take a look and perhaps ask that property owner if they can turn their light down. She said there have been countless times where when staff brings this to the property owner's attention, they will express they didn't realize it was an issue. She said they can help to gain compliance in that way, and they do still go out to work with the property owner.

Ms. Price thanked Ms. Green for her presentation and comments. She pointed out that over approximately the last five years, other than an actual developer, she has probably had as much involvement with Community Development as any resident of the County, with four of those five years being a private citizen. She said this was an important point because those first four years were as a private citizen, and as a Supervisor, people may look at her differently, but she believes she is treated just like every other resident. She said she has been extremely pleased with the professionalism and

comprehensive ability of Community Development.

Ms. Price said she wanted to talk about two things where she saw a bit of differentiation, which was the distinction between the work that is done for permits versus the work done for inspections. She said she recognizes there is some inspection involved in both of those. She said she has not personally experienced any delays, but anecdotally, she has had some individuals (both in development and individual property owners) say they believe that the permitting process in Albemarle County seems to take too long.

Ms. Price said she would ask that staff look at establishing and documenting what she would call "processing times" from start to finish on an application, along with each step in the process, so they can objectively see how efficient they are in the process.

Ms. Price said that when it comes to inspections, she is amazed that even during the pandemic, if one calls in by 3:00 p.m. one day, staff will have an inspector out the next day. She said if one calls early enough in the day, they can even have someone out in morning or afternoon on most occasions. She said she has done a remodel, and has had a number of outbuildings put on her property. She said the work staff does is tremendous, but she does want to be able to objectively show the residents through the processing times, and perhaps compare this with some of the neighboring communities.

Ms. Price said particularly when it comes to Code Compliance, she recognizes there are a lot of complexities. She said she thinks staff does a tremendous job, which is one of the reasons why this area is as free as it is because staff takes care of it. She thanked Ms. Green for giving the presentation.

Ms. Green said to address the building permit issue, this would fall under the Building Permitting Department and that she could pass that information along.

Mr. Svoboda added that he and others involved in the process are working on this, as they are continually looking for areas to improve and speed up the process. He said changes have been made within the past year to help this along, and they continue to do this.

Ms. Price expressed her appreciation, adding anecdotally that in what is left of her private law practice, she works with a lot of federal agencies that have done absolutely nothing since March. She said she looks at the work that Albemarle County does every day of every week to keep the County moving forward, and so she was mostly saying "thank you," although this was one area that she would ask to get some reports back on so that they can objectively see how they are doing.

Ms. LaPisto-Kirtley thanked staff for the informative presentation and updates. She said she had two things she wanted to bring up, one of which she was not sure what they could do about it. She said there is a lot of tree and grass trimming along private roads, and her understanding is that some of the foliage is actually in the road so that one has to drive around it. She said even though these are regular roads, they are private because they are a part of a commercial development that then leads towards homes. She said she was not sure if anything could be done about that.

Ms. LaPisto-Kirtley said another matter had to do with the medians in private roads where grasses grow and are not kept up by VDOT. She asked if there is something that the Board could do, or something that staff could suggest the Board do to help them out.

Ms. Green said this is something staff would need to take a look at. She said they have jurisdictions for site plans and the ability to do maintenance, but this is only for a commercial site plan development. She said VDOT would be responsible for anything in the VDOT right-of-way, but staff could take a look at this and get back to Ms. LaPisto-Kirtley.

Ms. LaPisto-Kirtley said if it is a private road, even though it is a commercial development that is already developed (she said she was specifically talking about Rolkin Road), she was not sure there was anything they could do other than contact the developer. She asked if this was correct.

Ms. Green replied that this was correct, and staff did look at this as a concern. She said this was a VDOT right-of-way at that point, and so staff reached out to VDOT to see if they could get something done there.

Ms. LaPisto-Kirtley mentioned code compliance that was discussed at the Pantops CAC meeting, specifically around junkyards in the front of homes. She said she understood that certain things were going to the courts, but she would again ask Ms. Green what the Board could do to make her job easier to be able to have better enforcement.

Ms. Green said as she mentioned in the presentation, there are some people who are out of compliance that are difficult to get to the finish line. She said in this particular year, and perhaps in terms of something Ms. LaPisto-Kirtley was asking about, staff is at the mercy of the courts. She said for a very long time, the courts were closed, which put a halt on some of the enforcement proceedings. She said with that, she would have to get back to Ms. LaPisto-Kirtley.

Ms. Green said staff is working with the County Attorney on some things, and she would perhaps leave it at that to say she would get back to the Board with something. She said with some people, it takes more time to get compliance. She said sometimes, people will do things to gain compliance that may not look like the yard others would have at their houses, but that do meet the rules of the law,

according to Zoning.

Ms. LaPisto-Kirtley said the main thing is that as Ms. Green and her team work on these things, and as they work with the County Attorney, and they see that the Board just passed a zoning rule or ordinance, to please bring this back to the Board if there are ways that they can be of benefit.

Ms. Green thanked Ms. LaPisto-Kirtley and said she would definitely do that.

Ms. Palmer said one way she believed the Board could support staff would be by unfreezing the position. She said she has not seen the list of frozen positions yet, but her understanding was that the Board would be seeing that. She said she thinks this position is clearly something that the citizens of Albemarle would appreciate.

Ms. Palmer said she had a question about the noise ordinance. She said she was happy to hear that on December 7, Code Compliance would have a talk with the police, and assumed that at least one topic for that meeting is the noise ordinance because there are people who call the police and are told they don't know anything about the noise ordinance. She said obviously, there is some opportunity for education.

Ms. Palmer said Ms. Green mentioned that Chapter 7 was a part of the ordinance that goes directly to the police and asked if Ms. Green could explain to her what this chapter is about.

Ms. Green replied that Chapter 18 is the Zoning Ordinance, which is the ordinance Zoning directly enforces related to land use regulations. She said there were some concerns with other noise nuisances that are in Chapter 7 that do relate specifically to what the police would enforce, such as gunfire, which would not necessarily be a land use noise unless it was related to a business. She said another example was a car going down the road with a loud radio. She said the things that her team enforces directly relate to the land use of the property.

Ms. Palmer asked if someone is having parties every Saturday and Sunday and perhaps are not a winery or the like, if this is a police matter or something Ms. Green would handle.

Mr. Kamptner replied that this is a police matter. He said the best way to distinguish the two is that probably most, if not all, of the complaints that come in under Chapter 7 deal with loud music and parties. He said Chapter 18 is about the land use that would include small industrial matters, such as a dog kennel making noise, that are regulated otherwise under the Zoning Ordinance.

Mr. Kamptner said the other big difference is that police are a 24-7 operation, while Zoning is not, even though they do sometimes go out and do sound tests in front of yards.

Ms. Palmer asked if this was a winery or orchard having events at night and the police go out to look at this, if Ms. Green is in charge of following up the next day since it is a business.

Ms. Green said this was correct. She said this is something that is coordinated between her team and the police if there is something they found. She said sometimes, things are unfounded, but staff does follow up.

Ms. Palmer said in this discussion staff will have with the police, the police will understand the noise ordinance and hopefully will get some direction from their people on Chapter 7 so they will understand what this is also.

Mr. Svoboda said there has been some changing of the guard and in order to coordinate and recalibrate everyone, they will go over all those things of what staff's purview has been and what has been the police's to reset that understanding, and also talk about how they can communicate back and forth to relay that to each other and address the issues.

Ms. Palmer said she was looking forward to this, as this is one of the biggest things she hears from residents with respect to noise.

Mr. Gallaway said his question was more operational. He asked Ms. Green if she prefers the Board to use the online complaint form versus emailing her directly.

Ms. Green replied yes. She said it is an easier way to track things so that they go through the system, which produces a time and date receipt on the calls and emails. She said if she is away and the email gets lost in the shuffle, it is a much more efficient way to file a complaint. She said staff has a process that they follow.

Mr. Gallaway asked for the phone number.

Ms. Green said it is (434) 296-5834.

Mr. Gallaway said there was a point where there was stormwater runoff in part of the Woodbrook neighborhood and coming from behind Goodwill, which created both a water issue and a trash and litter issue. He said he thought it would be easy to go out and say that a place is simply littering and not taking care of its trash, as this would be one actor. He said his guess, however, was that it was probably a matter of multiple things, with the public collectively adding to this problem where the trash is moving via

the water down to the neighborhoods.

Mr. Gallaway asked in this situation where there is not a known offender what staff would do.

Ms. Green said this is the most unpopular part of the CCO's job. She said when the litter goes to the one parcel, it is then the responsibility of that property owner. She said they have worked with the police on people littering, and it is her understanding from the police that it is a very hard case to try in the courts because one has to physically see someone throwing it out. She said in that situation, staff does work closely with others, so if Engineering goes out and finds something that they may need a CCO's help on, they will go out and take a look at it with Engineering. She said at that point, however, the trash is the responsibility of the property owner.

Mr. Gallaway asked if staff went out and found that multiple businesses were not taking care of securing their Dumpsters or overfilling them, with two or three doing this and, in addition, the public was doing some littering, with the wind collecting everything, if staff would do some education about this issue.

Mr. Svoboda and Ms. Green said yes.

Mr. Gallaway asked if this was part of what a request could be. He said it may not necessarily be a violation, but collectively, multiple places could help in resolving it.

Ms. Green said staff would reach out to the property owner or property management company that handles the leasing and talk to them about how they secure their dumpster. She said it is also part of the owner's site plan to maintain their site, and so staff would speak to them about that.

Mr. Gallaway said if someone goes to the wrong department with a zoning code violation, he will imagine this would be easy to identify and turn over to Code Compliance. He asked if they go out on some other issue like stormwater, however, and notices that it leads to something that could be a code violation, if they are reporting through the same system to help track it. He asked if the mechanics of the different silos that exist in the County are working the right way to be properly dealt with when zoning code issues are found in other manners.

Ms. Green replied that her team is still working hard to have everyone go to the same system, especially if it is within their own department. She said they are working hard not to have those silos and work very closely together. She said it is not uncommon for someone in Real Estate to report a matter to Zoning for them to check out. She said while there do seem to be silos, they also have other departments come to them. She said likewise, they get a lot of complaints that are not zoning-related, which they try to pass on as well.

Mr. Svoboda said that within the divisions (Building, Engineering, and Zoning), the team works very well together. He said the same telephone line is the complaint line for all of them, and so they are processed out that way. He said they may even get a request that is dual that is a Building and Zoning request off of the same phone call or form, and staff talks to each other. He said they even have the inspectors go out together if they can make those arrangements so that Building and Zoning are onsite at the same time to coordinate their efforts towards compliance.

Ms. McKeel said she would add to some of the other discussions and said if there is anything Ms. Green and her team feels the Board should take to their state legislators that requires a change to the State Code, to let them know. She said that for example, the secondary parking ordinance required approval from the state and now, they have a parking ordinance that she has been using to address junk and parking in the neighborhoods. She said if there was anything along those lines to make sure to let the Board or Mr. Kamptner know, as sometimes there is something needed in State Code.

Mr. Svoboda said staff has been working through their leadership (Ms. Amelia McCulley and Ms. Jodie Filardo) through Mr. Doug Walker and Mr. Kamptner to have those discussions about what resources they would need to pull that off.

Ms. McKeel said this was great.

Ms. Mallek said when they were talking about the homestays issue, there was discussion about having a team inspection day for a new applicant, for example, so that they do not have a building inspector come out one day and a fire inspector another day. She said she heard a lot of complaints in the beginning and that people gave up because they could not be there five days straight to get that done. She asked if any progress was being made on that side of the process.

Ms. Green replied yes. She said as one can imagine with the COVID-19 pandemic, they could not have any interior inspections on that front for a while. She said those inspections are mostly handled by Mr. Michael Dellinger (Building Official), and he is working with Fire to work out a system that would involve just one inspection.

Ms. Mallek said this was great.

Mr. Richardson said he appreciated the Board's questions, and that several Board members had asked about what they can do to help. He said there was a coordination question that one Board member asked regarding the online system, and he believed that Ms. Green was very diplomatic, yet candid, about how the more consistent the Board is in how they pass along complaints, the better staff is able to

log, track, and respond to them.

Mr. Richardson asked the Board if staff could follow up with an email to the Board to spell out the steps to put a complaint in the system, adding that the Board could print this out. He said he knows Board members get hit with complaints from citizens, but the more consistent they are with how they put the complaints into the system, the better staff is able to track the data, turnaround time, enforcement, and outcome. He said Ms. Green was diplomatic about saying that if she were to take a day off and a complaint came to her email, it would be a point of failure because Ms. Green may be away or in the field and not looking at her email for some time.

Mr. Richardson asked Mr. Gallaway if it would be fine with the Board to come back to them with an email about the steps that should be followed to log a complaint in the system in the appropriate way.

Mr. Gallaway said he did not see any objections to this.

Ms. McKeel said this is a great idea because going back to what Ms. Mallek said, there is truly a fear from the citizens that there will be retribution, and so they are often coming to Board members to ask them to submit the complaints.

Mr. Richardson said this is a great point and that the concerns made sense. He said as Ms. Green noted, the complaint system is online and confidential, and the information is protected under FOIA. He said the more consistent they are with this, the better it sets up staff.

Mr. Richardson said there was mention of the frozen position and that he would remind the Board about their previous discussion where they looked at the stability of their financials, the economy, and the workforce. He said certainly, the Community Development Department has been affected with frozen positions across the organization, with 28 in total. He said he, Mr. Walker, and Mr. Henry, along with department heads' assistance, will continue to evaluate this.

Mr. Richardson said he knows the Board has asked for a list of frozen positions, but there were compelling stories with all those frozen positions. He urged the Board to allow staff to continue to work through those with an eye on operational capacity. He said he knows Ms. Green and her staff, as well as CDD and other departments, have been affected. He said they are very sensitive to that and know they have to spend some time on it.

Ms. Mallek encouraged Mr. Richardson to continue to remember that staff has been talking for several years about fairly small technology investments to put the right iPads in the hands of the people in the field to save them running back and forth to get assignments. She said she hoped they would look for some pennies in their very meager budget to try to implement some of those baby-step enforcements that help staff do their jobs so much better.

Mr. Richardson said this was a fantastic point about finding ways to use technology and one-time purchases to speed their staff up so that they are not having to run back and forth.

Ms. Price said as the County improves its broadband access, there will be more availability for them to be able to connect.

Agenda Item No. 12. Closed Meeting.

Before closed meeting, Mr. Gallaway asked Ms. Mallek if she wanted to clarify an earlier comment.

Ms. Mallek said she believed she had raised a few eyebrows when she was complaining earlier about the private profit utilities and how they take money for neighborhoods to improve their broadband, then do not deliver the service. She said that all across the Commonwealth of Virginia, this notion was supported by many other regions during the VACo Board meeting. She said everyone is equally frustrated at the inability of the state government to enforce any kind of accountability on the part of these privately held utilities that should be functioning as monopolies, as the government has no choice here, but they are not. She said they are allowed to function as if there is competition and therefore, they do not have the requirements to provide service.

Ms. Mallek said citizens pay an extra \$1,000 or more and say they are going to get a large delivery of speed, but the utility company does not improve the delivery pipe between the switch 3-5 miles away and the house. She said there is absolutely no way, then, that people can receive better service because the hose is only so big. She said the reason she was downtown that day and having to transport her ice in was that her grandchildren could not do their schoolwork that day due to having only 600 kb that morning, with the connectivity going in and out. She said right when she needs to ask a question is when her internet will go down.

Ms. Mallek said people do feel as if they are being held hostage, and they are being promised many things, which is the core she hears about all the time from citizens. She said she hoped the Board would dig in at a future meeting about being able to get better responses for their dollars.

At 4:47 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 future assignment and performance of the Clerk of the Board; and
- Under Subsection (5), to discuss a prospective business in an emerging industry where no previous announcement has been made of the business locating its facilities in the community; and
- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation involving a Virginia corporation where consultation or briefing in an open meeting would adversely affect the litigating posture of the County and the Board; and
- Under Subsection (8), to consult with and be briefed by legal counsel requiring the provision of legal advice by counsel regarding volunteer emergency medical service providers in the County.

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

Agenda Item No. 13. Certify Closed Meeting.

At 6:03 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

Non-Agenda Item. Authorized a Letter to the Virginia Board of Pharmacy Ad Hoc Committee.

Ms. Price **moved** that the Board authorize the chair to sign a letter, on behalf of the Board, to the Virginia Board of Pharmacy Ad Hoc Committee in support of Holistic Virginia, LLC's application for a pharmaceutical processor permit in Albemarle County. 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

Agenda Item No. 14. 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.

There was a speaker who had to be cut off, due to the matter not pertaining to the agenda.

As there were no other speakers, Mr. Gallaway closed Matters From the Public.

Agenda Item No. 15. **Presentation:** Thomas Jefferson Health District COVID-19 Update.

Dr. Denise Bonds, Director of the Thomas Jefferson Health District, said Mr. Ryan McKay would lead the presentation first.

Mr. Ryan McKay, Director of Policy and Planning, said he would begin with some data points to show where they are nationally, with some Virginia and regional information, then break it down to the local level. He reminded everyone that the Health District is moving towards their new name, the Blue Ridge Health District. He said at the bottom of the screen was the new logo they will be using and introducing throughout the presentations between now and their official start date in the new year.

Mr. McKay said looking at cases over the last seven days, nationally per 100,000 people, this was a comparison to the last time he presented to the group at a joint meeting with UVA and the City of Charlottesville in late October. He said there have been increases across the board in the states that were highest at that point, in the Upper Midwest, with significant increases since then. He said there were also some increases seen regionally as well.

Mr. McKay said Virginia has increased by a rate of 7.1 per 100,000 over that same time period, and while they are seeing an increase, it is not quite as sharp as some of the surrounding states, and certainly not to the extent they are seeing in the Upper Midwest. He said one thing they are now seeing in

the Upper Midwest and other portions of the country is the lag of what happens downstream once those increases have occurred. He said there have been reports of larger numbers of hospitalizations, as well as increases in fatalities in both those states and across the country, are the lag indicator of where they are nationally and within some of the states when it comes to the spread of COVID-19 and its impact on individuals who are experiencing the most severe symptoms, and sometimes COVID-19-related fatalities.

Mr. McKay presented a slide that broke the data down to the regional level. He said these were numbers that would influence decisions made at the state level by the Governor's Office to reimplement stronger mitigation strategies to slow and ultimately contain spread so that they do not find themselves in situations similar to what they are seeing across the Upper Midwest and other states, particularly those close to Virginia. He said the Central Region makes up the greater Richmond area and down through Petersburg.

Mr. McKay said in the Eastern Region, there was a large spike in July, which was around the time that they themselves had implemented much stronger Phase 2 mitigation strategies. He said it took some time for them to bring that number back down, but through hard work and diligence, those strategies did work and ultimately brought the numbers down.

Mr. McKay said the Northern Region, for some time that fall, had spent time in low transmission or low extent of transmission, which was impressive because early on, they were feeling the brunt of COVID-19 and have done a tremendous job to bring those numbers down. He said even now, despite all those successes, they are seeing larger numbers throughout the region.

Mr. McKay said he highlighted the Northwest Region in yellow on the slide because this is the region the Health District is in. He said it is an expansive region that covers lots of territory, with very different districts. He said even in their region, they have been increasing in their cases per 100,000 per day for the last 27 days. He said all of this contributes to decision making that is happening that informs making those amendments to Executive Orders 63 and 67 that implement the stronger mitigation strategies.

Mr. McKay said the Governor and Commissioner of Health have said on a number of occasions over the past few weeks that the numbers in the Far Southwest and Near Southwest, the increases in cases, the impact on healthcare infrastructure, and the impact on individuals who are contracting COVID-19 has driven up the state numbers. He said they are looking there to understand what is happening, but also as a way to see what could happen if they do not take the right steps now to slow the spread to ensure they are doing all the things they can to prevent this from happening.

Mr. McKay said what is happening there can also have an impact on the rest of the state if they think about healthcare infrastructure and resources needed to support those who live there who may need wraparound services. He said they live in an environment where spread can happen very quickly, and so that transmission and what the case counts look like there could happen here as well, which is an important reminder moving forward.

Mr. McKay presented a map, explaining that it represents localities across the state and a seven-day moving average of daily case incidents in Virginia as of that day. He said those numbers were updated around 10:00 or 11:00 a.m. that morning. He said the darker-colored blues were localities that have higher incidence of cases on average over that seven-day period. He said the lighter colors are localities that are not experiencing as much transmission and are not identifying as many cases on a daily basis.

Mr. McKay said Albemarle County and Charlottesville are not experiencing quite the same amount of burden or transmission as the rest of the state. He said they are certainly in a better position than other localities, which gives them an advantage as they move into the colder months and the holiday season.

Mr. McKay to break down the numbers further and to give the Board a better sense of what is happening day to day, that day, they reported 11 new cases in Albemarle County. He said the seven-day moving average is about 9 new cases per day. He said the case incidence for the seven-day average is at 7.9, and then over a 14-day total, it is 109.5.

Mr. McKay said what they were looking at more so on those first three numbers are what they are seeing day to day, what is coming in through positive test results, and what they are having to manage for case investigations, and those numbers have been steady for the last few weeks. He said they did see a surge in late September and early October and were handling a lot of cases through UVA. He said they also saw an uptick throughout the rest of Albemarle County and localities, but this has leveled off and plateaued a bit.

Mr. McKay said for Charlottesville, the number of new cases and seven-day average are similar to Albemarle County, with 10 new cases being reported that day, and a seven-day average of new cases on a daily basis being 9. He said they have higher case incidence for the seven-day average and the total number of new cases, and they have talked at length over the last few months about how that could be related to what is occurring among the student population at UVA. He said this gives the Board a bit of a sense of the numbers on a daily basis while breaking the data down in terms of localities.

Mr. McKay presented a slide to offer a historical perspective. He said it shows the case incidence over time and where they have been over the last three weeks as reported on November 2, November 9,

and November 16. He said it also includes the seven-day numbers and the rolling seven-day sum of cases over those time periods.

Mr. McKay said one thing the Health District has presented in the past, which was shown in the snapshot, was percent positivity. He said one thing he had not added to this presentation is what this looks like over the course of the last few weeks. He said what the Health District found is that percent positive, while being an indicator of what may be happening in the community, has not been a great reflection of what could be happening locally. He said to UVA's credit, they have drastically increased access to testing for students and faculty. He said testing across the district (particularly in Albemarle and Charlottesville) has increased significantly over time, and so the percent positive number may not be a great reflection of what is truly occurring in the community.

Mr. McKay said there is certainly a low number of cases, as well as a low percent positivity rate, but that number may not reflect what is happening. He said this also happens in the inverse, so if there is a 13% positivity rate, for example, this may not reflect true community transmission and may be connected to (as was seen in September and October) more student-related transmission. He said there have been several outbreaks in long-term care facilities as well, and so they are stressing this number as more of a starting point for the discussion of what is happening in the community as opposed to it being a true reflection of community spread.

Mr. McKay presented a slide listing case counts for Charlottesville, similar to what was presented for Albemarle County, over the last three weeks. He said at the top of the screenshot were case incidence, and since the spike or surge in September and October, the numbers have dropped due to lots of work by the case investigators, contact tracers, and partnerships with the City, County, and UVA.

Mr. McKay said it is always critical to see where they are when it comes to the demographics. He said to the left of the screen was the district population by race and ethnicity. He said in certain sections on the right of the slide were screenshots from the Health District's local dashboard and where they are when it comes to disproportionate numbers and percentages of cases for communities of color. He said this continues to be a trend and something being looked at both nationally and locally in terms of addressing the needs, whether through wraparound services, the ability to communicate with those who may not speak English as their first language, and making sure that information is provided in ways that help inform their own decision making to protect themselves and help mitigate spread among communities.

Mr. McKay said key to the Health District's success to be able to identify and isolate individuals who test positive is community testing throughout the Health District. He said they have worked hard to add community testing sites and free access to testing throughout the Health District in advance of the holiday season. He said they have worked hard with local partners to provide that access to communicate that information. He said he was happy to say that the testing clinics for that evening, Thursday, and Friday were filled in terms of the registration slots. He said they filled before 9:15 a.m. that day, and so he understands there is demand.

Mr. McKay said community testing continues to occur through UVA in Charlottesville and Albemarle on Mondays and Tuesdays, and there is widespread testing through multiple avenues across the district.

Mr. McKay said last Friday, an article was posted on Cville Tomorrow's website indicating that Charlottesville has become an island of low COVID-19 cases while the rest of Virginia surges. He said he thinks this is an important time to recognize the successes of the work they have done over the last few months.

Mr. McKay said partnerships have either been enhanced, or they have worked in new ways with community partners in Charlottesville, Albemarle, and throughout the district, but certainly through the partnership with the County Executive's Office, which has been gracious to have him participate in meetings twice a week, if not more. He said the Board's invitation for the Health District to provide information is critical to that success.

Mr. McKay said they feel they have built a culture of commitment throughout the communities to adhere to masking policies and work to minimize risk of exposure throughout the community. He said they work with UVA to make sure they identify and house students for isolation and quarantine and provide the testing component. He said there are a number of new partnerships throughout the community to provide wraparound services to work with partners to translate information to communicate directly to those who may be the most vulnerable and disproportionately impacted by COVID-19 in the communities.

Mr. McKay said it is important as they stretch throughout this very long response to recognize those things and honor those successes because they have to build upon those when it comes to what could be a very difficult next few months, as they move into colder weather with things moving indoors and people wanting to celebrate with families. He said this was an opportunity to express thanks while recognizing the hard work that has been done thus far to get to this point.

Mr. McKay presented some summary notes. He said public and private gatherings are a concern heading into the holiday season and colder months. He said there is the expectation that people will travel and have Thanksgiving or holiday celebrations with others who they don't live with and who are outside of their household.

Mr. McKay said they have no clear pattern of where these settings are that drive up cases and trends, and it could be larger gatherings in a party situation with a private social gathering, or something that is more public. He said the key point is to be vigilant about making sure that they are not gathering in those places and that holiday gatherings are done in ways that separate households outside or done through new mediums, such as Zoom, FaceTime, or something more video based.

Mr. McKay said from a state level, hospital capacity is stable across Virginia, but they are seeing some increases in hospitalizations. He said he thinks things are stable at the local level, based on a recent meeting they had that Monday.

Mr. McKay said there are known reports of COVID-19 fatigue, as they are coming into several months of this. He said the important point is that as tired as they may be and as much as they want to rid themselves of COVID-19, hearing the news of two vaccines that have high rates of efficacy, it is critical they build upon the successes they have had to get to this point at the local level.

Mr. McKay said they have great partnerships, and now is the time to make sure that they use those partnerships to be vigilant about the policies that were implemented, whether it is masking, social distancing, or limiting the number of private and social gatherings in terms of numbers to make sure they can sustain throughout the winter months, which could bring about the most difficult period of the pandemic thus far.

Mr. Gallaway asked if there were questions about the information.

Ms. Mallek asked if Mr. McKay was able to share any more information that would help to counter what she was hearing anecdotally from people who try to take their grandmother to UVA, who says no and sends them to Martha Jefferson, who says no, and now she is sitting in an emergency room in Augusta. She asked, if they are only using 35% of hospital capacity and she was reading the website correctly, why this is happening.

Mr. McKay replied that he could not speak to those particular pieces of decision making in terms of how they accept or divert patients. He said this would have to be a question for the UVA Health System and perhaps Martha Jefferson if that constituent is in Augusta.

Ms. Price thanked Mr. McKay for the presentation, noting that she was pleased when she saw the last map that showed how Albemarle is an island in Virginia. She said as they know, no man is an island, and this applies to a city, county, or region as well. She said they have been fortunate that their constituents have been compliant, but they can see what is happening around the country.

Ms. Price said they know the advice is to not travel or have family gatherings over the holidays, but they also know that between Thanksgiving and New Year's, there are a number of times when people may actually want to travel. She said with regard to availability of testing, she wanted to know about people who do not meet one of the general criteria (such as being around someone who has tested positive) and are thinking about traveling, but want to make sure before they travel that they are not bringing the pandemic to another location, nor to someone coming to visit them. She asked how available the testing really is for people who do not fall into one of those critical categories where it is almost required. She asked if her question was clear.

Mr. McKay replied that he believed so, and that the question was how people who are asymptomatic and have not been around anyone who has tested positive, but wants to confirm, can seek testing before they go. He said this depends on the mode of travel or where they are going. He said there have been questions around international travel, and there are certainly requirements for that, some that can be met and some that cannot. He said they have found that through community testing events, a large part of those individuals who register to get tested are getting tested to travel and want to confirm. He said others have gone through Primary Care Providers to get testing, although they may not be symptomatic. He added that some individuals who have chosen that route have not been able to get tested.

Mr. McKay said testing is only one snapshot in time. He said if someone really wants to travel and see people, the Health District's recommendation is to quarantine for 14 days before and 14 days after. He said he knows this is difficult and seems harsh, but this is actually the safest and least risky way to be able to travel and not transmit COVID-19 inadvertently to family members or friends the person is going to visit.

Ms. Palmer said she had one question about outreach. She said she was speaking to a Charlottesville employer with 20-25 employees who have regular interaction with the public, and she asked if the employer was getting his employees tested regularly. She said the employer replied no and said his employees did not want to do this because it was too expensive. She said she then explained to the employer what the Health Department was doing, and he had no idea. She said he told her he had thought the Health Department was for people who are economically disadvantaged.

Ms. Palmer asked if the Health Department is doing any outreach to some of the businesses that have high contact with the public, or if they are relying entirely on local government, like they are doing with the ambassadors.

Mr. McKay replied that they were not entirely relying on local government, and that they have put

out lots of information for employers. He said much of their attention has been on construction companies or companies that have individuals from the Hispanic community because they want to make sure there is understanding of what the needs are in terms of return to work and making sure people have access to testing. He said they will continue to provide information through their avenues about testing that employers may have testing about. He said their hotline also has lots of information in regard to questions employers may have.

Mr. McKay said he would take it under advisement that they may need to push more information out for employers.

Mr. Gallaway asked the Supervisors if they wanted to make general comments.

Ms. McKeel said it would seem to her that their policies or ordinances, coming into this point, have really helped slow down and protect the hospitals. She said she thinks they have been doing exactly the right thing.

Ms. McKeel said schools have just started, and young children are just back into school in a hybrid of sorts. She said she thinks it is important that they maintain as much protection to keep those young people in school for as long as possible. She said she did not have any real questions but was concerned about where they are. She said she believed they would have a discussion after this about their status and where they may be going. She said she is concentrating on making sure that young, primary-grade children can actually stay in school.

Ms. McKeel said another concern she had was it seemed to her that they are going to have the impact of a lot of college students coming back home in the next couple of weeks. She said students from North Carolina, West Virginia, Illinois, and other places will be coming back into the community. She said while she thinks UVA is doing a great job, many of the schools are not at the same level of protection and testing that she thinks UVA has been. She asked Mr. McKay if he wanted to make a comment about that.

Mr. McKay said for the Health District, it was a matter of understanding that and being ready to make sure that they continue to ensure there is testing, and that they have their staff ready for case investigations and contact tracing. He said they will work on messaging to make sure that as students return from whatever campus they have been at, they and their families are taking measures to minimize the potential for spread.

Mr. McKay said he did know that more universities (including UVA) are allowing students to stay on if they are in isolation or quarantine until the timeline is up. He said this is one way he has heard universities and colleges attempting to minimize spread so that people are not traveling who may have been exposed or who have tested positive.

Ms. Mallek said she is appreciative of Mr. McKay's and Dr. Bond's data based on cases per 100,000 people, as she can understand this so much better. She said it is much less of a challenge than positivity rates have been because when the university athletes (who are on lockdown) get tested every day, all of those negatives completely wipe out the 50 cases per week they have been having for a very long time. She said she felt better about the information she was hearing that day, as it seemed to be more directly connected from A to B to C.

Ms. Mallek said she hoped the citizenry would do all they can individually in order for the students to be able to continue to go to school and for the businesses to be able to stay open.

Ms. Mallek said there is also jeopardizing situations she is hearing about from parents about a college student who is trying to referee a soccer game on private property, which is not under the County's regulations under Parks rules. She said there are out-of-town teams who have come to this tournament, as well as hundreds of parents and people packed closely, with no one wearing a mask. She said this young man resigned from his referee position he had had for years because he said he was not going to put himself in that position, running up and down the field in front of these people who will not follow the rules.

Ms. Mallek said her question to everyone at all levels was if the Board has any ability or authority, going forward, to extend their rules (which seem to have made a difference) to private property.

Ms. Mallek said the other concern is that private schools do not seem to be under rules that are consistent, and so their parents are also concerned. She said one school may have very strict rules to restrict travel or otherwise, the child cannot come to school. She said others will allow siblings to come to school, even if one of their family members has been exposed. She said she did not know if these were things the Board could do anything about, but she knows it is creating stress in the community as it is being reported to her.

Mr. Kamptner said in terms of recreational sports, Executive Order 67 and the ordinance that the Board will be considering later that day, which incorporates EO 67, does have regulations dealing with recreational sports, such as putting a limitation on the number of spectators. He said EO 67 goes further, however, and also has some protocols in place. He said it does not make a distinction as to whether it is on public or private property.

Ordinance No. 20-E(5) and Duration, of an Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19. To receive public comment on its intent to re-adopt an ordinance entitled “An Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19,” which was most recently re-adopted on September 16, 2020 (Ordinance No. 20-A(13)), which is effective until November 18, 2020. The ordinance establishes: (1) limitations on the number of persons at food establishments, farm wineries, limited breweries, and limited distilleries; (2) limitations on the number of attendees at gatherings; and (3) requires persons to wear face coverings in public places. The ordinance also includes definitions, specific provisions for when and how the above-described limitations apply, and imposes criminal penalties for violations. *(Advertised in the Daily Progress on November 2 and November 9, 2020)*

The Executive Summary forwarded to the Board states that, on July 27, 2020, the Board of Supervisors adopted Ordinance No. 20-E(5), An Emergency Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19 (the “Ordinance”). The Ordinance, which became effective August 1, established regulations pertaining to: (1) the maximum indoor occupancy allowed at restaurants, farm wineries, limited breweries, and limited distilleries; (2) the maximum size of public and private gatherings; and (3) the requirement for persons to wear face coverings in public places. The Ordinance was narrowly focused to address areas of concern regarding the spread of COVID-19, and provided exceptions in limited circumstances. The Ordinance was amended by the Board on September 2, 2020 to exempt the “Horse and Other Livestock Shows” and “Horse Racing Racetracks” business sectors from the 50-person limitation on gatherings, subject to identified requirements.

On September 16, 2020, the Board adopted a non-emergency version of the Ordinance following a public hearing. Section 9 of the Ordinance provided that the Ordinance would be effective until November 18, 2020. The Ordinance is before the Board to consider whether to extend for approximately 60 days.

The Centers for Disease Control and Prevention and the Virginia Department of Health continue to identify wearing face coverings, avoiding crowded places, and maintaining physical (social) distancing as behaviors that help protect public health by reducing the spread of COVID-19.

The Thomas Jefferson Health District’s positivity rate (seven-day moving average, PCR testing only) has dropped from 6.6% on July 27, 2020 (the date the emergency version of the Ordinance was adopted), to 4.5% on September 16, 2020 (when the Ordinance was last considered by the Board), to 1.7% on November 9, 2020 (the last date data available before submittal of this executive summary). However, nationwide, as of November 9, 2020, new daily cases rose 29.1%, new daily reported deaths rose 20.9%, and hospitalizations rose 18.5%, all over the prior week. All states and United States territories, with the exception of Puerto Rico, including Virginia (+10%, in addition to +21% the week before), reported increases in cases over the prior week. (Washington Post, November 9, 2020). Public health experts are warning that the coming winter, with people spending much more time indoors and in drier air, will bring on a new surge in COVID-19 cases unless face coverings are worn, gatherings are limited, and physical distancing is maintained. Dr. Denise Bonds and staff from the Thomas Jefferson Health District will provide the Board with the most current COVID-19 information on November 18 before the public hearing on the Ordinance.

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

Mr. Greg Kamptner, County Attorney, said this item was for public hearing and, as the Board was aware, with Executive Order 67 and 63 being amended on Friday afternoon, they changed course somewhat, recognizing that they needed to do more than what was originally proposed for that evening.

As a refresher, Mr. Kamptner presented on the screen the County’s enabling authority to adopt its own regulations to prevent the spread of contagious diseases.

Mr. Kamptner said the ordinance that was last adopted a couple of months earlier was scheduled to expire that day, which is why they were coming back that evening. He said at the time, staff was asking the Board to extend the ordinance by another two months to the Board’s regular meeting on January 20, 2021. He said the Executive Orders that the Governor issued made some changes to how the state is regulating them, and warranted staff to look at the County’s ordinance and come back to the Board.

Mr. Kamptner said that after consulting with the COVID-19 Incident Management Team and a subgroup of that team, they have an emergency ordinance now before the Board. He said for those who may have looked online the night before, the emergency ordinance dated November 17 was posted near the end of November 17. He said an amended version of that (dated November 18) was posted early that morning. He said the only change was to the date and the title of the ordinance.

Mr. Kamptner said as an emergency ordinance, it has a life of only up to 60 days. He said they will be back before the Board most likely either at the second meeting in December or the first meeting in January (January 6, 2021) for a public hearing on the ordinance, if this ordinance is to continue in its nonemergency version.

Mr. Kamptner said in light of the amendments to Executive Orders 63 and 67, the proposed ordinance is complicated when looking at all the textual changes in the draft ordinance, but not that

complicated if looking at the substance of what has changed. He said in Section 4 of the ordinance, which deals with the maximum indoor occupancy allowed in food establishments, farm wineries, breweries, and distilleries, there are no changes proposed there because Executive Order 67 touches on other issues, such as the hours of operation of these businesses and alcohol beverage services. He said at this point, staff is not recommending any changes to Section 4.

Mr. Kamptner said he would jump ahead to Section 6, which was the third bullet listed on the slide. He said this deals with the requirements for persons to wear face coverings in public places. He said Executive Order 63 reduced the minimum age from 10 to 5, and so Section 6 of the County Ordinance makes that corresponding change.

Mr. Kamptner said looking at Section 5, which deals with the size of public and private gatherings, up until now, the state has restricted public gatherings to 250. He said as the Board knows, ever since the original version of this ordinance was adopted back in late July, which became effective August 1, the County leapfrogged ahead of the state and reduced the maximum size of gatherings to 50. He said with Executive Order 67 reducing the permitted size of these gatherings from 250 all the way down to 25, it warranted Section 5 being amended to reduce the size of in-person gatherings in the ordinance from 50 to 25.

Mr. Kamptner said the ordinance also includes three business sectors, activities, or events that have generated a number of questions. He said these are laid out in Sections 5B, C, and D. He said these are entertainment and amusement businesses, recreational sports, and religious services. He said primarily, the questions regarding religious services have been around weddings and related events, and so those are addressed in the ordinance.

Mr. Kamptner said he also wanted to make it clear to the Board and to the public who were listening in that this is an ordinance that is narrow in scope, and so with the topics not addressed here, all these events, activities, and businesses are also subject to the other types of requirements, protocols, and guidelines that are in the Executive Orders that may deal with surface cleaning, maintaining physical distancing, and the like.

Mr. Kamptner said the last change to the ordinance, in Section 9, deals with the duration of the ordinance. He said since it is an emergency ordinance, staff will be bringing it back before it is scheduled to expire on January 16.

Mr. Kamptner said other changes that were made included updates to some of the recitals that precede Section 1 of the ordinance. He said with two of the definitions, definitions from Executive Order 67 were applied.

Mr. Kamptner offered to answer any questions.

Ms. McKeel asked Mr. Kamptner to go back one slide. She noted there were no changes proposed for food establishments, farm wineries, limited breweries, and limited distilleries. She asked if this was because those concerns were addressed with the Governor's changes, or were addressed in another way, in other words.

Mr. Kamptner replied that the Governor's changes deal with the hours of operation of restaurants and their ability to serve alcoholic beverages during certain times of the day. He said the County's ordinance has to be consistent with state law and, for the most part, the laws pertaining to ABC, or the sale of alcoholic beverages, are controlled by the state, and so they have not gotten into that. He said there are two state agencies that will be very involved with that, which are the Health Department (which is involved with the restaurant and their hours of operation) and ABC (which regulates and oversees alcoholic beverage sales).

Ms. McKeel asked if the food establishments, farm wineries, limited breweries, and limited distilleries are subject to those early closing and alcoholic beverage laws.

Mr. Kamptner replied yes. He said the County's ordinance only deals with certain parts that they feel they can monitor and use their ambassadors to work with the businesses, as well as other events and activities that may occur. He said there are some things that are simply beyond the County's level of expertise, and so they are not trying to regulate those things, such as adequate surface cleaning and other matters that are included in the Executive Order. He said everyone needs to be mindful of both the County's ordinance and the Executive Orders.

Ms. McKeel asked if the food establishments, farm wineries, limited breweries, and limited distilleries are going to have to close early, but the County was just not putting that in their ordinance.

Mr. Kamptner replied yes.

Ms. McKeel said the very fact that the Board had already reduced the maximum size of gatherings from 250 to 50 is one of the reasons, in her opinion, that they are in the good shape they are in. She said according to the Governor's mandate, the County is moving their maximum from 50 to 25.

Mr. Kamptner said yes.

Ms. Mallek said this information was very straightforward, but she had a question to understand

correctly what Ms. McKeel was asking about. She said at a previous meeting (perhaps July 22), the Board had already done the 50% cut for indoors, and any building which did not have a building code capacity limit (like a winery barn) would be down to 50.

Mr. Kamptner said this was correct.

Ms. Mallek said going along with Ms. McKeel's comment, this has really helped the County to do as well as they have so far. She said she just wanted to make sure she was right about that.

Ms. Price said she thought Mr. Kamptner's explanation, as well as the materials he provided the Board to review, was very helpful and clear. She said she liked the streamlined approach. She commented that in the news, it was reported that based on Executive Order 67 the Governor just signed that alcohol sales would stop at 10:00 p.m. She said what she thinks the Executive Order actually provides is that alcoholic beverage sale, consumption, and possession will end at 10:00 p.m., and that residents need to understand there will not be a last call for alcohol at 9:59 p.m. where someone can purchase 2-3 drinks and put them on their table. She said it all ends at 10:00 p.m., and so she wanted to make sure people understood that.

Ms. LaPisto-Kirtley asked if they were still at 50% of certificate of occupancy for restaurants. She asked if restaurants, farm wineries, and breweries can go outside and have more people, but at a distance of 6 feet of separation between tables.

Mr. Kamptner replied yes, adding that this is a longstanding requirement of the Governor's Executive Orders.

Ms. LaPisto-Kirtley asked if the same was true if they were outside.

Ms. Palmer added weddings as being a similar case.

Ms. LaPisto-Kirtley said this was a good point.

Ms. McKeel asked Ms. LaPisto-Kirtley if she was asking if the gatherings are limited now to the 25 if they are outside.

Ms. LaPisto-Kirtley said no. She said she wanted to know if people had to be separated outside by 6 feet.

Mr. Kamptner said he was looking at the language for religious services, and it did not articulate between indoor and outdoor. He said they are looking for 6 feet of separation.

Ms. LaPisto-Kirtley asked if general gatherings of 25 were separate from food establishments and farm wineries, which are 50% of certificate of occupancy, unless they are outside (where they can have more).

Mr. Kamptner said this was correct. He clarified that if it is a gathering of 25 people who have come together, whether indoors or outdoors, they are limited to 25 people.

Ms. Palmer said she had a similar question. She asked if a wedding or any kind of meeting of a group of people outdoors, at a farm winery or distillery, or any event space outdoors has to be limited to 25 people.

Mr. Kamptner said the sole exception, as laid out in Executive Order 67 and in the ordinance in a less obvious way, is if the wedding is a religious service and they maintain all the other protocols (e.g., separation, surface cleaning), they are allowed to have more than 25 people. He said a wedding reception would be subject to the 25-person limitation.

Ms. Palmer said most of the time when there is a wedding at a winery, they have the ceremony and then the reception directly after that on the same premise. She said she did not know how many weddings happen in the wintertime in the area, although there were probably some happening under tents. She said this was interesting.

Mr. Kamptner said the County is following the Executive Order in this regard. He said it is restrictive, and staff will be coming back to the Board within 60 days to look at this again.

Ms. Palmer asked if they will be letting the wineries and breweries know this.

Mr. Kamptner replied yes. He said CAPE, in conjunction with others on the COVID-19 Incident Management Team, is putting together an information packet to go out to businesses and to give to ambassadors.

Ms. Palmer commented she knew they could not do anything about Nelson County, but she wanted to make the observation that "Alcohol Row" there on Route 151 is going to create quite a change for the way some of those businesses are operating currently, as there are many people from Albemarle County going out there to those establishments.

Ms. Palmer said she had asked all her questions and just wanted to understand the outdoor

situation. She added that she was glad they are currently able to align themselves with the state.

Mr. Gallaway asked if there was anyone signed up to speak and there was no speakers.

Mr. Gallaway closed the public hearing and brought the matter back to the Board for discussion or a motion.

Ms. McKeel said she was very comfortable with what Mr. Kamptner presented and where they were.

Ms. Mallek said she was ready to move forward.

Ms. Price and Ms. LaPisto-Kirtley concurred.

Ms. Palmer said she could make the motion if Mr. Gallaway was fine with it.

Mr. Gallaway said yes.

Ms. Palmer **moved** that the Board adopt the proposed Emergency Ordinance (Attachment C) dated November 18, 2020. 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

ORDINANCE NO. 20-E(7)

AN EMERGENCY ORDINANCE TO AMEND SECTION 2, AUTHORITY, SECTION 3, DEFINITIONS, SECTION 5, LIMITATION ON THE NUMBER OF ATTENDEES AT GATHERINGS, SECTION 6, FACE COVERINGS, SECTION 8, PENALTIES, AND SECTION 9, SUCCESSION, TO ORDINANCE NO. 20-E(5) AND DURATION, OF AN ORDINANCE TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS, SARS-CoV-2, AND THE DISEASE IT CAUSES, COMMONLY REFERRED TO AS COVID-19

WHEREAS, on March 11, 2020, the World Health Organization declared the outbreak of the novel coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19, a pandemic (for reference in this ordinance, this virus and the disease that it causes are referred to as “COVID-19”); and

WHEREAS, on March 12, 2020, the County Executive, acting as the Director of Emergency Management, declared a local emergency because of the COVID-19 pandemic pursuant to his authority under Virginia Code § 44-146.21, and this declaration was confirmed by the Board of Supervisors on March 17, 2020; and

WHEREAS, also on March 12, 2020, Governor Ralph S. Northam issued Executive Order Number Fifty-One (“EO 51”) declaring a state of emergency for the Commonwealth of Virginia because of the COVID-19 pandemic; EO 51 acknowledged the existence of a public health emergency arising from the COVID-19 pandemic and that it constitutes a “disaster” as defined by Virginia Code § 44-146.16 because of the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to the spread of COVID-19; and

WHEREAS, COVID-19 spreads person to person and, at this time, it appears that COVID-19 is spread primarily through respiratory droplets, which can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs; spread is more likely when people are in close contact with one another (within about six feet)¹; and.

WHEREAS, COVID-19 is extremely easy to transmit, can be transmitted by infected people who show no symptoms, and the population has not developed herd immunity²; and

WHEREAS, at this time, there is no known cure, no effective treatment of widespread application³, no approved vaccine, and because people may be infected but asymptomatic, they may unwittingly infect others⁴; and

WHEREAS, the World Health Organization, the United States Centers for Disease Control and Prevention (“Centers for Disease Control”) and the Virginia Department of Health have identified several behaviors and practices that are fundamental in controlling the spread of COVID-19 in the community: frequently washing hands, sanitizing frequently touched surfaces, wearing a cloth face covering when in public, maintaining a separation of at least six feet between people (“social distancing” or “physical distancing”), limiting the size of gatherings in public places, and limiting the duration of gatherings⁵; and

WHEREAS, with respect to people wearing face coverings when in public, current evidence suggests that transmission of COVID-19 occurs primarily between people through direct, indirect, or close contact with infected people through infected secretions such as saliva and respiratory secretions, or through

their respiratory droplets, which are expelled when an infected person coughs, sneezes, talks or sings; and some outbreak reports related to indoor crowded spaces have suggested the possibility of aerosol transmission, combined with droplet transmission, for example, during choir practice, in food establishments, or in fitness classes⁶; and

WHEREAS, according to the World Health Organization, fabric face coverings, “if made and worn properly, can serve as a barrier to droplets expelled from the wearer into the air and environment,” however, these face coverings “must be used as part of a comprehensive package of preventive measures, which includes frequent hand hygiene, physical distancing when possible, respiratory etiquette, environmental cleaning and disinfection,” and recommended precautions also include “avoiding indoor crowded gatherings as much as possible, in particular when physical distancing is not feasible, and ensuring good environmental ventilation in any closed setting”⁷; and

WHEREAS, the World Health Organization advises that people take a number of precautions, including: (i) maintaining social distancing because when someone coughs, sneezes, or speaks they spray small liquid droplets from their nose or mouth which may contain virus, and if other persons are too close, they can breathe in the droplets, including the COVID-19 virus, if the person coughing, sneezing, or speaking has the disease; and (ii) avoiding crowded places because when people are in crowds, they are more likely to come into close contact with someone that has COVID-19 and it is more difficult to maintain social distancing⁸; and

WHEREAS, the Centers for Disease Control caution that: (i) the more people a person interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading; (ii) the higher level of community transmission in the area that a gathering is being held, the higher the risk of COVID-19 spreading during the gathering; and (iii) large in-person gatherings where it is difficult for persons to remain spaced at least six feet apart and attendees travel from outside the local area pose the highest risk of COVID-19 spreading⁹; and

WHEREAS, the Centers for Disease Control state that cloth face coverings are strongly encouraged in settings where persons might raise their voice (e.g., shouting, chanting, singing)¹⁰; and

WHEREAS, the Centers for Disease Control advise, in restaurants: (i) wearing cloth face coverings when less than six feet apart from other people or indoors; (ii) wearing face coverings as much as possible when not eating; (iii) maintaining a proper social distancing if persons are sitting with others who do not live with the person; and (iv) sitting outside when possible¹¹; and

WHEREAS, for these and related reasons, the Virginia Department of Health has stated that those businesses that operate indoors and at higher capacity, where physical distancing “recommendations” are not observed, sharing objects is permitted, and persons are not wearing cloth face coverings, create higher risk for the transmission of COVID-19¹²; and

WHEREAS, since Governor Northam issued EO 51 on March 13, 2020, he has issued several more Executive Orders jointly with Orders of Public Health Emergency issued by M. Norman Oliver, MD, MA, State Health Commissioner, pertaining to COVID-19; as of the date of adoption of this ordinance, “Executive Order Number Sixty-Seven (2020) and Order of Public Health Emergency Seven, Phase Three Easing of Certain Temporary Restrictions Due to Novel Coronavirus (COVID-19)” (collectively referred to as “EO 67”)¹³, which became effective at 12:00 a.m. on July 1, 2020, is in effect; and

WHEREAS, as of July 21, 2020, the spread of COVID-19 in the Commonwealth, in the Thomas Jefferson Health District of which the County is a member, and in the County itself, had been increasing since late June, shortly before EO 67 moved the Commonwealth into “Phase 3” of its reopening plan, the curve in the positivity rate of persons tested for COVID-19 was no longer flattened, and the community was currently experiencing more transmission of COVID-19; and

WHEREAS, on July 27, 2020, the Board of Supervisors adopted Ordinance No. 20-E(5), “An Emergency Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19 (the “Ordinance”), which became effective August 1, established regulations pertaining to: (1) the maximum indoor occupancy allowed at restaurants, farm wineries, limited breweries, and limited distilleries; (2) the maximum size of public and private gatherings; and (3) the requirement for persons to wear face coverings in public places; and

WHEREAS, as of September 7, Virginia’s 7.30 percent positivity rate in COVID-19 testing over a 14-day period exceeded the World Health Organization’s recommendation that the positivity rate remain at 5 percent or lower for at least 14 days before governments lift public health and social measures (“re-open”)¹⁴; the seven-day positivity rate in the Thomas Jefferson Health District was 6.4 percent¹⁵; the community had just entered an uncertain period with approximately 4,400 students having returned to the University of Virginia to live on grounds since September 3, and in-person instruction beginning at the University on September 8.¹⁶

WHEREAS, on September 16, 2020, following a duly noticed public hearing, the Board of Supervisors adopted Ordinance No. 20-A(13), “An Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19”; and

WHEREAS, as of November 9, 2020, the seven-day positivity rate in the Thomas Jefferson Health District was 1.7%; nationwide, as of November 9, 2020, new daily cases rose 29.1%, new daily reported deaths rose 20.9%, and hospitalizations rose 18.5%, all over the prior week, and the positivity rate among

reported tests was 8%;¹⁷ and all states and territories, with the exception of Puerto Rico, including Virginia (+10%, in addition to 21% the week before), reported increases in cases over the prior week¹⁸, and public health experts warn that, during the coming winter, with people spending much more time indoors and in drier air, will bring on a new surge in COVID-19 cases unless gatherings are limited, physical distancing is maintained, and face coverings are worn¹⁹; and

WHEREAS, the Board of Supervisors had on its agenda for November 18, 2020 a public hearing on the question of extending Ordinance No. 20-A(13) from November 18, 2020 to January 20, 2021; and

WHEREAS, on November 13, 2020, Governor Northam issued amended EO 63 and EO 67, and the introduction to EO 67 states that the “statewide percent test positivity rate is at 6.5%, an increase from 4.3% approximately one month ago,” that all “five health regions report a positivity rate over five percent and hospitalizations have increased statewide by more than 35 percent in the last four weeks,” that “[c]ase investigation interviews show a pattern of increased socialization with extended (non-household) family members and friends,” that “[r]ecent scientific literature suggests indoor settings contribute to community transmission,” and that “[m]odeling data demonstrates that large gatherings substantially increase transmission of the virus.”²⁰

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

Sec. 1. Purpose

For the reasons stated in the recitals, the purpose of this ordinance is to prevent the spread of COVID-19.

Sec. 2. Authority

This ordinance is authorized by Virginia Code § 15.2-1200, which enables the County, through its Board of Supervisors, to adopt “necessary regulations to prevent the spread of contagious diseases among persons . . .” that “are not inconsistent with the general laws of the Commonwealth.” This ordinance is adopted as an emergency ordinance pursuant to Virginia Code § 15.2-1427(F).

Sec. 3. Definitions

The following definitions apply to this ordinance:

- A. “Entertainment and amusement businesses” includes performing arts venues, concert venues, sports venues, movie theaters, museums, aquariums, fairs, carnivals, public and private social clubs, botanical gardens, entertainment centers, historic horse racing facilities, bowling alleys, skating rinks, arcades, trampoline parks, arts and craft facilities, escape rooms, amusement parks, and zoos.
- B. “Expressive activity” means a non-commercial activity in which a person intends to convey a lawful message through speech or conduct that is likely to be perceived by an observer of the speech or conduct, and includes any lawful public gathering, demonstration, procession, or parade in which the primary purpose is to exercise the rights of free speech or peaceable assembly.
- C. “Face covering” means an item normally made of cloth or various other materials with elastic bands or cloth ties to secure over the wearer’s nose and mouth in an effort to contain or reduce the spread of potentially infectious respiratory secretions at the source (*i.e.*, the person’s nose and mouth).
- D. “Farm winery” means an establishment that is required to be licensed as a farm winery under Virginia Code § 4.1-207.
- E. “Food establishment” means a food establishment as defined in 12VAC5-421-10 and the term includes, but is not limited, any place where food is prepared for service to the public on or off the premises, or any place where food is served, including restaurants, lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs. For purposes of this ordinance, “food establishment” does not include kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and institutions of higher education, and kitchen areas of local correctional facilities subject to standards adopted under Virginia Code § 53.1-68.
- F. “Gathering” includes, but is not limited to, parties, celebrations, or other social events, whether they occur indoors or outdoors. The presence of more than 25 persons performing functions of their employment or assembled in an educational instructional setting is not a “gathering.”
- G. “Limited brewery” means an establishment that is required to be licensed as a limited brewery under Virginia Code § 4.1-208.
- H. “Limited distillery” means an establishment for which a limited distiller’s license is required under Virginia Code § 4.1-206.
- I. “Public place” means: (i) any indoor place generally open to the public, including, but not limited to, retail stores, food establishments, theaters, personal care and personal grooming services, and transportation other than a personal vehicle; or (ii) any outdoor place where at least six feet of

physical distancing between persons not living in the same household cannot be maintained. "Public place" does not include a person's residence or personal vehicle, institutions of higher education and other schools, fitness and other exercise facilities, religious institutions, indoor shooting ranges, and the County courthouse buildings.

Sec. 4. Limitation on the Number of Persons at Food Establishments, Farm Wineries, Limited Breweries, and Limited Distilleries

- A. *Indoor occupancy.* Indoor occupancy at food establishments, farm wineries, limited breweries, and limited distilleries must not be more than 50 percent of the lowest occupancy load on the certificate of occupancy issued by the County of Albemarle. If the building or structure does not have an occupancy load established on a certificate of occupancy issued by the County of Albemarle, indoor occupancy must not be more than 50 persons.
- B. *Persons at gathering are counted.* Persons participating in or attending a gathering who are indoors count towards the occupancy limits established by this section.
- C. *Persons working not counted.* Persons working at food establishments, farm wineries, limited breweries, or limited distilleries, either as employees or independent contractors, do not count towards the occupancy limits established by this section.
- D. *State requirements, recommendations, and guidance.* Except as provided in Sections 4(A), (B), and (C), this section does not affect any requirement, recommendation, or guidance including, but not limited to, those requiring or recommending physical distancing that apply to food establishments, farm wineries, limited breweries, and limited distilleries established in EO 67, or as it may be further amended or superseded, any Order of Public Health Emergency, any workplace safety regulations, or any other State or federal laws related to the COVID-19 pandemic.

Sec. 5. Limitation of the Number of Attendees at Gatherings

- A. *Generally.* All public and private in-person gatherings of more than 25 persons are prohibited, except as provided in Sections 5(B), (C), and (D).
- B. *Entertainment and amusement businesses.* The total number of attendees (including both participants and spectators) at entertainment and amusement businesses cannot exceed the lesser of 30 percent of the lowest occupancy load on the certificate of occupancy, if applicable, or 250 persons. Private bookings at entertainment and amusement businesses are subject to the 25-person limitation in Section 5(A).
- C. *Recreational sports.* The total number of spectators at indoor and outdoor recreational sports activities cannot exceed the lesser of 30 percent of the occupancy load of the certificate of occupancy for the venue, if applicable, or 25 spectators per field. Races or marathons may have up to 250 participants, provided staggered starts separate runners into groups of 25 persons or less.
- D. *Religious services.* Persons may attend religious services of more than 25 persons, provided that social gatherings held in connection with a religious service are subject to the 25-person limitation in Section 5(A).
- E. *State requirements, recommendations, and guidance.* Sections 5(A), (B), (C), and (D) incorporate the requirements of EO 67, however this section does not affect any other applicable requirement, recommendation, or guidance in EO 67 including, but not limited to, those requiring or recommending physical distancing pertaining to entertainment and amusement businesses, recreational sports, and religious services. This section also does not affect any requirement, recommendation, or guidance pertaining to business sectors and other events and activities subject to EO 67, or as it may be further amended or superseded, any Order of Public Health Emergency, any workplace safety regulations, or any other State or federal laws related to the COVID-19 pandemic.

Sec. 6. Face Coverings

- A. *Face coverings required.* Face coverings must be worn by all persons in public places except as provided in Sections 6(B) and (C).
- B. *Persons not required to wear face coverings.* Face coverings are not required to be worn by the following persons:
 - 1. *Children.* Children four years of age or under.
 - 2. *Wearing face covering poses certain risks.* Persons for whom wearing a face covering poses a bona fide and substantial mental or physical health risk, such as persons who have trouble breathing, or poses a safety or security risk to persons who are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance. For this exception to apply to any person claiming that wearing a face covering poses a substantial mental or physical health risk: (i) the person must present a valid document from a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services, including mental health services, consistent with State law, specifying the medical necessity for not wearing a face covering and the date on which the person may begin wearing a face covering again; and

- (ii) the public place is unable to provide goods, services, or activities outdoors to the person or to the adult accompanying a child four years of age or under.
- 3. *Certain employees.* On-duty employees covered by workplace safety regulations promulgated by the State Safety and Health Codes Board, or by face covering rules established by an applicable Executive Order of the Governor or an Order of Public Health Emergency by the State Health Commissioner.
- C. *Circumstances when face coverings are not required to be worn by any persons.* Face coverings are not required to be worn by any persons in the following circumstances:
 - 1. *Outdoor activities.* While persons are engaged in outdoor activities in public places such as parks and other open spaces, provided that minimum physical distancing established by any applicable Executive Order of the Governor or Order of Public Health Emergency of the State Health Commissioner is maintained.
 - 2. *Eating or drinking.* While a person is eating food or drinking a beverage.
 - 3. *End of waiver of Virginia Code § 18.2-422.* When the waiver of Virginia Code § 18.2-422, currently established in EO 67, Section (D)(2), or as it may be further amended or superseded, ends.
- D. *Responsibility of adults accompanying minors.* Adults accompanying minors should use their best judgment regarding placing face coverings on any minor between the ages of two through four in public places. Adults accompanying minors between the ages of five through 17 must use reasonable efforts to prompt the minor to wear face coverings while in public places.

Sec. 7. Effect of More Restrictive Executive Order or Order of Public Health Emergency

Section 4, 5, or 6 does not apply when a more restrictive requirement in an Executive Order or an Order of Public Health Emergency is in effect.

Sec. 8. Penalties

- A. *Penalty for violation of Section 4.* A violation of Section 4 by the owner of the food establishment, farm winery, limited brewery, or limited distillery, and any manager or assistant manager, however titled, responsible for the operation and management of the food establishment, farm winery, limited brewery, or limited distillery on the date of the violation, is punishable as a Class 3 misdemeanor. Section 4(D) is not enforced pursuant to this ordinance.
- B. *Penalty for violation of Section 5.* A violation of Section 5 by the owner or tenant of the private property on which the gathering is located, is punishable as a Class 1 misdemeanor. A violation of Section 5 by any person attending the gathering, after first being warned by a law enforcement officer to disperse from the gathering because it exceeds the limitation for a gathering and having failed to disperse after a reasonable period of time not to exceed two minutes, is punishable as a Class 1 misdemeanor.
- C. *Penalty for violation of Section 6.* A violation of Section 6 by any person subject to its requirements is punishable as a Class 1 misdemeanor. No person under the age of 18 is subject to a criminal penalty for failing to wear a face covering.
- D. *Injunctive relief.* The County, the Board of Supervisors, and any County officer authorized by law, may seek to enjoin the continuing violation of any provision of this ordinance by bringing a proceeding for an injunction in any court of competent jurisdiction.

Sec. 9. Succession to Ordinance No. 20-A(13) and Duration

This ordinance succeeds and supersedes Ordinance No. 20-A(13) on and after November 18, 2020, and continues in full force and effect for 60 days from November 18, 2020 until and including January 16, 2021 unless it is amended, superseded, or repealed on or before that date.

Sec. 10. Effect of this Ordinance on the Powers of the Director of Emergency Management

This ordinance does not affect the powers of the County Executive, acting as the Director of Emergency Management, pursuant to Virginia Code § 44-146.21 during the COVID-19 disaster.

Sec. 11. Severability

It is the intention of the Board of Supervisors that any part of this ordinance is severable. If any part is declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity does not affect any other part of this ordinance.

State law reference – Va. Code §§ 15.2-1200, 15.2-1427(F), 15.2-1429, 15.2-1432, 18.2-11.

¹ Xponential Fitness v. Arizona, No. CV-20-01310-PHX-DJH, 2020 WL 3971908, at *1 (D. Ariz. July 14,

2020) and cases and authorities cited therein.

² Xponential Fitness v. Arizona, No. CV-20-01310-PHX-DJH, 2020 WL 3971908, at *1 (D. Ariz. July 14, 2020) and cases and authorities cited therein.

³ <https://www.covid19treatmentguidelines.nih.gov/whats-new/> (use of remdesivir approved for certain patients on October 22, 2020); <https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-authorizes-monoclonal-antibody-treatment-covid-19> (use of investigational monoclonal antibody therapy bamlanivimab approved for certain patients on November 9, 2020).

⁴ South Bay United Pentecostal Church v Newsom, 140 S. Ct. 1613 (May 29, 2020) (Roberts concurring in denial of application for injunctive relief); on the fact that there is no effective treatment as of the date of this ordinance, see also [https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-](https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters?gclid=EAlaQobChMI9lvSvJPk6glVGrbICh2TYw9QEAAAYASAAEgKjDfD_BwE#medicines)

[busters?gclid=EAlaQobChMI9lvSvJPk6glVGrbICh2TYw9QEAAAYASAAEgKjDfD_BwE#medicines;](https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters?gclid=EAlaQobChMI9lvSvJPk6glVGrbICh2TYw9QEAAAYASAAEgKjDfD_BwE#medicines)
[https://www.health.harvard.edu/diseases-and-conditions/treatments-for-covid-19;](https://www.health.harvard.edu/diseases-and-conditions/treatments-for-covid-19)
[https://www.mayoclinic.org/diseases-conditions/coronavirus/diagnosis-treatment/drc-20479976.](https://www.mayoclinic.org/diseases-conditions/coronavirus/diagnosis-treatment/drc-20479976)

⁵ See <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html> and <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html> and links therein; [https://www.vdh.virginia.gov/coronavirus/#COVID-19-](https://www.vdh.virginia.gov/coronavirus/#COVID-19-resources)resources and links therein.

⁶ World Health Organization Scientific Brief, July 9, 2020 <https://www.who.int/news-room/commentaries/detail/transmission-of-sars-cov-2-implications-for-infection-prevention-precautions>.

⁷ World Health Organization Scientific Brief, July 9, 2020 <https://www.who.int/news-room/commentaries/detail/transmission-of-sars-cov-2-implications-for-infection-prevention-precautions>; see also Statement of Dr. Michael Ryan, World Health Organization COVID-19 Virtual Press Conference, transcript page 12, https://www.who.int/docs/default-source/coronaviruse/transcripts/covid-19-virtual-press-conference---17-july.pdf?sfvrsn=dd7f91a1_0 ("So it's all about the setting, it is about the duration you spend in that setting and it's about the intensity of the activities that you participate in in that setting and when you get into a particular setting, a very overcrowded situation in an indoor environment then effectively all bets are off because so many of the modes of transmission come into play; the aerosol route, the airborne route, the fomite or contamination route. So the more close you are to other people, the more you are inside, the more the activity is intense or involves very close social contact the more that multiple modes of transmission come into play. So in that sense it is about you understanding your risk, it is about you managing that risk and being aware of the situation that you find yourself in personally and reducing that risk for you, for your family, for your children and for your community. It is important, as I've said previously, that governments communicate those risks very, very carefully and it is also important that providers, authorities and others ensure that those environments are as safe as possible and that the risks are also managed.")

⁸ <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>.

⁹ <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>; see also <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.

¹⁰ <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>.

¹¹ <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/personal-social-activities.html>.

¹² <https://www.vdh.virginia.gov/coronavirus/schools-workplaces-community-locations/businesses/>.

¹³ [https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-67-and-Order-of-Public-Health-Emergency-Seven---Phase-Three-Easing-of-Certain-Temporary-Restrictions-Due-to-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-67-and-Order-of-Public-Health-Emergency-Seven---Phase-Three-Easing-of-Certain-Temporary-Restrictions-Due-to-Novel-Coronavirus-(COVID-19).pdf).

¹⁴ <https://coronavirus.jhu.edu/testing/testing-positivity>

¹⁵ <https://www.vdh.virginia.gov/thomas-jefferson/tjhd-covid-19-data-portal/>

¹⁶ <https://www.cavalierdaily.com/article/2020/08/there-are-no-risk-free-paths-u-va-announces-no-changes-to-fall-semester-plans-for-in-person-instruction>

¹⁷ <https://www.washingtonpost.com/graphics/2020/national/coronavirus-us-cases-deaths/>

¹⁸ <https://www.washingtonpost.com/graphics/2020/national/coronavirus-us-cases-deaths/>

¹⁹ [https://www.scientificamerican.com/article/why-covid-outbreaks-could-worsen-this-winter/;](https://www.scientificamerican.com/article/why-covid-outbreaks-could-worsen-this-winter/)

<https://www.forbes.com/sites/robertglatter/2020/10/25/dry-air-indoors-will-increase-transmission-of-covid-19-as-winter-approaches/?sh=1ce4e74720ee>; <https://blogs.webmd.com/public-health/20201019/will-covid19-get-worse-in-the-winter>

²⁰ <https://www.governor.virginia.gov/executive-actions/>

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

Item No. 17.a. Amendment to the Board's Operating Procedures.

Mr. Gallaway said the Board would first discuss Ms. Price's request to amend the Board's operating procedures.

Ms. Price said what has precipitated this specifically would be the Breezy Hill resubmissions. She recalled that this was initially deferred, that it was the second time that year that a matter had been deferred, and it was the only one that had come back to the Board.

Ms. Price said there were two ways to move forward. She said one would be to suspend the Board's Rules of Procedure specifically pertaining to this resubmission or, as she would propose, a motion to amend the Board's Rules of Procedure pertaining to matters not listed on the agenda for public hearing in order to allow the applicant and the public to comment on previously deferred applications when they return to the Board for consideration. She said what this would do is rather than picking a

particular item that the Board thinks is significant and wants to open up further discussion that their current limitation of 10 speakers from the public for matters not on the agenda for a hearing, it would clarify that if there has been a deferral and the item comes back before the Board, without a public hearing being legally required, they would allow additional time.

Ms. Price said her specific motion would be: "I move that the Board amend its rules pertaining to matters not listed on the agenda for public hearing when a previously deferred application returns to the Board for consideration, to allow the applicant up to five minutes to make its presentation and up to five minutes for rebuttal, and to allow any member of the public wanting to speak to do so for up to two minutes."

Ms. Price said this would be slightly less time they would give for a hearing, where members of the public can speak for up to three minutes. She said in situations like this, the Board has already seen it, and the public has already had the opportunity to provide their broader general comments, and so the idea is that when a deferral comes back, the Board gives limited speaking time without limiting it to just 10 individuals to speak. She said this would be her proposal.

Ms. McKeel said she did not have any problem with the concept. She said she always thinks it is good if they can make things as short and clean as possible. She said she did not want to get into wordsmithing, however. She said in theory, she had no problem with the suggestion.

Ms. Mallek said she definitely supports this change, and thinks it is especially important that when a deferral returns, there must be elements that have changed, otherwise it would not have been deferred. She said this is an important element for the applicant and neighbors to be able to speak to, and so she is very happy that Ms. Price brought this up.

Ms. LaPisto-Kirtley agreed. She said she thinks if an item is deferred, they should allow the public to be able to comment. She said the only thing she would change is to ask for 10 minutes for the presentation by the developer, as there may be so much additional information that they really do need 10 minutes, and perhaps a five-minute rebuttal. She said depending on what they offer, she thinks the 10 minutes is important, and that it is important for the public to be able to hear everything the developer has to offer, which may influence their decision.

Ms. LaPisto-Kirtley said she would encourage people to continue to voice their opinion during public comment, but to also continue sending the Board emails, as reading the hundreds of emails they receive prior to public comment is part of the Board's homework and is all taken into consideration.

Ms. Palmer said she certainly supported it, and she did think people should be able to comment again, but she was a little confused. She asked if this was going to be scheduled at night or during the day, as many of these are scheduled during the day. She asked if they were talking about doing the public comment at the beginning of the meeting, or if it was possible to schedule it so that it occurs at the time they consider the item, as they do with a public hearing. She said it is more contained in this way, and so they will not get as far behind if they have 30 people at 2 minutes apiece. She said she would hate to cut people off because they have other things on the schedule.

Ms. Palmer said to Ms. LaPisto-Kirtley's comment, she assumed the staff will give the Board a presentation that will explain the changes that have occurred since then, which would speak to much of what the developer would say. She asked Ms. Price to explain exactly how she thought this would work.

Ms. Price said in situations like this, it is so close to a hearing that these would generally be scheduled for the evening session, after 6:00 p.m., which is when most constituents who work outside the home would then be available to participate.

Ms. Price said what was trying to do is focus on the process rather than on Breezy Hill. She said the idea is that for resubmissions like Breezy Hill (which was the only one happening that calendar year, making them fairly infrequent), it would allow both the applicant and County staff to provide input, as well as public comment without necessarily requiring the same provisions that a public hearing requires in terms of advance notice and the like. She said she would expect this to be in the session that begins at 6:00 p.m. so that more members of the public are able to participate. She said it is basically a "quasi-hearing," but since it is a resubmission rather than an initial, the idea was to reduce the amount of time that they end up spending on it.

Ms. Palmer said this was fine with her.

Mr. Kamptner said given the terminology used to classify the different things that show up on the Board's agenda, it would probably be an action item. He said this rule would apply to action items that are deferred from a prior public hearing. He said there had to be a public hearing the first time, and so it is not every action item, but one that is following a public hearing from a prior meeting.

Ms. Palmer said she wanted to make absolutely sure that they schedule it appropriately, as they do cover some of these items during the day and have in the past. She said the only thing she was questioning was whether they will mess up the schedule too much. She said as far as two minutes or three minutes, if it is set up as a quasi-hearing, the more the merrier on these.

Ms. Price said she was using the term "quasi-public hearing" to try to help explain where she sees the process. She said the particular item is tentatively scheduled for the evening session on

December 16, anticipating the Planning Commission. She said her proposal was not limited to Breezy Hill, but it was the impetus for considering this. She said the idea would be that if something goes back to the Planning Commission and then back to the Board on a deferral, they want to ensure that the applicant, staff, and the public have an opportunity to comment, but they do not necessarily need to spend the full amount of time on everything because it is a revision to a previously submitted application.

Ms. LaPisto-Kirtley asked if an item does not go back to the Planning Commission, it would follow these rules, but if the Board defers it and sends it back to the Planning Commission, they would be giving the public another chance.

Ms. Price said this item was going back to the Planning Commission, but it was really a situation where they had a public hearing, there is a deferral, and it comes back to the Board, regardless of whether or not it comes back to the Planning Commission.

Ms. Price said there were two deferrals that year, one of which was not coming back to the Board and the other coming back. She said the idea was not to have a hearing, as this is not legally required, but they know the applicant and the public have a significant interest in this.

Ms. Price said part of this was to also avoid the Board of Supervisors using somewhat of an arbitrary or discretionary decision on which items were going to amend its operating procedures. She said when they made the change to their operating procedures after they went virtually to limit speakers on matters from the public not on the agenda for a hearing to only 10 individuals, part of the discussion was that they did not want the Board to be deciding which items were so important that they want to waive those rules.

Ms. Price said she wanted to have a balance here and set up a process rather than it being arbitrary or discretionary for when the Board would make these decisions.

Ms. Mallek asked if on a deferral in general, there are limits to the scope of the changes which would confine reconsideration on a deferral. She said what she wanted to avoid was the applicant coming back with an entirely different proposal without having to pay a new application fee. She said some of the projects have been in the works for 6 years for a \$1,200 application fee. She said the Board always asks why the item is going to be deferred and what will change and that so far, they have never really gotten a great answer on that.

Mr. Kamptner replied that if an applicant comes in with something that really is a new project, Community Development will make the call, and the applicant will then have to pay a new fee. He said assuming this is not the case, staff looks at whether or not the amended application is increasing the density or increasing the area. He said those two things automatically require a new public hearing, starting with the Planning Commission and then coming back to the Board.

Mr. Kamptner said in Breezy Hill's case, they have reduced the proposed density and are not expanding the area, and so it can proceed without requiring a public hearing but obviously, there is a lot of public interest in the project.

Ms. LaPisto-Kirtley said she believed Ms. Price was only asking if the Board defers it, not if the applicant defers it.

Mr. Gallaway said the applicant can request a deferral, but the Board has to vote on it, so it is always the Board's decision regardless of who wants it.

Ms. Mallek said the applicant has to ask, and the Board is not allowed to do it to them.

Ms. Price agreed.

Mr. Gallaway said since Breezy Hill would be the first item this would apply to, which would be on December 16, the Board (if agreeable) could have this written up for review to be on the consent agenda for December 2 for final action.

Mr. Gallaway said another caveat he would include is since they are limiting the public comment speakers to two minutes, and with Ms. LaPisto-Kirtley suggesting 10 minutes for the applicant, they can give the applicant time, but have it reduced as well (e.g., 6 minutes). He said they can iron out these details, and Ms. Price could take a lead in reviewing a draft to ensure it fits the spirit of what she is suggesting. He said the Board could then vote on December 2.

Ms. Price said this sounded like a good idea. She said Mr. Kamptner already drafted the language she used that day, although she slightly modified it. She said she will work with Mr. Kamptner and the rest of the Supervisors to have this ready for their next meeting.

Mr. Gallaway said this would give everyone a chance to read it.

Mr. Kamptner said what he was hearing as a starting point was 6 minutes for the applicant's presentation, 5 minutes for rebuttal, and 2 minutes for any public speaker.

Mr. Gallaway said his own opinion was to allow staff to do their presentation as they normally would, then give the applicant 6 minutes and the public 2 minutes. He said he did not think there had to

be a rebuttal time.

Ms. McKeel said they will have already heard the item before and were only talking about the changes.

Ms. Price said yes.

Ms. McKeel said they were looking at the changes they brought forward.

Item No. 17.b. Broadband.

Mr. Gallaway said the next item they parked was "Board Discussion – Approaches to Broadband Use in Other Places and Possible Direction Given to the Broadband Authority."

Ms. Mallek said she thinks they did talk about this briefly earlier in the day and Mr. Richardson wrote it down on his list due to his suggestion for staff to work on this. She said she will be glad to send her contacts in other counties to him, and Mr. Richardson can use that background to see how they come up and evaluate it. She said she was thrilled about further work to do on that.

Ms. Mallek apologized for the embarrassment she must have caused by her frustration showing in using the word "bribes" earlier, as it was completely inappropriate. She said the County does not do that, but she completely understands that the County is trying to leverage outside resources to get work done, and she appreciated all the work being done. She said she knows they will continue to do the best job they can legally and ethically.

Ms. Price said she appreciated Ms. Mallek's apology. She said anyone who speaks in public occasionally uses hyperbole, and there have been many times in her career when she herself had to say that something she said was not exactly what she meant. She said she appreciated Ms. Mallek's candor on that.

Item No. 17.c. Boards and Commissions.

Mr. Gallaway said the item he asked to be parked was a conversation around boards and commissions. He said he thinks this has come up enough times, that there are questions from the Supervisors and the Clerk's Office, and an overall need to evaluate the sheer number and purpose for the boards and commissions. He said he was bringing up the conversation to see what the Board's appetite is to get something kicked off to get this moving.

Mr. Gallaway said the first thing to do would be to put out a request from the Board to all the current County boards and commissions to complete their annual reports and get this in, as this information will be incredibly helpful in analyzing and reviewing boards and commissions, from that standpoint.

Mr. Gallaway said if the Board is okay with it, the Chair and Vice-Chair would start a conversation with the Clerk's Office to tighten things up regarding communication, the application process, etc. He said he was also open to other ideas that Board members felt were pertinent to throw in regarding boards and commission. He asked if they could start working on this topic, adding that Board leadership would have to take this on. He said he would be looking to include the Clerk's Office and Mr. Richardson to see what impacts it would create on their departments and if there are resources or help needed, although it was early to have that conversation.

Ms. McKeel said she has mentioned this before as well and would be very supportive of the Board taking this on. She said this will not be something they can do quickly if they do it right. She said she went back and looked at Ms. Lettie Bien's report she presented to the Board in August 2019, and there are some good jewels in that report that are great takeaways to think about. She said this report was a snapshot in time, which she recognized.

Ms. McKeel said there is a 20% vacancy rate with the County's boards and committees, and the standard is 5% or less. She said they have multiple people serving multiple positions which in and of itself may not be a bad thing, but there are 63 boards and committees, with 50 requiring volunteer citizens, which is 276 appointed positions with 254 citizens.

Ms. McKeel said if everyone could get a copy of the report, recognizing that not everything in the report is applicable, it does have some good ideas so if they sit down and read it again, it might be very helpful.

Ms. McKeel said another thing she found was the Albemarle County Board of Supervisors Policy, which the Board has been approving now for years (about 3-4 years). She said the last time they were adopted was in January 2020, and it says, "By October 1 of each year, all boards, commissions, and committees shall submit a report to the Board covering the prior fiscal year, July 1 to June 30. This includes key activities that support their mission, summary of their activities, and their attendance of each appointee." She said the Board has not been getting these reports.

Ms. McKeel said the Board Policy document also says, "On an annual basis, a list of active

boards, commissions, and committees will be evaluated, and all bodies not requiring or..." She said she could go on and read this, and there is a lot the Board has in policy that they have not been following or doing. She encouraged everyone to look at Ms. Bien's report once again and think about it in light of the Board's existing policies.

Ms. McKeel said she was thrilled to take this on. She said there were even some numbers in the report regarding the amount of dollars they are spending for staff support on all the boards and commissions. She said when they talk about staff capacity, they need to think about exactly how they are contributing to their work and see how they can make it more efficient and effective. She said she appreciated Mr. Gallaway bringing this up.

Ms. Mallek said she appreciated it as well, especially starting with the homework part Mr. Gallaway gave them, as this gives them some good context as far as what the boards have accomplished. She said some of them may not have met except when there is a need, and the Board will learn all of this. She said in her mind, there is a knowledge gap about the boards, and she is really only familiar with the ones she has attended or liaised with over the years. She said she will definitely dig out Ms. Bien's report again.

Ms. Mallek said one thing she hoped would be included was which boards, if any, are statutorily mandated. She said she knows the MPO, in the late 1990s, almost lost the ability to apply for federal financing for highways because they did not have the Citizens Advisory Committee on Transportation, and it was pulled together in a 30-day span once they were given notice. She said she was appointed to be on that committee, and it was a quick learning curve. She said this is one item in the checklist to make sure they understand as they go along. She said she looked forward to this effort.

Ms. McKeel said Ms. Bien's report addressed that and certainly, there are some. She said she believed that perhaps 50 of the 63 committees were not mandated. She said obviously, they will follow the law and keep the committees they need to keep.

Ms. LaPisto-Kirtley said she was thrilled to see this. She said before she came onto the Board, when she found out the number of committees and the hours of staff time involved, she figured they could hire more people with what they could save on staff time alone. She said she was thrilled to see that they were doing this, as they will become more streamlined, effective, and efficient. She thanked Mr. Gallaway for doing this.

Ms. Palmer asked Mr. Gallaway if he was suggesting getting all the annual reports from committees first.

Mr. Gallaway said he viewed this as a starting place.

Ms. Palmer agreed. She said there are some committees that turn these in regularly. She said they have done some work on this in the past as far as getting lists, and she knew the Clerks have done this before. She said Mr. Gallaway mentioned he would be working with the Clerk's Office to see what their time commitment is on this.

Ms. Palmer said she liked where they were starting with this. She said with respect to the CACs, they got started when she and Ms. McKeel got on the Board for the first time in 2014 because they had discussions with staff as to whether they would have those. She said one of the CACs was not actually started because they did not think there was time to do it.

Ms. Palmer said she was curious about some of the newer ones, how long they should stay in place, and how much they are needed during different times. She said some are more active than others, and some are very active when things are going on. She said she was curious as to how they will look at these CACs.

Mr. Gallaway said he did not envision this as a project that either the Clerks, staff, or he takes on. He said the project interacts with those three places, and there may be a need to get resources available to have someone do the workload so that those three entities can provide input and help work through it so that it is manageable. He said if it was fine with the Board, he would put the request together to go out to the leaders of the respective boards and committees for the annual report piece, but then start game planning out a timeline of how this looks with Ms. Price's help to put an update in front of the Board at the next meeting. He said this is to keep it on the table so that they know something is actually continuing and happening.

Ms. Palmer said she agreed with Ms. McKeel to send out Ms. Bien's report again.

Ms. McKeel mentioned the policy document again.

Mr. Gallaway said the policy was part of it, and it would be going out with the request. He said there are probably some that are doing it and some that aren't.

Ms. McKeel said the Board has been receiving reports from some committees, but they have not been receiving 63 reports.

Mr. Gallaway asked if the Board members had any other matters to discuss.

Ms. McKeel said she would only reiterate what she spoke about that day during one of the discussions. She said she did not think this had to take a long time, but she would like the Board to talk about how they are approving a lot of developments with private roads. She said she wants to understand the pitfalls of private roads and VDOT roads not from the viewpoint of when they are approving them, but from the viewpoint of 8-10 years down the road. She said there are maintenance issues and challenges the Board is pushing off either to residents or to the County to take care of those in the future.

Ms. McKeel said she has now heard from two County employees and someone from VDOT that Orange County has taken this on and passed an ordinance to deal with the problems. She said she has also heard that some of the local surrounding counties have houses in neighborhoods that people have had up for sale that they cannot sell because they are on private roads and the maintenance problems with those roads have been so severe. She said she thinks the Board really needs to wrap their heads around this to see what they are doing, adding that she did not think this had to cost a lot of money, but merely needed a discussion.

Ms. McKeel said Ms. Mallek has indicated to her that she has had frustrations and concerns about this over the years as well.

Ms. Mallek said she thinks this is an important issue and that both sides come at it. She said many times, the Board has approved a private road because it does not need to be 28 feet curb-and-gutter. She said her question to add would be what funding or bonding alternatives the Board would have for a place like a private road or for a wider sidewalk than what VDOT would agree to. She said the Board is trying to put in wider sidewalks in places that the community would like to gather, and VDOT vetoes them at the planning stage unless the County agrees to take them over.

Ms. Mallek asked if there are other ways the Board can bond when the application is going through so that it is not just the taxpayer picking up the ball for a reduced cost or sometimes a greater cost on the part of the applicant.

Ms. McKeel said she had a great discussion with Mr. Charles Rapp about this, and he would be a good person to help the Board work through this.

Ms. Mallek said this was wonderful.

Ms. LaPisto-Kirtley said she spoke with one developer, and they wanted the roads to remain private, yet build them to VDOT standards. She said she could not remember exactly why they wanted to do it, but it was perhaps to give them some type of control. She said this was something to talk about, too, because she was not sure she understood this. She agreed that they want to make sure the roads are done properly.

Ms. McKeel said there are many nuances to this (e.g., a developer will say they are building them to VDOT standards, except for the parking). She said VDOT says it depends on the developer and how they are building it.

Ms. LaPisto-Kirtley agreed that this was something the Board needed to look into.

Ms. Palmer said she would give a quick update on something the Solid Waste Committee is working on, which is an active committee. She said the Rivanna Solid Waste Authority has a recycled glass producer who is interested in getting more glass, as they are having trouble getting enough. She said the producer has been coming up for some time, and RSWA has been storing it, as they have a lot of storage space at Ivy.

Ms. Palmer said some of the committee members have formed a subcommittee where they are having conversations with some of the wineries, breweries, and others to try to get more glass to Ivy and to get more product. She said a representative of the TJPDC also sits in on the Solid Waste Committee meetings, and she is working on trying to bring in glass from surrounding counties.

Ms. Palmer said they are getting paid for the glass and currently, it is not making a lot of money, but it is covering transportation costs. She said this committee has been working on this and hopefully, in the months to come, they will be able to find out more about what is happening. She said perhaps they will talk about this in their report.

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 monthly report to present.

Mr. Richardson said the County supported a safe Halloween that year due to the COVID-19 pandemic. He said they were working with the City and Health District to put together signs that community members posted on their doors to indicate whether trick-or-treating was welcome. He said they encouraged contactless trick-or-treating, and also helped with two events: one at the Yancey Community Center, with a pumpkin glow ball in their new community garden, and a kid-friendly event at Greenwood Community Center.

Mr. Richardson said there was a lot of recognition that evening from both the Board as well as

from one of the public speakers. He said a few days after Halloween, there was an election, and he wanted to recognize Mr. Jake Washburne and his team for supporting the largest election turnout in the history of the County. He said behind the scenes, Mr. Washburne sent an extremely nice email that day to County operational staff and was very appreciative of the support of County Government. He said behind the scenes, the Facilities and Environmental Services Department supported COVID-19 precautions, and the IT Department supported cybersecurity to ensure a smooth, safe election process for everyone.

Mr. Richardson said that throughout the entire early voting period, people reported not waiting more than 20 minutes and, in most cases, it was less than 10 minutes. He said he had a number of citizens feel compelled to tell him they were in and out in 5-6 minutes, and they were highly complimentary of the process, staff, and volunteers. He said it was a phenomenal job.

Mr. Richardson said a week before the election, there was a suspected gas leak at COB 5th during voting time, and Mr. Washburne and his team quickly moved their operations outside on the doorstep, safely away from the review process inside the building. He said the building was cleared quickly, and voting resumed inside momentarily.

Mr. Richardson said 64,883 registered voters participated in the 2020 election. He said 43,350 or (42%) voted early by mail or drop box, and 58% voted in person. He said 21,533 voted in person on Election Day at 30 polling locations. He emphasized that 4,815 hours were worked by election officers to support early voting. He said by comparison, in 2016, it was 642 hours. He said the effort was amazing. He said the Board has been very supportive, and it was an all-out effort by County Government in a number of areas, adding that he was very proud of Mr. Washburne and his team.

Mr. Richardson said they are working across County Government, Police, and Fire Rescue, along with strong support from the Health District, on messaging that will go throughout the remainder of the year and during all the holidays, including Thanksgiving, Hannukah, Christmas, Kwanzaa, and New Year's. He said COVID-19 continues to impact how holidays are celebrated, and they want everyone to have the same information headed into this time of year when the weather is colder and, as Dr. Bonds and Mr. McKay have said, it is a riskier time of year. He said the tradition of being together creates the opportunities for gathering, and the safest way to do so is in the home.

Mr. Richardson presented a slide featuring a photo of Mr. Greg Kamptner. He said Mr. Kamptner is recognized with the LGA (Local Government Attorneys of Virginia) 2020 Walter C. Irwin, III Special Projects Award. He said this award recognizes LGA members who have worked on a project of significant importance to LGA or local government, generally. He said LGA is pleased to present the award to local government attorneys who are participating in LGA's ad-hoc committees on COVID-19.

Mr. Richardson said in 2020, the pandemic caused by COVID-19 exacerbated the challenges and stresses that are placed on local government operations. He said local government attorneys were at the forefront of crafting solutions to these challenges and the stresses that come with it. He said of immense assistance in that battle was the guidance that the ad-hoc committee on COVID-19 provided and continues to provide on matters such as continuity of government, workplace safety, FOIA, employment law, and tax issues. He said for brevity's sake, he would not read the names of those on the ad-hoc committee.

Mr. Richardson said that on a personal level, he wanted to let Mr. Kamptner know how proud staff is of not just Mr. Kamptner, but his entire department. He said it is a true honor to work with Mr. Kamptner and his staff every day as they help to guide and work with County operations in a number of areas.

Mr. Richardson said every two Thursdays, there is an employee town hall. He said there would be one on the following day (November 19), which the Board was welcome to attend. He said at the last town hall, there were over 250 County employees there. He said during the meeting, they take a moment to review "Your Mission Moment," which was to enhance the wellbeing and quality of life of all citizens through the provision of the highest level of public service. He said this is consistent with the continued prudent use of public money.

Mr. Richardson said two weeks earlier, they spotlighted the Department of Social Services, and he would share a couple of slides Ms. Phyllis Savides and her team put together for the Mission Moment at the last employee town hall. He said Ms. Savides reminded everyone of the grounded guidance from the CDC, OSHA, the Commonwealth, Governor, Department of Health, and the IMT, which has done a wonderful job in staying focused on the response, recovery, and reconstitution and revisiting goals and what they are in place to do to keep the community safe during the pandemic. He said Ms. Savides kicked them off in that direction.

Mr. Richardson said it was amazing for him to learn that with regards to DSS Operations during the pandemic, Ms. Savides referred to this as her "Team of 10," which is all but 10 of the 150 who were sent home to telework. He said a core group of ten people support the work of the remaining staff who are at home teleworking by coming into the office every day. He said it is amazing that the ten people going into the building to support scanning, mail handling, financial transactions, and the things that have to be done in the building in order to keep everything running according to policies and laws have been able to pivot in that way.

Mr. Richardson pointed out that this work for which Ms. Savides is taking full advantage of the necessity for people to work at home created critically necessary building and parking capacity that

helped create the opportunity for early voting at COB 5th. He said this was a synchronization among departments and cooperation, and Ms. Savides and her team certainly answered the call.

Mr. Richardson said online applications have increased during the pandemic. He presented a bar chart, noting how the community need rapidly increased, especially in March and April.

Mr. Richardson said the Office of Housing identified a way to support clients by providing free sanitation kits to households so that they can ensure they had what they needed to keep their families safe. He said the Office of Housing also issued new housing and homeless vouchers during this time period to try to address as many housing needs as possible.

Mr. Richardson said Child Protective Services staff met and/or exceeded mandated responses to ensure the welfare of the community's most vulnerable members.

Mr. Richardson said DSS continues to meet the foster care needs and family partnership needs of the community in a different way than how it has been done traditionally, but it continues to strengthen communities as a result of their work.

Mr. Richardson said the Bright Stars public pre-K program is now virtual, but the enrollment is high. He said it ensures at-risk four-year-olds have their early education needs addressed during this very difficult time.

Mr. Richardson said Child Care and Employment Services staff continues to meet the needs to connect children with providers to build up job seekers and interview skills needed to secure a quality job. He said this was a snapshot of the work continuing by the Department of Social Services on a day-to-day basis, with ten core staff within the building functioning to keep the almost 150 people that are working most, if not all, of their week virtually or in the field.

Mr. Richardson said he wanted to share with the Board the Mission Moment and spotlight the Department of Social Services. He said they are very proud of Ms. Savides and her team and those who work in that key public service outreach part of County Government.

Mr. Richardson concluded his report, and called on Trevor Henry (Assistant County Executive), as he had one item that he wanted to make the Board aware of.

Mr. Trevor Henry, Assistant County Executive, said he wanted to update the Board on staff's intention related to one of their rental spaces. He said as the Board was aware, they lost a good tenant in the Crozet Library in September, which was Crozet Running. He said they were a market-rate tenant for many years, but unfortunately, they went out of business. He said staff intends to have a conversation with the Board, in general, around building uses and policies around leasing of all their various properties.

Mr. Henry said since the tenant has moved on, Facilities and Environmental Services has been notified by three different business who they think could be viable in that space at the market rate. He said staff's intention is to go through the legal process of advertising it, which would be to solicit a request for proposals. He said if there is a viable candidate, staff will bring it back to the Board in the form of a public hearing before any action would be taken from a contracting perspective.

Mr. Henry said if there was any negative reaction to this, it could be discussed with the Board at a later time.

Ms. Palmer asked if the public hearing was required for this type of matter.

Mr. Henry replied that for the County to go into a contract, it requires a public hearing.

Ms. McKeel said she was okay with this.

Ms. Mallek said that during the development of the library, it was considered important that there be a public-facing space on Crozet Avenue, and since the library was not big enough to use it all, having a strong business in there to keep the activity going was seen as a huge asset. She said the fact that they were a good cash-paying tenant was terrific. She said she was sorry they were gone, but they were on to new things with their lives. She said since they are two veterinarians, they have plenty going on.

Ms. McKeel said the only thing she would say about working up the contracts on these to make sure the Board has the flexibility for the library to expand.

Ms. Mallek agreed.

Mr. Gallaway asked the Board if they had any questions about or reactions to Mr. Richardson's report.

Ms. Palmer said in the proclamation earlier that day for honoring the frontline workers in the community, it said, "Whereas, the leadership of Albemarle County local government has taken considerable steps in alignment with the aim of supporting frontline workers, including..." She said she was a little bit confused on the meaning of that statement and wondered if Mr. Richardson could explain what the "considerable steps in alignment with the aim of supporting" meant.

Mr. Richardson said this was a good question and he appreciated it. He said the first thing that came to mind was the work they did last fall with the School System to try to coordinate the budget process with the budget planning, and the affordability analysis the HR Department did on an implementation of a \$15/hour minimum wage. He said this would have not only included the bare minimum, but would also include a progression remedy that worked with employees just above that rate to feather that out into the pay plan.

Mr. Richardson said of course, they were not able to implement that because of the COVID-19 pandemic that forced them to rework the budget. He said he thinks the coordinated effort with the School System put them in a position to where, if things had not changed, they were ready to implement this accordingly. He said it was one of their highest priorities, and they were driving this off of Board guidance.

Mr. Richardson said this was the first thing that came to mind. He said he did not want to shortchange the question, but he would have to give it more thought to make sure he was not missing anything in addition to that. He said he could go back to Ms. Siri Russell and talk to her about that as well, as it is probably much broader than how he responded.

Mr. Gallaway said he believed the entire Board shared in the recognition of Mr. Kamptner.

Mr. Kamptner thanked Mr. Gallaway for the recognition.

Mr. Gallaway expressed appreciation for the phenomenal work Ms. Savides has done with DSS and said he continues to be impressed by staff's work in the face of COVID-19 to keep things operational.

Non-Agenda Item. Closed Meeting.

At 7:50 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 future assignment and performance of the Clerk of the Board.

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

Non-Agenda Item. Certify Closed Meeting.

At 8:25 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

Agenda Item No. 19. Adjourn.

At 8:25 p.m., Mr. Gallaway adjourned the meeting November 20, 2020 at 3:00 p.m., which would be an electronic meeting held pursuant to Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Approved by Board
Date 07/20/2022
Initials CKB

Chair