

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on Thursday, September 8, 2020, at 5:00 p.m. and was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson, Deputy County Executive, Doug Walker, 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 5:00 p.m., by the Chair, Mr. Gallaway. He said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(8), "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.

Mr. Gallaway announced the supervisors and officers present at the meeting and instructed all other staff to introduce themselves later in the meeting when they spoke

Agenda Item No. 2. **Action Item:** Selection of Offeror to Receive Civil War Memorials.

The Executive Summary forwarded to the Board states that, until July 1, 2020, Virginia Code § 15.2-1812 made it unlawful for localities to "disturb or interfere with" any war monuments or memorials. "Disturb or interfere with" included removing, damaging, or defacing the monuments or memorials.

Senate Bill 183 and House Bill 1537 (2020) amend Section 15.2-1812, effective July 1, 2020, to authorize a locality to remove, relocate, contextualize, or cover war monuments and memorials from its public property, provided that the locality complies with the procedures required by the new law.

At its July 1, 2020 meeting, the Albemarle County Board of Supervisors took an action to advertise a public hearing to receive public comment on the Board of Supervisors' intent to remove, relocate, contextualize, or cover the following monuments or memorials for the veterans of war located on the County-owned portion of Court Square - the statue known as "At Ready", cannons, and the stacked cannonballs.

On August 6, 2020, the Board held a public hearing and adopted a resolution to remove the memorials and initiated an offer period of 30 days for relocation and placement to any museum, historical society, government, or military battlefield.

Staff will receive offers through the end of the offer period and provide a recommendation to the Board of Supervisors at its adjourned meeting. Offers will be evaluated based on offeror type, geographic location, local connection, the memorials sought (statue, cannons, cannonballs, and the base), the nature of access to the intended location, responsibility of transport and installation, visibility of the intended location, and the purpose/context of the intended location.

The 30-day offer period runs through September 5, 2020. At its September 2, 2020 meeting, the Board adopted a resolution to accept offers received by mail, private parcel service, or through hand-delivery through September 8 at 5 pm, as September 5 is a Saturday and September 7 is a federal holiday.

To date, Albemarle County has received offers from the Shenandoah Valley Battlefield Foundation, the Petersburg Federal Correctional Complex, a private citizen, Gordonsville Grays, Isle of Wight County Historical Society, Sons of Confederate Veterans, Civil War Museum at the Exchange Hotel, Trevilian Station Battlefield Foundation, and Hampstead Farm. A final list will be provided to the Board on September 8.

The Board's previous appropriation for the removal of the memorials is sufficient to cover expenses related to the offer, if any.

Staff recommends the Board consider the recommendation provided during the presentation.

Mr. Trevor Henry, Assistant County Executive, said his role was Co-Commander for the Incident

Management Team (IMT), related to this activity and to the portfolio he is responsible for, including the logistics.

Mr. Henry said there were many things about this work that staff has done over the past 7-9 months, and that much of it was very much logistics and project related. He said there were staff members on the call who could support the discussion, and that there were also many staff involved with the work who were not on the call. He thanked the staff for working through the project, legal processes, procurement, and everything that could be done to make this project successful while meeting Board expectations.

Mr. Henry said the purpose of the meeting was to receive more direction as it relates to the disposition of the monuments ahead of the weekend so that the project team will know how to dispose of them.

Mr. Henry said he would walk through the process, as well as a high-level overview of the offers that were received to date, including one that he just received 5 minutes earlier, just under the deadline. He said he would acknowledge that offer. He said he would talk about the criteria staff uses to vet the offers and, finally, make a recommendation of the offers that they received based on the criteria that had been established. He said there, they would pause to answer Board questions. He said hopefully with the completion of this step, staff would receive direction on what to do that weekend. He said he would finish with logistics and access as it related to the weekend.

Mr. Henry presented a slide showing the project timeline, noting that Mr. Walker had shared this with the Board. He said this would be used to guide the discussion that day, and that Mr. Walker had walked the Board through it the prior Wednesday evening.

Mr. Henry said July 2 was the date the state code took effect. He said there have been discussions and meetings, and that the County has been operating on an expedited schedule to meet Board expectations on the action that was directed to staff on August 6. He said the offer period had ended, and that the purpose of the present meeting was to get the input staff needed in order to complete the project that weekend.

Mr. Henry presented a slide showing the code and authority for local governing bodies to make decisions as they relate to the disposition of their memorials. He read aloud from the slide, "The local governing body shall have sole authority to determine the final disposition of the monument or memorial." He said staff's understanding of this was that all components of the monument or memorial under local authority were all the components related to the statue and the items that were there with it.

Mr. Henry said in terms of the process and selection criteria, in all cases when staff received offers that came in from different methods, such as email, hand delivery, or formal PDF letters, staff responded, acknowledged receipt, and asked a series of questions in order to try to be as objective as possible in being able to compare the offers that came in.

Mr. Henry said the attributes shown on the screen were what they used as they considered the different offers that came in. He said it was focused on the type, logistics, vision of how the monuments would be used, the specifics on what items were being requested, the expectations around how that entity would receive those items, and to make sure staff understood as best they could the vision of that entity on how the monument or elements of the monument would be used and accessed.

Mr. Henry said this was the level of due diligence that staff did with the offers that were received prior to that day.

Mr. Henry presented a summary of the offers, noting that that morning, he had shared a package of what had been received prior to 11:00 a.m. He said staff categorized them as "complete" and "incomplete." He said in terms of "incomplete" offers, staff had received requests from two entities, with one being a private person. He said they were incomplete because staff asked the series of questions and either didn't receive full answers, or only had partial answers in response. He said from a review perspective, staff considered these to be incomplete offers.

Mr. Henry noted that the list of entities on the left side of the screen were fully compliant with providing answers to the questions. He said the top three bulleted entities on the slide did request all the components of the monument. He said these included the statue, base, cannon, and cannonballs, or everything that was tied to the At Ready monument. He said the lower four entities wanted only a component of the monument and that, in all cases, it was just the cannon and cannonballs that were requested.

Mr. Henry said as he noted earlier, he received another offer literally minutes earlier that was from the 116th Infantry Regiment Foundation, located in Staunton. He said this is a museum which submitted a request to be considered, and that they would be considered in the group of entities that requested all components. He said unfortunately, based on the timing of that request, staff had not had a chance to vet it against all their questions or conduct an evaluation.

Mr. Henry said given the offers to date prior to the one that just came in at 4:00 p.m., staff reviewed, based on the criteria that had been established previously, the components of the offers. He said if the Board were inclined, based on the offers to date, the recommendation would be to provide the monument and its components to the Shenandoah Valley Battlefield Foundation.

Mr. Henry said the left side of the slide talked about the organization, including its partnership with the National Parks Service and with the state's Department of Historic Resources. He said one of the attributes that was positive in their request was that they were willing to send a flatbed and actually receive the items that weekend as part of the project. He said the organization would also cover the cost of transporting it. He reiterated that the organization was interested in all elements.

Mr. Henry said as far as the planned use, the right side of the slide detailed the rest of the proposal on how it would be used, but he thought it would be helpful to read to the Board so that there was no subjectivity in his information and so it was straight from what the proposal had stated.

Mr. Henry said the question was, "How would the item be presented?" He read aloud a portion of the answer, which stated, "The monument would be used to mark the location where Virginia troops fought and be dedicated to those men who fought and died for Virginia on that particular field of battle. It would be rededicated as the 'Virginia Monument,' and an interpretative marker would be installed nearby relating the history of the monuments themselves, recognizing its significance and detailing its journey to the battlefield.

"The cannon would be used on the battlefield to mark the location where artillery was positioned in the fight, and the cast cannonball piece would be used as a bronze element for a new stone monument to mark the location where artillery played a decisive role in the outcome of the fighting.

"All the items will be used as interpretive elements of the battlefield landscape and carried forward as culturally significant, historic features of that landscape. It would be maintained with the respect commonly afforded to memorial objects."

Mr. Henry said he thought it would be helpful for the Board to understand the intended use of the statue and its components.

Mr. Henry said this was the background and process, the overview of the offers that had come in to date, and a high-level overview of the criteria that was used to do the review. He said the decision that staff was looking for that day would build into the project that weekend in terms of whether the Board was interested in what the Shenandoah Valley Battlefield Foundation has offered, including taking all the monuments, or to stick to the current schedule and, as part of the current scope, move those items to a temporary location.

Ms. McKeel said she thought she saw that this proposal would be permanent if the Board were to give the monuments to the Shenandoah Valley Battlefield Foundation.

Mr. Henry replied that this was the operating assumption if the County were to provide this to one of the offers.

Ms. Mallek asked Mr. Henry if he had any extra cost information, if this were the choice, for the extra hauling, storage, and later disposition and what this would add to the process.

Mr. Henry replied that the storage and location has been complicated and had its challenges. He said in the event that the County would retain it in storage, it is a temporary location within the County. He said the contract includes not just the removal, but the movement of the statue to the designated site, so there was no additional cost to locate it in a temporary location as part of the existing contract. He said once they move onto the logistics, they would speak more about the budget. He said if the Board were to go for Option 1, accepting the offer from Shenandoah Valley Battlefield Foundation, they build into the RFP deduct that turns into \$3,600 of savings.

Mr. Henry said he believed the question Ms. Mallek was asking was what the long-term solution would be. He said this was still a work in progress. He said there were some working numbers as they relate to how the monuments would then be moved to a permanent location and how it would be stored. He said depending on how that would land, it could either be on the less expensive side by using something like a CONEX box, or it could be more expensive, depending on where that would be. He said as the IMT, they were still working through what were the "hold and retain" options within the County.

Ms. Mallek said that any time heavy equipment is involved, the costs rise quickly.

Mr. Henry pointed out that the concrete base was the piece they were most worried about. He said big and heavy equipment was needed to move the monument down in sections. He said the way it would be stored in a temporary location would allow them to use forklifts to then relocate it into their storage unit and take it where it needs to go. He said the cost of that piece was not as significant as what the project would be that Saturday.

Mr. Henry reminded the Board that this was a construction project, and that the concrete was 110 years old. He said there was an engineering report on it, and staff was hopeful that everything will go smoothly. He said when taking things apart, however, especially items of that age, there is some risk that all the components may not be able to be restored or reused. He said staff was doing their very best to ensure that it could be reused at the Board's direction.

Ms. Price said she appreciated the work County staff had done and the respectful manner in which this has been planned. She said she had one question that would be more appropriate for Mr.

Kamptner. She said she wanted to ensure that the 30-day window they were currently operating under was a minimum time period and was not a limitation. She said if the decision should be to remove and restore, then the Board can accept offers and applications at any time until a final decision were made. She asked Mr. Kamptner to clarify or confirm that they would not be limited solely to the applications that have been received within the 30-day initial window if the Board were to decide to take more time.

Mr. Kamptner replied yes. He said the language in the statute is a little odd because it says it would make it available for 30 days, no more or no less, but that he believed it would be interpreted to be a minimum amount of time. He said in the end, the Board had sole authority to decide what to do, so the period was unlimited to make that decision.

Ms. Price said she would like an opportunity later to make comments before any motion was made.

Ms. LaPisto-Kirtley asked if the time capsule inside the monument would remain with Albemarle County. She said her understanding was that Shenandoah Battlefield would like to have their own time capsule in consultation with the County, but that the one presently in the monument would remain with Albemarle.

Mr. Henry replied that this was at the discretion and disposition of the Board. He said the plan, to date, was to try to carefully remove the time capsule as best they can. He said staff has worked with UVA Special Collections so that once they are able to retrieve the bronze box, which was hopefully intact, they would put it in the appropriate storage, per UVA's direction. He said UVA can use their subject matter expertise to review what has survived over the period of time. He said the decision that day did not include what to do with the time capsule.

Ms. Price said as Ms. LaPisto-Kirtley indicated, in the document the Board received from Mr. Henry that morning with regard to the time capsule, on page 2 at the end of Paragraph 6B, it said, "Following analysis and initial display in Albemarle County, the Shenandoah Valley Battlefield Foundation requests consideration of allowing those items to be preserved within the archives of the National Historic District on a permanent loan from Albemarle County and periodically displayed within the museum exhibits of the foundation." She said it was not stated as a requirement, but as a consideration.

Mr. Gallaway said there were applications that noted how the items would be used and the like. He asked to what extent the Board had any sort of recourse to hold the organization accountable for how they will present the elements once in their possession.

Mr. Kamptner replied that one way to deal with this, if the Board did want recourse, would be in the memorandum of understanding, which was included in the motion. He said currently, this dealt with the organization accepting the items and taking them as-is, as well as some other provisions. He said the MOU could also be revised to clarify use and possible returning to the County.

Mr. Gallaway said the organization mentioned National Historic Districts and battlefield park sites in their offer. He said he presumed they were talking about themselves, but while they had used the terminology "SVBF" (Shenandoah Valley Battlefields Foundation) in other areas, in Paragraph 6A, it said, "National Historic Districts and battlefield park sites." He said the organization only has control over the one site, or one site underneath their foundation. He said he assumed they would be held to what was under their own "SVBF."

Mr. Henry said this was correct, and that he believed the intended location for the memorials was one of the foundation's sites in Winchester.

Mr. Gallaway said he was glad someone had read the piece about the permanent loan, as he had missed that. He said it was just the time capsule items that they were saying would be on permanent loan, and the statue and other items would be the handing over of ownership and not having it be on permanent loan.

Ms. McKeel said this was what she had been trying to get at, and what she had been trying to find before the discussion,

Mr. Gallaway said when he first read it, he thought it was the statues that would be on permanent loan, but when he re-read it, it seemed that they were only talking about the contents of the time capsule.

Ms. Price pointed out that Paragraph 5 stated that the organization would accept the donation of the items, and so there was no loan mentioned there. She said she believed it was only in Paragraph 6B that they talked about the time capsule contents being on a permanent loan.

Mr. Gallaway asked Mr. Henry if there had been any conversation about the new time capsule and whether Albemarle County would participate in this or have any control over it.

Mr. Henry replied that his understanding was there was an opportunity to participate, but that this was not necessarily a requirement. He said this was more discretionary, as was a request to potentially borrow the contents of the current time capsule.

Mr. Gallaway said with Mr. Henry's comment about the age, materials, and bringing the memorial down, there was some risk involved in keeping the integrity of the memorial. He asked what the

applicant's understanding was in terms of if there was significant damage to the memorial, if they would still be interested in the items, or if they understood the risk that was involved. He asked if the applicant had a way to decline if the memorial was destroyed.

Mr. Henry replied that he knew the applicant was aware of the age and the construction methodology. He said he would defer to Mr. Blake Abplanalp as to if there were specific discussions around that. He said he did know that the foundation's interest was in the full statue monument and associated components, and that they were less interested in the elements of that. He said the County would have to see what would happen as they conduct the removal and react to it at that point, as he had not had that specific conversation with the foundation.

Mr. Blake Abplanalp, Chief of Facilities Planning and Construction, said there had been discussions that the components would be received as-is. He said in fact, the MOU that Mr. Kamptner referred to previously included language of that nature, so should the organization be awarded the memorial, they are aware of the fact that it will be as-is after the removal.

Ms. LaPisto-Kirtley said in being time-sensitive, she liked the Shenandoah Valley Battlefield Foundation because it would keep all the pieces of the monument. She said she also liked the fact that the foundation will preserve it and rededicate it as the Virginia Monument for all soldiers.

Ms. LaPisto-Kirtley said what she was concerned about was if the Board did not take this opportunity, another offer may not present itself. She said what also concerned her very much was the cost of storage. She said this may be a little, or a lot, and that the Board did not know because they did not know how long it would be stored for. She said they were in the middle of a pandemic, and so she did not want to spend taxpayers' dollars on storing the monument. She said the storage could span over months or years.

Ms. LaPisto-Kirtley said they had a good offer to take the statue, cannon, and cannonballs to an appropriate venue, a battlefield, where monuments are shown in a contextual arena. She said given the authority from the state, she believed now was the time to act. She encouraged the Board to get the job done and move the items in a respectful manner. She said the community deserved no less, and so she would be voting for Option 1.

Ms. Palmer said her feelings were very similar. She said having been to many battlefields over the course of her life, and having been to the Shenandoah Valley Battlefield, she could not think of a better place for this to go. She said she could not imagine the Board finding a better place close by for the memorial to go. She said there were currently many challenges the County was facing at present time that both staff and the Board have to address, and so she would rather move on and get the project done. She said she wanted to move the statue while they had a credible place to take it.

Ms. Palmer said from the sound of it, she believed that some would like to tweak the MOU to make everyone more comfortable that the memorial would actually be going to the battlefield that the applicant described in their application. She said she did recall the discussion of the as-is condition from some time ago, and so she was comfortable with that. She said she was on board with Option 1.

Ms. McKeel expressed that staff had done a wonderful job on the project, acknowledging that it took a lot of time and effort. She said she wanted to recognize the community as well. She said it was important in making decisions like this to take the time to think ahead.

Ms. McKeel asked Mr. Kamptner if he had the slides he showed the Board at one point about the four sides of the statue. She said she was not referring to At Ready himself, but the slides that showed what the four sides had on them.

Mr. Kamptner replied that they were included at the end of the presentation.

Ms. McKeel asked if the Board could see these slides.

The slides were presented on the screen.

Ms. McKeel said this was part of the history of Albemarle County. She asked Mr. Kamptner to walk the Board through the slides.

Mr. Kamptner said yes, noting that these were pictures of all four sides of the base and their text panels. He said one said, "Confederate soldiers - defenders of the rights of the states." He presented the other slides to show all four sides of the base and ensured everyone had time to read the text.

Ms. McKeel said to her, those panels were part of Albemarle County's history. She said if they were going to contextualize at any point, those were the pieces that represented the County's history.

Ms. McKeel switched back to the matter of direction for the weekend. She said she was certainly in favor of taking the statue down that weekend, as it needed to be removed from the courthouse space. She said she was not suggesting anything other than proceeding with what was planned for that weekend.

Ms. McKeel said in her earlier remarks she made when they first talked about the statue in Court Square, she spoke about creating a neutral space for the courthouse. She said the County was going

through a renovation project with the City, and so the courthouse space was going to change. She said in her mind, they needed to make that space completely neutral.

Ms. McKeel said looking into the future, this led her to say that if the courthouse space was neutral, the question was to where they would tell the wonderful history, the good and the bad, of Albemarle County, how some of these artifacts came to be, and what the real story is.

Ms. McKeel said she would at least like the Board to think that day about whether they wanted to pause. She said they should follow through with taking the statue down that weekend but, rather than deciding to send it immediately, they knew they did not have to make that decision immediately. She said perhaps a pause in storing it would allow the Board to discuss, at a higher level, how they would want to contextualize Albemarle County's history and present themselves for future generations.

Ms. McKeel said once the four faces of the base of the statue are gone, they will never be able to get them back. She said it was similar to tearing down old, historic houses and having those be gone forever. She said she needed more time to process what the other option might be, and to think about the point in time where they are looking at a new courthouse space design, how to preserve at least the base portions, and how they can be used for the historic narrative.

Ms. McKeel said she would like to hear some reactions for taking the statue down as planned but storing it temporarily in order to for the Board to give some thought as to how they feel about the history of the County and how those particular panels allow them to present themselves in the future.

Mr. Gallaway asked Ms. McKeel if she hoped to hear feedback from each Board member.

Ms. McKeel said as they were going through the comments, Supervisors could remark on that. She said she was only putting on the table that while she understood the plans for taking the memorial down that weekend, adding that staff had done a great job with this plan, she would like to at least consider storing it temporarily so they could come back for a more in-depth conversation about what those panels could mean for the County, going forward.

Ms. Mallek said she would start with her reaction to Ms. McKeel's idea. She said having access to this historical information was wonderful, but that she would prefer that there be good photography that could be incorporated into a kiosk of the kinds of things that have been and will be discussed in the courthouse project. She said rather than having the stone there, she believed there was every great opportunity to make sure that all the images of all the sides of the monument are able to be represented, which she supported doing.

Ms. Mallek said she did support Option 1 that day. She said Albemarle had the chance to take this decisive step and forward the healing in the community. She said they have been careful and thoughtful not only over the past couple months, but over many years as to how to deal with this. She said they have brought many different viewpoints, with great staff effort, from the citizens and into the process. She said their knowledge, and hers, has grown over the past five years far beyond what she had learned in her youth. She said she also learned to understand the impacts to the citizens much better.

Ms. Mallek said the most compelling reason to move forward now was to strengthen the atmosphere of neutrality at the courthouse. She said people must trust that justice is available to them. She said everyone must be able to trust that.

Ms. Mallek said she appreciated that the Shenandoah Valley Battlefield Foundation will designate this as a Virginia Monument to soldiers who fought, as a way of having any kind of advocacy for telling the true history. She said she learned that day that it was not a place where people gather for events. She said the statues are used to identify on the ground where soldiers stood from each side on the field, and that this is meaningful to the visitors who are able to put themselves more easily into what had been a stressful situation.

Ms. Mallek said she looked forward to having this happen. She said to her, the time was now to move forward with the decision and deliver the memorial to the Shenandoah Valley Battlefield Foundation to be reassembled and given a good place where others can visit it as well. She said there were people in the area who like to visit the memorial, and she liked knowing that it was close enough by so that this would still be possible.

Ms. Mallek said she was glad to know about UVA Special Collections being able to work on the time capsule and believed this was a great opportunity. She said the Board could decide at a later date who gets to use the time capsule.

Ms. Price thanked County staff and the residents for all their communications throughout the process, as well as to all those who responded with an interest in acquiring the objects. She said the more involvement there is, the better the opportunity for making the best decision. She said there was not necessarily a right or wrong decision so much as a best one under the facts and circumstances.

Ms. Price said she believed that Ms. McKeel was simply talking about pausing on the disposition and not on the removal. She said she did not think that any Supervisor, at that point, wanted to reconsider the decision to remove the items. She said she was more in alignment with Ms. McKeel at that point, and she appreciated her comments.

Ms. Price said the 30 days was a minimum time period for organizations to let the Board know they were interested in the objects. She said the Board was not limited to 30 days and therefore, they were not necessarily limited to the 6-7 entities that came through with their requests. She said her thoughts on pausing on the disposition was not specifically related to any or all of those entities who have requested the items.

Ms. Price said from her perspective, she has spent years thinking about the removal of any items from the courthouses that are not directly associated with the rule of law. She said she had not gone quite so far in terms of reaching the comfort level on what the appropriate disposition would be.

Ms. Price said there were a couple of questions. She said one was if there was an appropriate place for the base and if so, where this would be. She said she believed the base was the issue with regard to contentious or controversial issues. She said the cannons and the cannonballs would be appropriate at any battlefield location to put in a line of batteries where artillery had been set up. She said the statue, from what she had read and learned, was fairly common in the time period when the statues were made. She said it was not necessarily a specific artifact with particular value, and so she believed the base was really the issue.

Ms. Price said she also wanted to ensure that the Board was being respectful to those who consider the statue and base as a memorial for those who fought. She said a couple things that caught her as she processed this was, in part, what Ms. McKeel said, that this particular item has a connection to Albemarle County. She said one question was if there was a place in Albemarle County where this would be appropriate and if so, where. She said the answer to any of those questions could be yes or no.

Ms. Price said her preference would be to remove the items, as planned, on September 12 and to pause on the decision regarding the disposition in order to allow the Board to complete the process of deciding what the best decision would be for their disposition. She pointed out that she was using the term "disposition" and not "disposal."

Ms. Price said she also believed that it was important for the Board to look beyond just these items at the current courthouse properties, and that they needed to look in totality at the Court Square properties. She said there were other items that needed to be considered as to whether or not they were appropriate, recognizing that this question was not on the table that day.

Ms. Price said her preference would be to move forward with Option 2, to remove the items on September 12 and 13 as scheduled but pause on the decision on the disposition.

Mr. Gallaway stated upfront that he could vote yes on both options. He said with the applicants who came forward to possibly receive the items, the staff recommendation was the one he would support in comparison to the others, not the least of which was that the transport was handed off. He said that both from a cost and liability standpoint, this made part of this offer very compelling, logistically.

Mr. Gallaway the matter that gave him some pause was that when the Board made the vote to remove the statues, one of the speakers, Mr. Dukes, talked about the responsibility of where they go and how they are used. He said the Board had heard some comments and feedback on that. He said this phrase in the public comment section continued to echo for him.

Mr. Gallaway said he knew the MOU was what would help govern how the items were used and, if anything, a pause would give the Board a chance to scrutinize things like this. He said typically, when the Board makes decisions like this, staff may wish to simply run with them, in this case. He said the Board typically makes these decisions and then, the MOU can be worked out amongst staff. He said in this instance, the MOU, as it relates to how these items will be used in their final destination, would be critical for the Board to have some input or oversight on. He said a pause would allow that to happen. He said if the recipient could bring a truck and take the items from the location, it would be a good way to get this part out of the County's hands.

Mr. Gallaway said as long as the statue and elements come down, if they were in temporary storage, then he believed the Board could get back to this business and figure it out in short time. He said he would hate to think that temporary storage would turn into a more permanent disposition itself, which he would not support.

Mr. Gallaway said if the Board wished to take some time and further consider how these items could be used, he would not be opposed to it, but he had one foot on each side of the fence. He said the thought of having the decision done and the disposition figured out was of interest to him as well.

Mr. Gallaway asked Ms. LaPisto-Kirtley and Ms. Palmer if they wanted to react to Ms. McKeel's thoughts on the storage component.

Ms. LaPisto-Kirtley said she did not like the idea of the items being placed in storage. She pointed out that the Board did not know how long the storage would be, and if it would be temporary or permanent. She said Shenandoah Valley Battlefield Foundation could get an offer on some other monuments and say no to the County. She said in her opinion, they were absolutely the best arena to have the statue, cannonballs, and cannon. She said the fact that they wanted to rededicate it as the Virginia Monument for all soldiers was very important and said a lot about them.

Ms. LaPisto-Kirtley said she did not like the storage idea, as it would cost the County money. She

said the Board did not know how much this would be, as they were not given any kind of cost information. She said they did not know how long the items would be in storage or what the condition of the stones would be if it would take some time. She said if they wanted to incorporate the base into a project, it could take years. She said this also gave other people the opportunity to say that the Board took the monument and disgraced it by putting it in storage. She said they would not be honoring the fallen soldiers but would simply be storing everything.

Ms. LaPisto-Kirtley said she believed they should go ahead and make the decision that day, and that the people of the County expected the Board to do so. She said the Board would show leadership by making the decision that day. She said this was something they had wanted the authority to do from the state, and that they should act on it.

Ms. LaPisto-Kirtley said the Board had a great partner with the Shenandoah Valley Battlefield Foundation. She said importantly, they will honor the monument. She said the County would not be putting it in storage in this case, which would prevent them from being left open for attack from any side. She said those people would be asking if the County were going to melt it down or throw it away.

Ms. LaPisto-Kirtley said she wanted the monument to be relocated to a good place that would honor it in an appropriate setting. She said it was not an appropriate setting at the courthouse because the courthouse was about "justice for all." She said she agreed with Ms. Mallek that having a kiosk showing what has happened in Albemarle, both good and bad, was much more appropriate. She said she was sticking with Option 1 and was against storing it.

Ms. Palmer said she appreciated Ms. McKeel's suggestion and interest in preserving the County's history. She said she did understand where she was coming from on that suggestion. She said she would like to get the project done, however. She said the pictures of the monument would benefit them. She said they had many markers and the ability to do a good job on the Court Square project without the statue.

Ms. Palmer said she did believe that since the Board was dealing with a reputable organization that has been around for some time, these things could be worked out on the staff level with the MOU to assure the Board where, specifically, the items would be going and which battlefield the monument would be placed upon. She said she was staying with Option 1 in order to move forward.

Ms. LaPisto-Kirtley said she also appreciated the comments from Ms. McKeel and Ms. Price as they did give her food for thought. She said one thing that she respected very much about the Board was the fact that everyone was thoughtful.

Ms. Mallek said to follow up on the question about how the items would be used, she did ask this question of someone involved with the Shenandoah Valley Battlefield Foundation to find out if there would be events around the statue. She said the representative from the foundation explained to her that they were not a Confederate organization. She said they told her they were 25 years old, federally created, and that they had no advocacy as state government employees. She said she had great confidence that the monument would be treated very well and would not be a situation where it would become a gathering place and cause difficulty.

Ms. Mallek said this was hallowed ground, and so the Board would be assured. She said they could write into the MOU as many details as they wished to add to make sure that they felt comfortable about it. She said she wanted people to know that the monument was not going to be used for commercial purposes or turn into a circus of any sort, which was important to her.

Ms. McKeel said she appreciated the Board taking this thoughtful approach. She said she understood that there were many thoughts and ideas. She said for her, once the base and plaques are gone, they are truly gone. She said she had hoped that the Board could store them temporarily to take a pause and think about this. She said she did understand everyone's concern.

Ms. McKeel said she did agree with Ms. Price that there was more on the courthouse space that leads to it not being a neutral space. She said at some point, the Board would have to deal with that because they determined they were going to leave the courts downtown and now had the opportunity to redesign those spaces. She said they had to figure out, however, how to make the courthouse space neutral.

Ms. Mallek agreed.

Ms. McKeel said this meant there were plaques and other things that were not necessarily neutral. She said this was where she was trying to look ahead and prepare for the future as far as being able to tell the whole story, supported by artifacts, in a different way.

Mr. Gallaway said if he were to be counted as a yes for the storage option, this would be a 3-3 vote, and so he did not think there was a consensus vote there. He asked if there were any desire to make a motion on that option.

Ms. Price recommended moving to Option 1 if someone wanted to move for it.

Ms. McKeel agreed. She said she appreciated having the opportunity to move her thoughts forward.

MOTION: Ms. Palmer moved that the Board accept the offer received by the Shenandoah Valley Battlefield Foundation for the At Ready statue, two cannons, stacked cannonballs, and base, and that these items be given to the foundation; and that the County Executive be authorized to sign the Memorandum of Understanding with the foundation related to the disposition of these items. Ms. LaPisto-Kirtley seconded the motion.

Ms. Palmer asked if there was anything the Board wanted to ask the County Executive or Mr. Henry about the MOU.

Mr. Gallaway said he was going to bring it up after the vote to see what the process would be for that. He said the important part was that the Board would have some input there. He asked Mr. Richardson if this were a possibility.

Mr. Jeff Richardson, County Executive, replied yes, adding that Mr. Kamptner could help guide the discussion as well. He said regarding giving the County Executive authorization to sign the MOU, if there is a majority or consensus from the Board that certain stipulations be added or taken away, he was happy to hear those, take notes, and respond accordingly.

Ms. Price said because her previous comments were directed solely towards the second option for the resolution, she did not make a comment with regard to the entities that applied. She stated that of those who did apply, she fully concurred with the County staff recommendation that the offer from the Shenandoah Valley Battlefield Foundation was far and above the best, and so she would be supporting that motion.

Ms. McKeel said she wanted to make sure she was hearing that if the Board wanted some input on the MOU, they could first take the vote and then come back to that. She noted that Mr. Richardson was nodding yes.

Mr. Gallaway commented that for those who have come to see monuments that have been erected after the fact, as they are a place for family members to grieve, it did seem that a battlefield was the most logical place to have that experience. He said the fact that the items would be going to a battlefield for those family members to be able to mourn did seem to be the most appropriate. He said he did not speak to this earlier and wanted to be sure he said this.

The motion carried unanimously (6:0).

Mr. Gallaway asked Mr. Richardson if they should have a brief conversation about the MOU.

Mr. Richardson asked Mr. Kamptner if the Board could give him direction for anything specific in the MOU that they would like staff to accentuate or take away.

Mr. Kamptner replied that they would want to roll in Section 6 of the document that Mr. Henry sent out, which was the statement from the foundation as to the location and how the item would be presented.

Ms. Mallek agreed.

Ms. McKeel said for the public, Section 6 deals with where the items would be located and how they would be presented, as well as who would be prepared to receive the items.

Mr. Kamptner confirmed this.

Ms. Palmer asked if the Board would need to approve anything, since they had a meeting the following day. She said it was fine with her if Section 6 were rolled into the MOU.

Mr. Kamptner replied that given the breadth of the motion that was made that allows the County Executive to sign the MOU, and with the direction staff was receiving from the Board at that time, he believed this was enough for them to move forward. He said the reality was that they would likely not be able to turn everything around before they got started the following morning.

Mr. Gallaway said the statement in the document said, "An interpretative marker would be installed nearby relating the history of the monument itself, recognizing its significance and detailing its journey to the battlefield," which included the Board's rationale, vote, and actions. He said this was a narrative that he was concerned about. He expressed that he would not want to relinquish all input as to how the story was being told, and that he did not know how to get at this in the MOU. He pointed out that the phrase, "Detailing its journey to the site" was ambiguous.

Ms. McKeel asked Mr. Kamptner if there would be approval on that.

Mr. Kamptner replied that there were plenty of other people who could perhaps draft some language, and that this language could then be presented to the Board at the end of their retreat the following day.

Ms. Palmer said in the document provided by the foundation, it mentioned their need for approval and any press release where their name is mentioned. She said the Board could perhaps have something

along those lines for them for cases where their name is mentioned. She said clearly, the foundation wanted control over that and would understand the Board's need to have control over any place where their name is mentioned.

Ms. Mallek added that there was language in the application surrounding consultation about the time capsule documents. She said she believed the Board should definitely have approval of any of the written documentation, which she thought meant the history of the statue from its razing in the first place and the context at that time through the present. She said this work will need to be done for the County as well, as they need to have the information about what used to be at the courthouse. She said she hoped that what Mr. Kamptner would come up with to convey that would give the Board the proper comfort on what would be said.

Ms. Palmer said she personally did not need to be too specific because she recognized from reading the document that the foundation did not know the exact location they wanted to put it in now, but that it would be on the line that they suggested. She said she would hate to be too restrictive.

Before moving on to the next item, Mr. Henry noted that he had two more elements to cover. He said staff was working towards the weekend, and that the construction site itself would be done in the afternoon. He said the intention was to start early on Saturday morning with the actual removal process to be set up, staged, and ready to start once they have daylight, when they would do a briefing at the beginning of the event.

Mr. Henry said the cost estimate was the contracted cost estimate. He said with the decision the Board just made, this would come down slightly. He said they also had additional costs related to site security, safety, and other elements, but that they were well below the \$130,000 that the Board appropriated related to this project.

Mr. Henry reminded the Board that the adjacent sidewalk will be closed due to safety precautions for the activity for staff and anyone there.

Mr. Henry said the removal process will be livestreamed on the County's Facebook page. He said the Communications and Public Engagement (CAPE) Office will be sending out additional information on how to connect to this event. He said staff highly recommended that for those interested in observing the event, this was the best way due to site safety issues with the construction project and maintaining the required gathering limits under COVID-19 by the state and localities.

Mr. Henry said the event will be livestreamed and that recorded material will be played throughout the day. He said Ms. Emily Kilroy, Director of CAPE, will be providing additional information as it relates to the viewing opportunities.

Ms. McKeel asked if Facebook was the only venue they could use for the livestream.

Mr. Henry replied that this was the venue the County was most easily able to establish in the time period they had for planning this. He said he would defer to Ms. Kilroy for additional comments.

Ms. Kilroy said staff was evaluating getting the stream available on other services, as they acknowledge that there are some people who do not use Facebook. She said they would have the full list of channels that one would be able to stream through by September 9.

Ms. Mallek said she assumed there would be a hard line for blocks around the monument and that there would be no access for civilians or for anyone who was not directly involved, with no negotiation for anyone to be able to get inside and possibly get hurt. She said she hoped the officers in the City would also ensure that the site would only be populated by those who have to be there.

Mr. Henry said yes.

Ms. Price said she appreciated County staff doing this in the most respectful way possible. She said many times, items have a value far greater than a financial amount that can be placed on it. She said the matter in which Mr. Henry and County staff was addressing this was something to be appreciated.

Agenda Item No. 3. **Presentation:** Early Voting - Outline of Election Preparations.

The Executive Summary forwarded to the Board states that, in 2019, the Commonwealth of Virginia passed a law enabling citizens to vote in person, with no requirement to provide an excuse, for a period beginning 45 days before each election, beginning with the upcoming November 3rd 2020 election. Though use of satellite polling locations is allowed, localities are required to provide this "Early Voting" option to citizens at the Office of the Voter Registrar. Albemarle County's Department of Voter Registration and Elections is located at the Fifth Street County Office Building, which is shared by the Department of Social Services, Albemarle County Police Department, and Albemarle County Fire Rescue. Since the passage of that law, and subsequent amendments, the COVID-19 pandemic has presented significant challenges to ensure that voting precincts are safe for citizens, staff and elections officials.

County staff have worked closely with the Albemarle County Electoral Board to develop plans to

ensure the health of the public, staff and volunteers at the County Office Building during the Early Voting period. Plans include COVID-19 best practice protection measures, operational adjustments to mitigate the impact of parking limitations at the site and to other departments within the facility, and public communications effort will also be provided to inform residents of their options to vote safely. Lessons regarding COVID-19 protective measures learned during the recent election have been included in this plan, updated, and modified for the specific site of the Early Voting facility. A detailed schedule of Early Voting opportunities will also be provided. Staff will present an overview of these plans for the Board's consideration.

Staff recommends the Board receive this presentation for information.

Mr. Lance Stewart, Director of Facilities and Environmental Services, said he would discuss, for the Board's and public's benefit, preparations that have been made in advance of the early voting period.

Mr. Stewart said he would provide a brief background for those unfamiliar with early voting. He said in 2019, the Commonwealth of Virginia approved, and later modified, requiring voter registration offices to provide "no-excuse" early voting by citizens, and for this to be effective at the upcoming Presidential Election.

Mr. Stewart said the initial timeline was extended in the spring and now runs from Friday, September 18 through Saturday, October 31, the last Saturday before the election. He said local voter registration offices are required to provide this service at their main offices. He said they can do it by satellite but must do it at their office. He said they must provide it on the weekdays, and that they have the option of providing in-person voting outside of normal business hours, though this was not a requirement.

Mr. Stewart said in the current circumstances, there were some challenges and fortuitous solutions, in some instances, primarily related to the pandemic. He said there were challenges to protect the staff and volunteers who may staff the early voting location, as well as the voters, against the transmission of COVID-19. He said there were state mandates to follow in relation to the protection of citizens and others from COVID-19. He said there were also local ordinances, as well as a slew of best practice recommendations by the state, CDC, and others that the County wants to try to observe.

Mr. Stewart said the Electoral Board worked diligently to prepare the community in their operations for the election process earlier in the year. He said they are revisiting those in a continual process improvement effort not only for the early voting area, but for the polling precincts that will be open on Election Day.

Mr. Stewart said staff would be implementing some site-specific measures at the 5th Street Office Building to ensure that physical distancing is observed. He said he believed the Electoral Board and registration staff, in concert with the Communications office, were encouraging citizens to vote by mail. He said they do not know exactly the volume that they may get from this easy early voting opportunity, although the projections were that they would be significant to as many as 60% of the people who vote, and that the site would be challenged by that. He said they were experiencing a massive set of requests for information about the mail-in ballots, and so this was working.

Mr. Stewart said there were also some basic challenges about the 5th Street Office Building, including limited parking. He said the volume of people who will come was a factor in the County's ability to meet the challenge of protecting citizens while providing convenient voting. He said the posture of the building has been and broadly speaking, is expected to be closed to the public with exceptions by appointment.

Mr. Stewart said to mitigate those challenges, there were many employees in the building who were teleworking. He said there are commitments from departments within the building that this will continue, which will increase the availability of the parking onsite. He said they estimate a minimum of 100 parking spaces designated for early voting, which would be sufficient to meet the need. He said they will be putting up directional signage to facilitate the parking. He said they will be queuing people as they wait to go into the polling location and implementing a one-way entrance and one-way exit point so that people do not have to pass each other.

Mr. Stewart presented an overhead view of the site. He explained that the red dot in the middle represented Conference Room A. He indicated on the map to what is normally an emergency exit door, and an entrance that steps up from the parking lot. He said this would actually be made into the entrance, with citizens flowing through the space and exiting through what was normally the entrance. He explained that this will allow them to use the area immediately to the south of Conference Room A as a queuing area for citizens, should lines get longer.

Mr. Stewart said the orange areas on the map were the areas that would be designated for use for early voting. He said employees' personal cars and fleet vehicles will be parking in other locations, with directional signage in purple to ensure they know where to go and where not to go.

Mr. Stewart said a large sign had been drafted and would be located at the large purple dot on the map so that drivers who are seeking the early voting location will have a clear visual indication. He said this signage package was being worked up in cooperation with the Electoral Board staff, election

officials, and the Communications office.

Mr. Stewart said in terms of the early voting calendar, early voting will begin on September 18 and run every weekday from 8:30 a.m. to 5:00 p.m. He said there will also be an "early bird special" day on Tuesdays at 7:00 a.m. for people who may have to be at work by 8:00 a.m. or 8:30 a.m. He said on Thursdays, the voting will run extra late to make this as convenient as possible for people to vote.

Mr. Stewart said beginning on October 24 and again on October 31, the facility will be available and open for early voting on Saturdays from 9:00 a.m. to 5:00 p.m.

Mr. Stewart concluded his presentation and offered to answer questions.

Ms. Palmer said she heard a comment recently that so many people have volunteered as election officials for the day of voting and that there was now a waiting list. She said she has heard there were concerns about getting enough people to do that, and so she was proud of the community for stepping up.

Ms. McKeel said Mr. Stewart's presentation answered many of her questions, adding that she hoped they could get the word out about early voting. She said this was important, as she has heard many people say they are going to vote in person that year. She agreed with Ms. Palmer's point, noting that she had a few emails from people who wanted to volunteer. She said she believed the advertisement paid off and the community stepped up.

Ms. Mallek asked Mr. Stewart if the upper deck of parking would be entirely reserved for handicapped parking, and the lower levels reserved for the more able-bodied walkers.

Mr. Stewart replied that there were handicapped spaces on both levels. He said there were also a few non-handicapped spaces on the upper level that were normally reserved for staff, and that those would be reassigned to show that they are available for early voting only.

Ms. Mallek said she had a new appreciation for stairs and the difficulty they create for people of all sorts. She said if they could keep those folks on the flattened level, it will be a huge advantage to them. She added that she was glad to see there were lots of signs where curbside should happen, and that having served as a poll worker for 25 years, it is always hard to catch people before they struggle out of their car and into the building. She said if it is broadcast on the radio that if one is having trouble walking, they can stay in their car with someone coming to them, they may be able to get more people who can vote safely.

Ms. Mallek asked if the attachment with all the details from the presentation was ready for circulation.

Mr. Stewart replied that he would need to confirm this with Mr. Jake Washburn. He said once ready, they will recirculate this to all the Board members.

Ms. Mallek said newsletters would be a great place to publish this.

Ms. Price said she had a question for either Mr. Stewart or Mr. Washburn. She prefaced her comment by acknowledging this would be a different election that year. She said in the past, votes from mail-in voting, absentee voting are generally tabulated later than day-of-election votes are tabulated. She asked in terms of in-person voting in advance, starting on September 18 through October 31, if those votes would be tabulated on Election Day and therefore released to the press and to the public, or if those votes would be counted later as mail-in or absentee ballots are generally counted.

Mr. Stewart replied that he had an understanding of the answer, but that he would hate to relay it and be wrong. He said if it was fine with the Board, he would get a definitive answer on that and make sure it is circulated to the Board.

Ms. Price said she appreciated this answer. She said she appreciated everything County staff has done to make this as easy as possible for the residents.

Agenda Item No. 4. From the Board: Matters Not Listed on the Agenda.

Ms. LaPisto-Kirtley said she continued to be impressed with staff and everything they do.

Ms. Palmer said she had a short story to tell that she wanted staff and the Board to hear. She said she believed this was a consequence of COVID-19 and that she suspected there was something they could do about it. She said perhaps there was a solution in place she did not know about.

Ms. Palmer said she received a call that day from a 77-year-old individual who had been taken his heart rate at home. She said he found it to be fast on Saturday and went to the Martha Jefferson facility on 29 North, where he was diagnosed as being in atrial fibrillation. She said he was told that he needed to go to the main hospital, where he would likely spend the night, and that he would be sent over in an ambulance and therefore would leave his car at 29 North.

Ms. Palmer said at about midnight that Saturday, he was told by the doctors that he could go

home and that they would call a cab for him, which they did. She said he waited for two hours and was working with the staff at Martha Jefferson to get an Uber or cab. She said it turned out that no one was able to get anything for him and at 2:00 a.m., the security guard ended up taking him to 29 North to his car, where he then drove home.

Ms. Palmer said the man was reluctant to call herself or others in the middle of the night and has no family members in the area. She said this seemed to be something that was probably occurring due to a lack of transportation during this time of COVID-19 with taxis, although she didn't know for sure. She said she wanted to bring this to everyone's attention so that staff could possibly look into that and see if there are solutions to this.

Ms. Palmer said she knew that having taken her mother to the Martha Jefferson on Route 29 many times while she was ill and being sent over to the main hospital, it was always a logistical matter, although her mother had her. She said for those who do not have a family member nearby who can do that, she wanted to make sure that this was something the County was aware of and can make sure Martha Jefferson has a solution to this.

Ms. McKeel said she was contacted by the Greencroft club, who said they contacted the County's ambassadors and asked them to come out to take a look at the club to see if the club was doing everything properly. She said they wanted a run-through of the way the club was dealing with COVID-19 and the way people were coming and going from the club. She said the club was impressed with the ambassadors and with how polite and efficient they were. She said the ambassadors were able to leave some of the brochures that were printed up about the County's ordinance. She praised the ambassadors and the program and expressed her appreciation.

Ms. Mallek said that relating to Ms. Palmer's comments, she knew that at UVA, there is transportation available for patients between the various buildings and campuses. She said she hoped that Martha Jefferson would quickly follow suit to make sure this was available. She said the situation must have been scary for the man Ms. Palmer spoke about.

Agenda Item No. 5. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson said he had no formal report but wanted to share some thoughts. He thanked Ms. McKeel for sharing observations about the ambassador program. He said it was fitting that Mr. Stewart was there on the call to hear the compliment. He said Mr. Stewart and his staff has responsibility and ownership of the program and that, from his own perspective, they have done an outstanding job on the coordination with the third-party vendor that was aligned to serve the County's needs over this period of time.

Mr. Richardson thanked Ms. McKeel for sharing the story, adding that the ambassadors having a strong interest in providing good customer service and education. He said this continued to benefit the organization and hopefully, the broader community.

Mr. Richardson thanked the Board for their hard work in preparing for their half-day retreat on September 9 with The Novak Group, Ms. Julie Novak, who will be the facilitator for the afternoon session. He said it was somewhat late, but staff was also able to align Professor John Nalbandian, who is affiliated with UVA Senior Executive Institute. He said many County staffers have had an opportunity to take Dr. Nalbandian's classes in Charlottesville as well as at conferences in past years. He said Dr. Nalbandian will be joining the group in the morning from 10:30 a.m. to 12:00 p.m., and that there would be a one-hour break for the Board before coming back in the afternoon.

Mr. Richardson apologized for the fact that there were Board members who had conflicts that would either render them late coming into the morning session or to miss the morning session in its entirety. He said the meeting will be videotaped, so there would be an opportunity to later take a look at Dr. Nalbandian's material, which he hoped would be beneficial for the Board members who could not attend in the morning. He again apologized, noting that with the Board members and the consultants all being busy, they could not find the perfect solution.

Agenda Item No. 6. Adjourn to September 9, 2020, 10:30 a.m., electronic meeting pursuant to Ordinance No. 20-A(8).

At 6:35 p.m., Mr. Gallaway adjourned the meeting to September 9, 2020, 10:30 a.m., an electronic meeting pursuant to Ordinance No. 20-A(8), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Approved by Board
Date 04/20/2022
Initials CKB

Chair