

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 21, 2023 at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Jim Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Ms. Donna P. Price.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Steve Rosenberg; 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, Ms. Donna Price.

Ms. Price said Albemarle County Police Sergeant Angela Jamerson and Master Officer Andy Muncy were present at the meeting to provide their services.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price asked if there were any proposed amendments to either the consent or regular agenda.

Mr. Gallaway requested to have the minutes of September 1, 2021, and October 13, 2021 removed because he had not yet reviewed them.

Ms. Price acknowledged Mr. Gallaway's request. She asked if there were any other amendments, and seeing none, said that the floor was open for a motion.

Mr. Andrews **moved** to adopt the final agenda as amended.

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

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

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

Ms. Mallek said that available on the Crozet Trails group website was a link to a helmet camera video of someone riding their E-bike on the Crozet connector trail, and it was absolutely delightful to watch. She invited others to do so as a way to get inspired to walk on the trail.

Ms. Mallek stated that there was a water sense report out at EPA (Environmental Protection Agency), and both the links to those would be available with the Clerk. She said that this report discussed that water sense products had saved more than 1.1 trillion gallons of water in 2022 alone. She said that since the launch of this program, consumers and businesses had saved 7.5 trillion gallons of water by using water-saving plumbing and irrigation products, 880 billion kW hours of electricity, and eliminated 377 million metric tons of greenhouse gas emissions by using more efficient products, so they had come a long way in that instance, and it was helping to balance out things.

Ms. Mallek said that on the other side, Virginia was having a very big drought problem, and while it was raining today, they were still many inches down when including the 8 inches they were down from last year and the deductions from the current year. She said that groundwater monitoring levels had continued to decline, perhaps not so much right here right now, but all the counties around them were in dry watches. She said that soil moisture was very, very low, and this may be noticed when walking across a yard and dust came up to one's ankles. She said that this was a very dangerous level and they had to be super careful about that. She said that DEQ (Department of Environmental Quality) monitored and had maps available on their website where people could find out more detail.

Ms. Mallek said that related to parades, White Hall was a celebratory place and thus had three parades for Independence Day weekend. She said that the first was July 1, or Saturday 5 p.m., with line-up at 4 p.m. at the Crozet Elementary School in Crozet, where it went into town and to Crozet Park, where it would be followed by food, music, and fireworks. She said that Free Union had the Quiet Village Parade on Sunday, July 2, with line-up at 3:30 p.m. and leaving the Church of the Brethren at 4 p.m., would go through town to the Baptist Church at the other side. She said that on July 4 at 10 a.m., with line-up at 9:30 a.m., the Earlysville Area Residents League Parade, which was in its 27th year, and lining up on Earlysville Forest Drive to parade for a mile to the Union Church at the other end of the village. She said that she hoped people would come celebrate with them.

Ms. McKeel thanked Mr. Mawyer from the Rivanna Water and Sewer Authority (RWSA) and Greg

Harper, Albemarle County Chief of Environmental Services, for presenting to her Hydraulic CAC (Community Advisory Committee). She said that it was informative, and the community appreciated the update on the central waterline as well as Mr. Harper's discussion of the mapping staff had completed around the water infrastructure in the urban ring.

Ms. McKeel said that she attended the day after their last Board meeting the Grier Elementary School 5th Grade Promotional Ceremony, which she attended each year to present two awards to the 5th graders at the school. She said that one award was for good citizenship, and the other award was the American history award, and it was impressive that this year she presented the American history award to a 5th grader who had grown up in Sudan.

Mr. Andrews said that tomorrow was the official opening of the Southern Convenience Center, where the Board members would be meeting for the celebration, and this opening was exciting news. He said that he wanted to express his gratitude for everyone who worked on an election over the past few months and who participated by voting. He congratulated the winners of the primary elections and again gave his appreciation for all those who participated.

Ms. Price said that regarding Ms. Mallek's comments about the water level, they could all appreciate the work that RWSA did to increase the capacity for the water here. She said that she did not live here during the drought in the early 2000's, which affected the entire south, but it was important that they prepared for that. She said that one of the things they received as Supervisors were many applications to review, and they did not always get the opportunities to see the end result, but last week she had the opportunity to go see the homestay across from Michie Tavern, and it was really nice to be invited to see the end product of the developments that took place here.

Ms. Price said that regarding police officers and the danger they put themselves in, yesterday she attended a burial service at Arlington National Cemetery for a shipmate she met on her flight to her first duty station in the Philippines during the Iranian hostage crisis, and out of the two-year tour of 104 weeks, he spent 101 at sea, and was able to take a little over a week of off when his baby was born, but basically the baby was a year-and-a-half the next time he next saw his child. She said that because they did not have a base in Albemarle but did have an installation, it was easy to forget the sacrifices of those, whether they be police and fire personnel locally, or in the military, who protected them in various ways. She said that it was nice to be reminded of that despite the situation.

Ms. Price said that shortly before their meeting today, she saw a young man who had a military reference on a shirt. She said that she learned that he had been a Marine and did diplomatic securities at embassies around the world and was now going to be a police officer in Albemarle County. She said that there were many ways to serve and that was one of them. She said that today, the Bateau Festival was due to arrive in Scottsville, and hopefully the water levels had risen. She said that she unfortunately would not be able to attend due to the Board meeting, but she asked all those listening to head to Scottsville and enjoy the event. She said that tomorrow was the grand opening of the Southern Convenience Center, and she had her recycling and \$2-tag of bags ready to be dropped off tomorrow morning.

Ms. Mallek said that last week, several Board members were able to attend the A.P. (Advanced Placement) Biology presentations at Albemarle High School, and in the fifth year of being able to do this, it was great to see these kids who thought of the idea themselves, did the research themselves, and presented their wonderful ideas, and over the years, so many of these ideas had been adopted by the school management, such as putting in water bottle fillers and not using plastic bottles. She said that they had had great impact and she was very proud of them.

Ms. McKeel said that the Principal of Albemarle High School attended that event as well, and was very inquisitive of some of the presentations, noting that they would be implementing some of those recommendations this year.

Ms. Price said that she neglected to mention the Scottsville Parade happening on July 4th. She asked the community to join in the celebration.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Proclamation Recognizing July 4th as the Beginning of American Independence.

Mr. Gallaway **moved** to adopt the Proclamation Recognizing July 4th as the Beginning of American Independence, as he read it aloud.

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

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

Proclamation Celebrating Independence Day – “The Fourth of July”

WHEREAS, June 2023 marks the 247th anniversary of the motion to declare independence for 13 American colonies from the British Empire, proposed by Virginia Statesman, Richard Henry Lee; and

WHEREAS, July 4th, 2023 marks the 247th anniversary by which the Declaration of Independence was officially adopted, making America a free nation; and

WHEREAS, the Declaration of Independence, notably authored by Thomas Jefferson, professes core values that our Nation and its citizens are created equal and possess unalienable rights to life, liberty, and the pursuit of happiness; and

WHEREAS, July 4th, 2023 marks the 171st anniversary of American Abolitionist, Frederick Douglass' speech, "What to the Slave is the Fourth of July," a call to action for total inclusion in the values of freedom and Independence for all law-abiding citizens; and

WHEREAS, through naturalization, new citizens are afforded the opportunity to embark upon the freedom and independence that our Nation advocates and preserves.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors do hereby recognize and celebrate the Fourth of July as Independence Day and reaffirm our commitment to create a more inclusive and equitable future for all.

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Mr. Gallaway presented the Proclamation to Mr. Gardiner Hallock, Interim President of the Thomas Jefferson Foundation.

Mr. Gardiner Hallock, Interim President of the Thomas Jefferson Foundation, thanked the Board. He said that they were deeply appreciative and joined them in celebrating the 4th of July, a holiday that celebrated their nation's founding values. He said that these values had attracted immigration to the United States for centuries, and Monticello was proud of its role in welcoming new citizens to their nation from around the world. He said that every 4th of July, under the west portico of Monticello, federal court convened to naturalize their newest citizens. He said that since 1963, more than 3,800 people had taken the oath of citizenship on the steps of Thomas Jefferson's iconic home.

Mr. Hallock said that Monticello was a fitting location since it was the only presidential home in America designated as a UNESCO (United Nations Educational, Scientific and Cultural Organization) World Heritage Site. He said that on the west lawn, they celebrated with the new citizens and experienced the true meaning of American citizenships and the values that unite them. He said that Thomas Jefferson never celebrated his own birthday and instead preferred to celebrate July 4th as what he called the great birthday of their republic. He said that it was the anniversary of the adoption of the revolutionary document he penned at the age of 33. He said that the document, the Declaration of Independence, was innately hopeful, reflecting Jefferson's faith in the capacity of the American people to not only tackle big challenges but also to protect, improve, and expand on the nation's founding promise.

Mr. Hallock said that keynote speakers on the 4th of July included presidents like Franklin Roosevelt, Harry S. Truman, Gerald Ford, George W. Bush, as well as Secretary of State Madeleine Albright, UVA President John Casteen III, architect I.M. Pei, musician and local hometown favorite Dave Matthews, historian Dave McCullough, and this year they were delighted that UVA President Jim Ryan would be with them. He thanked the Board and said that they would be honored to have them at Monticello on the 4th of July.

Mr. Gallaway said that it was nice that in their proclamation they spoke to the speech, "What is the 4th of July to a slave," because at their last meeting they recognized Juneteenth and that celebration and gave the opportunity to read the conclusion of Amanda Gorman's poem, "The Hill We Climb," which had been banned in certain areas and certain grade levels. He said that it was appropriate during the 4th of July as they celebrated independence to say that they were still fighting for that independence and full freedom for everyone, and they should call that out because it was what a democracy was about, and they should not stop calling it out until they got there.

Mr. Gallaway said that in the spirit of hoping that someday, Florida students would be listening to an Albemarle County Board of Supervisors meeting, the end of Ms. Gorman's poem said "when day comes, we step out of the shade, aflame and unafraid, the new dawn blooms as we free it, for there is always light if we are only brave enough to see it, if only we are brave enough to be it." He said that he looked forward to that day.

Ms. LaPisto-Kirtley said that it was an honor to be able to present the proclamation to Mr. Hallock. She said that her mother was an immigrant, and her paternal grandparents were both immigrants, so she was very pro-immigration because everyone added a lot. She said that both those who wanted to be here and those who were brought here against their will added so much to their democracy, and she was grateful for them.

Ms. Mallek said that living in this area felt like living in history. She said that when she was welcoming the Journey Through Hallowed Ground conference many years ago at Darden, she discussed how children her age in the 1950s knew the name of Jack Jouett's horse because of the granular information they were able to provide, and they wanted to share that level of engagement with so many others. She said that as an adult, she learned so much more that she was never taught or offered in high school in the 1960s when they were all old enough and brave enough to hear it, but it was not offered.

Ms. Mallek said that it was continual learning, and they were all as a nation and as individuals in local government a work in progress. She said that it was important that they learned from the people they represented, and not only have an idea 20 years prior and never change it, because she could testify that she had learned a lot from people on this very wide spectrum of opinion in Albemarle County, and she hoped that they would succeed. She said that as the descendant of English, Swedish, Irish, and German people who had come to the country since 1885 and many more recently, she really appreciated what they had gained in this country and was willing to fight for it.

Ms. McKeel thanked Mr. Hallock for being present. She said that the ceremony at Monticello was always wonderful, and she encouraged those who had the ability to attend the event. She said that the history they had in this community made them very lucky that as Monticello updated their history, they had history in the local community being updated as well, and this was so important in recognizing the true history.

Ms. McKeel said that they passed a proclamation at their last meeting about Juneteenth, which was really another Independence Day for African Americans. She said that there were two Independence Days in this country, and they were lucky to be able to celebrate both of them and recognize all of the folks in this country who made it strong, whether it be immigrants or African Americans.

Mr. Andrews said that he concurred with the previous remarks of Supervisors. He said that this was telling that in the past few months, they had made several proclamations celebrating Juneteenth, Arab Americans, Jewish Americans, Pacific Islanders, and Asian Americans. He said that the inclusiveness of this was extremely important because they had a ways to go, which he would comment on further with the next proclamation. He thanked Mr. Hallock for accepting the proclamation.

Ms. Price said that she could not find the name of Jack Jouett's horse.

Ms. Mallek stated that the horse's name was Sally.

Ms. Price said that she had not known that. She said that it was her distinct honor of being the Supervisor who represented the district in which Monticello was located. She said that she concurred with the remarks of the other Supervisors, noting that they had come a long way but had a ways still to go. She said that they were so blessed to have the Monticello Foundation here to help educate so many people in America about the real history, and she thanked Mr. Hallock for being here and giving them the opportunity to help recognize the work they did.

Mr. Hallock thanked the Board.

Item No. 6.b. Proclamation Honoring John Henry James Day.

Ms. McKeel **moved** to adopt the Proclamation Honoring John Henry James Day, as she read the proclamation aloud.

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

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

Proclamation Honoring John Henry James Day

WHEREAS, Albemarle County Board of Supervisors, as part of their Community Remembrance Project, have committed to sharing an inclusive history of our County – including the stories that have been traditionally left out of the dominant narrative; and

WHEREAS, following Reconstruction, the crime of lynching succeeded slavery in the United States as an expression of racism and an upholder of white supremacy until the middle of the 20th century; and

WHEREAS, the lynching of Mr. John Henry James on July 12, 1898 was determined to have taken place in the County of Albemarle; his body shot dozens of times and his corpse hanging for hours; and

WHEREAS, 99 percent of all perpetrators, including those who murdered Mr. James, escaped punishment by State or local officials; and

WHEREAS, the Board of Supervisors recognizes that a history of racial injustice must be acknowledged, recognized, and most especially, remembered before a community may heal, and that July 12, 2023, marks the 125th anniversary of the lynching of Mr. John Henry James.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of

Supervisors do hereby recognize this tragic anniversary and declare July 12, 2023, as John Henry James Day in remembrance of our shared community history and as a demonstration of our commitment that this tragedy will be neither forgotten nor repeated.

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Mr. Jesse Brookins, Director of the Office of Equality and Inclusion (OEI) said that he would like to share some comments recognizing, and he thanked the Board for recognizing, John Henry James Day. He said that it was appropriate that these proclamations were coupled together, because it implied the balance of recognizing the successes of their nation and their County and the values they upheld, but also recognizing when they fell short, and particularly recognizing John Henry James and the wrongful, unjust, and heinous acts committed against him without him being able to exercise his rights as a citizen to due process.

Mr. Brookins said that it was a telling point that they must recognize within their history and have opportunity to reconcile. He said that not only recognizing John Henry James but the many victims who fell to what Ida B. Wells called the unwritten law. He said that July 12 was a day of remembrance for them to understand the history, celebrating how far they had come but also recognizing how far they must continue to go. He concluded that without equity, justice could not be recognized, and without inclusion, intolerance was inevitable.

Mr. Gallaway said that it was stated in the proclamation that the perpetrators escaped punishment by local and state officials, which made it sound like the state and local officials were not complicit, and the state and local officials were complicit. He said that they were present, and the unwritten law mentioned by Mr. Brookins was created by them, and as the current elected officials of the area where that occurred, it was important for the official elected government officials to acknowledge that those elected officials were complicit in that crime.

Mr. Gallaway said that they had to take responsibility for that and to do the things that would rectify things as they went down the road and came out of the shade. He said that it was untrue that state and local officials were unaware of this event and it was important for them to recognize that moving forward if they were going to make things better.

Ms. LaPisto-Kirtley thanked Mr. Brookins for his poignant and heartfelt words. She said that she agreed with Mr. Gallaway that what was done back then was unjust, and unfortunately continued to take place for almost 100 years afterwards. She said that it had to end, because they had to realize they were all Americans and all people who loved, hurt, and had families who were important to them.

Ms. LaPisto-Kirtley said that there were a lot of people with blood on their hands from the past, and hopefully not in the future, and she hoped it diminished because there were many people still with blood on their hands. She said that she hoped through time, this would ameliorate itself and they would all respect each other and live together as human beings in harmony.

Ms. Mallek said that this was part of the missing gap in learning that she had earlier referred to. She said that what she had learned herself in the last 20 years that this was a method of terror, a mob judge and jury was the worst example of how they had failed citizens. She said that she appreciated what Mr. Brookins had said about recognizing the small progress they had made and also recognizing that they had lots of work to do.

Ms. McKeel said that Mr. Brookins' words were always beautiful and hit the right note for all of them, and they appreciated his work. She said that certainly, this horrendous action in Albemarle County, in a location called Woods Crossing, should be paid attention to and learned from and acknowledged.

Ms. McKeel said that she wanted to recognize that the Commonwealth Attorney James Hingley would be presenting on Wednesday, July 12 at 4 p.m. at the Albemarle County Circuit Court a proclamation to seek dismissal of an indictment that was returned against John Henry James. She said that the public was welcome to be there, and this was an important step forward in recognizing that he was not given a trial and was convicted before he had the ability to have representation. She said that the event was Wednesday, July 12 at 4 p.m., and James Hingley would be presenting a proclamation to dismiss the indictment returned against John Henry James after he was deceased.

Ms. McKeel presented the Proclamation to Mr. Brookins.

Mr. Andrews said that the Washington Post article paraphrasing the commemoration of this event in 2018 used the words "remembering this earlier act of racial violence reminds the nation that the history of hatred is deep in its bones and seeped in its soil; ignoring it had not made it go away, only by exhuming it and addressing it can America address its perpetual crisis of race."

Ms. Price said that lynching was a particularly directed attack on Black people living in America, and was a method of intimidation and force of violence in order to maintain a power by one group, White Americans, against another group, Black Americans. She said that it was a stain on the soul of their country, and could not be undone, but could be prevented. She said that as other Supervisors had mentioned, she believed they had been fortunate over the last several Board meetings to have a confluence of a series of related proclamations that they had been able to connect together at each of those meetings.

Ms. Price said that she had been watching a series of documentaries over the last several

months dealing with colonialization, wars, and the inhumanity to each other. She said that when someone dehumanized a group, it became easy for that group to become subject to violence, and while they could say that they appeared to have been able to put the lynching of Black individuals behind them, the actions to dehumanize people in their country had not ceased. She said that as a member of the LGBTQ community, she was constantly inundated with social media and news reports of those who spoke openly of killing her and others in her community by dehumanizing them.

Ms. Price said that as residents of this local community, they did not need to think any further back than August 12, 2017, or further back than January 6, 2021, when those who would use force of power over the rule of law. She said that it was incumbent upon them, as the other Supervisors had mentioned, to both acknowledge the culpability of those who acted under the color of law and took actions to ensure that this did not recur here. She thanked Mr. Brookins for giving them the opportunity to acknowledge that and to recognize the harm that was specifically inflicted upon John Henry James and to do their best to make amends for that.

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

Ms. Faith Schweikert, Piedmont Environmental Council (PEC), said that the PEC was pleased to announce the publication of the Buy Fresh Buy Local Guides, which were offered as both a physical and digital source to connect consumers in the region to fresh fruit, vegetables, dairy, meat, and more by way of local farmers' markets and farmers. She said that the free guides for Northern Piedmont, Charlottesville, and Loudoun County areas were recently mailed to 310,000 households in the counties they operated in, including 83,000 households in the Albemarle and Charlottesville region. She said that each guide showcased up to 200 area-specific farms, markets, and retailers, providing a travel map, seasonal availability calendar, and information about the importance of soil health as well as a handful of local farm features.

Ms. Schweikert said that the Charlottesville guide had Cultivate Charlottesville and Little High Creek Farm featured in this edition, but there were a variety of farms to choose from, as Albemarle ranked high in the number of farms they had in both crop production and people employed in the agricultural industries. She said that PEC was hardworking to conserve and restore the lands and waters of the Virginia Piedmont, and they believed that doing so required a strong, sustainable agricultural economy that helped keep rural lands economically viable while retaining its beauty and abundant agricultural resources.

Agenda Item No. 8. Consent Agenda.

Ms. Price said that the floor was open to adopt the consent agenda as amended with the removal of the two agenda meeting minutes that Supervisor Gallaway mentioned.

Ms. Mallek **moved** to approve the consent agenda as amended.

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

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

Item No. 8.1. Approval of Minutes: August 18, September 1, October 6, and October 13, 2021.

Ms. Price had read the minutes of August 18, 2021, and found them to be in order.

Mr. Gallaway had read the minutes of September 1 and October 13, 2021, and found them to be in order.

Ms. LaPisto-Kirtley had read the minutes of October 6, 2021, and found them to be in order.

By the above-recorded vote, the Board approved the minutes of August 18 and October 6.

Item No. 8.2. Albemarle County School Board Use of 133 Galaxie Farm Lane.

The Executive Summary as forwarded to the Board states that by resolution dated December 18, 2019 (Attachment A), the Board of Supervisors authorized conveyance of Parcel 09100-00-00-01100, located at 133 Galaxie Farm Lane, "for the purpose of Albemarle County Public Schools constructing a high school center on the Property."

The Parcel is located between Founders Place (off Mill Creek Drive) and Galaxie Farm Lane (a private road off Scottsville Road), adjacent to the Monticello Fire/Rescue Station. The Parcel was purchased by the County in the year 2000, as a landbank property to serve an undetermined future use.

Since the parcel's conveyance in 2019, ACPS and the Albemarle County School Board have determined that the property's best use would be as the site of an elementary school to serve the growing population in southern Albemarle County. The School Board, by Resolution dated April 27, 2023 (Attachment B), is seeking the support of the Board of Supervisors for the construction of an elementary school on the Property. County Staff has prepared a new proposed Resolution for the Board of Supervisors (Attachment C) that re-affirms the prior conveyance of the Parcel and approves its use as an elementary school.

The County will receive no money in consideration for this conveyance. There are no other budget impacts associated with this request.

Staff recommends that the Board adopt the attached Resolution (Attachment C) reaffirming the prior conveyance of the Parcel, approving its use as an elementary school, and authorizing the County Executive to execute any necessary documents.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment C reaffirming the prior conveyance of the Parcel, approving its use as an elementary school, and authorizing the County Executive to execute any necessary documents:

**RESOLUTION TO RE-AFFIRM CONVEYANCE OF REAL PROPERTY
TO THE ALBEMARLE COUNTY SCHOOL BOARD**

WHEREAS, by Resolution dated December 18, 2019, the Board of Supervisors approved the conveyance of Tax Parcel 09100-00-00-01100, located at 133 Galaxie Farm Lane and composed of approximately 15.80 acres (the "Property"), to the Albemarle County School Board (the "School Board") for the purpose of Albemarle County Public Schools constructing a high school center on the Property;

WHEREAS, the County conveyed the Property to the School Board by Deed dated December 19, 2019, and recorded on December 20, 2019; and

WHEREAS, the School Board has subsequently determined that the best use of the Property is as a new elementary school rather than as a high school center, as previously planned; and

WHEREAS, the School Board, by Resolution dated April 27, 2023, is seeking the support of the Board of Supervisors for the construction of an elementary school on the Property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Albemarle, Virginia, hereby re-affirms the prior conveyance of the Property, approves its use as an elementary school, and authorizes the County Executive to execute on behalf of the County any documents necessary to effect this Resolution after they are approved as to substance and form by the County Attorney.

Item No. 8.3. Approval of Thomas Jefferson Soil and Water Conservation District Agreement.

The Executive Summary as forwarded to the Board states that there is an active arrangement whereby the County of Albemarle employs a full-time equivalent position that works directly with and for the Thomas Jefferson Soil and Water Conservation District (TJSWCD). In Fiscal Year 1999 (FY 99), the County full-time equivalent (FTE) position increased from 0.6 to 1.0 as an administrative secretary due to increased programming from a grant award and staffing. Over this time, the position was reclassified to a Management Analyst, and presently, in FY 23, the County continues to employ 1.0 FTE, a Management Analyst. The position costs total \$86,000.

This position and TJSWCD support the County in meeting requirements established by the U.S. Environmental Protection Agency and the Virginia Department of Environmental Quality (DEQ) for the Chesapeake Bay Total Maximum Daily Load (TMDL) and TMDLs for local streams as established by DEQ to provide both financial and technical assistance to local farmers and residential landowners, stormwater outreach, education, and other activities to fulfill requirements in Municipal Separate Storm Sewer System (MS4) permits.

In the fall of 2022, County staff became aware that the employee is receiving a supplemental salary directly from TJSWCD that is not VRS eligible. Additionally, although the position has been funded since FY 99, there is no agreement between the County and TJSWCD.

County staff and TJSWCD both agree (a) the County relies on the TJSWCD to provide services the County would otherwise have to provide to meet federal and state mandates, (b) to make the position whole as it relates to benefits for any employee fulfilling the position, and (c) enter into a contracted service agreement to memorialize the agreement and terms. The memorandum of agreement attached reflects these.

The agreement outlines that the position currently employed by the County, effective July 1, 2023, will instead be employed by TJSWCD with the County providing an annual contribution for services equivalent to the salary and benefits funded in the adopted FY 24 budget. The total is \$86,663 and will be paid in quarterly amounts like other contracted agencies.

There is no budget impact for FY 23 and FY 24. This is a change in how services are paid for and administered rather than a change in services or the cost.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to approve the agreement (Attachment B) and to authorize the County Executive to execute the Agreement after the agreement is approved as to form and substance by the County Attorney.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment A to approve the agreement as presented in Attachment B and to authorize the County Executive to execute the Agreement after the agreement is approved as to form and substance by the County Attorney:

**RESOLUTION TO APPROVE THE AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND
THE THOMAS JEFFERSON SOIL AND WATER CONSERVATION DISTRICT**

WHEREAS, the Board of Supervisors finds it is in the best interest of the County to enter into Agreement with the Thomas Jefferson Soil and Water Conservation District for the contractual services to meet the goals established by the U.S. Environmental Protection Agency and the Virginia Department of Environmental Quality (DEQ) for the Chesapeake Bay Total Maximum Daily Load (TMDL) and TMDLs for local streams as established by DEQ.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Virginia Code § 32.1-31, the Board of Supervisors of Albemarle County, Virginia hereby approves the Agreement between the County of Albemarle and the Thomas Jefferson Soil and Water Conservation District and authorizes the County Executive to execute the agreement on behalf of the County after it is approved as to form and substance by the County Attorney.

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Memorandum of Agreement
Between
The County of Albemarle, Virginia Board of Supervisors, and
The Thomas Jefferson Soil & Water Conservation District

This Memorandum of Agreement (the "Agreement") is made and entered into on the 22nd day of June, 2023, by and between the County of Albemarle, Virginia Board of Supervisors, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "County", and the Thomas Jefferson Soil & Water Conservation District, a political subdivision of the Commonwealth of Virginia organized under Code of Virginia § 10.1-506 et seq., hereinafter referred to as the "TJSWCD" (collectively, the "Parties").

WHEREAS, the County and TJSWCD share the same basic mission to meet the goals established by the U.S. Environmental Protection Agency and the Virginia Department of Environmental Quality (DEQ) for the Chesapeake Bay Total Maximum Daily Load (TMDL) and TMDLs for local streams as established by DEQ to provide financial and technical assistance to local farmers and residential landowners, stormwater outreach, education, and other activities to fulfill requirements in Municipal Separate Storm Sewer System MS4 permits; and

WHEREAS, since FY 1999 the County has employed and funded a full-time position with benefits including VRS retirement to support the County's mission stated above (the "Position"); and

WHEREAS, the County-employed Position has been located at, supervised by, and received supplemental salary from the TJSWCD; and

WHEREAS, the County and the TJSWCD both agree to the mutual benefit of, and resolve to establish, an alternative funding arrangement for the Position.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

Effective July 1, 2023, TJSWCD shall employ the Position with benefits including health, dental and VRS exempt from a probationary period to continue to support the shared mission, and the County will no longer employ the position. TJSWCD will provide starting balances for annual leave and sick leave equivalent to the balance available on the last date of employment by the County, and the County will not pay out any remaining leave. This Agreement shall not be deemed to limit TJSWCD's authority to terminate an employee from the Position. If the Position becomes vacant for any reason, TJSWCD shall seek to fill the Position in accordance with its standard hiring practices.

Notwithstanding any other provision herein to the contrary, the County shall discontinue the employment of the Position and will not have any further obligation or liability to the Position under this Agreement; provided, however, that for FY 24, the County will issue TJSWCD quarterly payments in the amount of \$21,665.75 for current budgeted Position salary and benefits totaling \$86,663.


Beginning with the development of the FY 25 budget, TJSWCD will submit a funding request annually during the annual budget process to the County for a contribution to continue support for the Position. The County shall contribute any amount duly appropriated for the Position.

The Parties' obligations pursuant to this Agreement shall be subject to appropriations.

The County or TJSWCD may terminate this Agreement upon thirty (30) days' notice. Such notice by the County shall be delivered to the TJSWCD's Executive Director, and such notice by TJSWCD shall be

delivered to the County's County Executive. Upon termination, the Parties shall fulfill any obligations accrued through the termination effective date. By way of example, any employee in the Position at termination shall be compensated for salary and other benefits owed up to the termination date.

County of Albemarle

By: 
Signature
JEFFREY B. RICHARDSON
Printed/Typed Name
CEO
Title
6/29/23
Date

Thomas Jefferson Soil & Water
Conservation District

By: Joseph Thompson
Joseph Thompson (Jun 22, 2023 13:12 EDT)
Signature
Joseph Thompson
Printed/Typed Name
Chair
Title
Jun 22, 2023
Date

Item No. 8.4. Proposed 2023-2024 Holiday Schedule for Local Government Employees.

The Executive Summary as forwarded to the Board states that currently, all local government employees are granted 12.5 holidays, except those employees following the State's Holiday schedule and those who follow the School Division's Holiday schedule.

Quality Government Operations: Ensure County government's capacity to provide high quality service that achieves community priorities.

The Holiday Policy §P-81 establishes the annual holiday calendar for 12-month, benefits eligible, local government employees. The local government holidays observed are consistent with the FY22-23 holiday calendar.

No impact to the budget is anticipated.

Staff recommends that the Board approve the proposed 2023-2024 Holiday Schedule (Attachment A).

By the above-recorded vote, the Board approved the proposed 2023-2024 Holiday Schedule as presented in Attachment A.

**Holiday Schedule 2023-2024
Local Government Employees**

Tuesday July 4, 2023	Independence Day
Monday, September 4, 2023	Labor Day
Friday, November 10, 2023	Veterans' Day (observed)
Wednesday, November 22, 2023 (Half Day) Thursday, November 23, 2023 Friday, November 24, 2023	Thanksgiving
Friday, December 22, 2023	Christmas Eve (observed)
Monday, December 25, 2023	Christmas Day
Monday, January 1, 2024	New Year's Day
Monday, January 15, 2024	Martin Luther King Jr. Day
Monday, May 27, 2024	Memorial Day
Wednesday, June 19, 2024	Juneteenth Day

<i>Must be taken between: Saturday, July 1, 2023 and Sunday, June 30, 2024</i>	Floating Holiday
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Item No. 8.5. Revised Ordinance to Approve Old Ivy Residences (ZMA 2021-00008) to correct clerical errors.

The Executive Summary as forwarded to the Board states that following a public hearing on March 1, 2023, the Board approved the proposed rezoning of Old Ivy Residences (ZMA 2021-00008) by adopting Ordinance No. 23-A(2) (Attachment A). Following the initial adoption of Ordinance No. 23-A(2), it was discovered that the title and recitals of said Ordinance inadvertently omitted Parcel 06000-00-00-024C0 and misidentified Parcel 06000-00-00-05100 and certain aspects of the original proffers being amended.

Staff has prepared a proposed revised Ordinance (Attachment B) to correct these clerical errors.

No budget impact is expected.

Staff recommends that the Board adopt this proposed revised Ordinance (Attachment B) to correct these clerical errors.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment B to correct clerical errors:

**REVISED ORDINANCE NO. 23-A(2)
ZMA 2021-00008**

AN ORDINANCE TO AMEND THE ZONING MAP FOR PARCELS 06000-00-00-05100, 06000-00-00-024C0, 06000-00-00-024C1, 06000-00-00-024C3, AND 06000-00-00-024C4

WHEREAS, an application was submitted to rezone 5.52 acres on Parcel 06000-00-00-05100 from R-1 Residential to R-15 Residential zoning, and approximately 1.8 acres on Parcel 06000-00-00-024C1 from R-10 Residential to R-15 Residential zoning, to amend the proffers of ZMA 198500021 as they apply to Parcels 06000-0000-024C0, 06000-00-00-024C1, 06000-00-00-024C3, and 06000-00-00-024C4, and to amend the concept plan and proffers of ZMA199600020 as they apply to Parcel 06000-00-00-024C1, to be rezoned with the amended plan and proffers;

WHEREAS, following a public hearing on March 1, 2023, the Board duly approved the proposed rezoning by adopting Ordinance No. 23-A(2);

WHEREAS, following the adoption of Ordinance No. 23-A(2), it was discovered that the title and recitals of said Ordinance inadvertently omitted Parcel 06000-00-00-024C0 and misidentified Parcel 06000-00-00-05100 and certain aspects of the original proffers being amended; and

WHEREAS, although ZMA 2021-00008 was effectively approved with the adoption of Ordinance No. 23A(2), as these clerical errors were limited to the title and the recitals of the Ordinance and not in the operative provisions of such Ordinance, the Board now wishes to correct these clerical errors by the adoption of this revised Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2021-00008 and their attachments, including the Concept Plan last revised August 15, 2022 and the Proffers revised February 17, 2023, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-18.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board, with reference to the corrected recitals of this revised ordinance and retroactively to March 1, 2023, hereby reaffirms its approval of ZMA 2021-00008 with the revised Concept Plan entitled “ZMA 2021-00008 Rezoning Concept Plan for Old Ivy Residences” prepared by Timmons Group, dated July 19, 2021, last revised on August 15, 2022, and the Proffers revised February 17, 2023.

Item No. 8.6. SE202300015 - 2305 Hunters Way (Critical Slopes) Special Exception.

The Executive Summary as forwarded to the Board states that the applicant is requesting a special exception to allow the disturbance of approximately 12,485 square feet of critical slopes (slopes greater than 25%) in association with constructing a two-story building with a footprint of approximately 21,800 square feet, for a total of 43,600 square feet of warehouse space. This critical slopes disturbance would be in addition to the 8,910 square feet of slopes previously disturbed, as shown on the grading plan for SDP000000218, for a total of 21,395 square feet of disturbance. The 2.56acre parcel is located in the Hunters Hall subdivision. It currently contains a two-story building of approximately 12,000 square feet of retail sales use that is proposed to remain. The applicant’s request and proposed plans are provided in Attachment A.

County Code § 18-4.2.5(a) allows for disturbance of critical slopes only if the findings in § 18-

4.2.5(a)(3) are made. Please see Attachment B for Engineering staff's full analysis. Based on that analysis, staff recommends approval of the applicant's request to disturb critical slopes.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception request, subject to the specified limit.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment C to approve the proposed special exception request, subject to the specified limit:

**RESOLUTION TO APPROVE
SE 2023-15 2305 HUNTERS WAY – CRITICAL SLOPES SPECIAL EXCEPTION**

WHEREAS, upon consideration of the staff report prepared for SE 2023-15 2305 Hunters Way - Critical Slopes Special Exception, the information presented at the public hearing, any comments received, and all of the relevant factors in Albemarle County Code § 18-4.2.5(a)(3), the Albemarle County Board of Supervisors hereby finds that the proposed special exception would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and that:

1. Strict application of the requirements of Albemarle County Code § 18-4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;
2. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of Albemarle County Code § 18-4.2 to at least an equivalent degree; and
3. Granting the special exception would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SE202300015 2305 Hunters Way - Critical Slopes Special Exception to waive Albemarle County Code § 18-4.2.3(b), provided that the area of land disturbance on critical slopes not exceed the disturbed slopes shown on Page 3 of "SDP202300004 2305 Hunters Way Special Exception Request Per Sec. 4.25 – Critical Slopes Disturbance," prepared by Shimp Engineering, P.C. and last revised on March 27, 2023.

Item No. 8.7. 2305 Hunters Way (Industrial Use in HC) Special Exception.

The Executive Summary as forwarded to the Board states that the applicant requests a special exception to modify a by-right use in the Highway Commercial (HC) zoning district. County Code § 18-24.2.1(49) allows up to 4,000 square feet of Storage / Warehousing / Distribution / Transportation uses per site by-right within the HC District. However, County Code § 1824.2.1(49) also permits the gross floor area of those uses to exceed 4,000 square feet by special exception approved by the Board of Supervisors. The applicant requests to modify this limit to construct a two-story building with a building footprint of 21,800 square feet, for a total of 43,600 square feet of warehouse space (Attachment A).

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception request, subject to a modified limit of 43,600 square feet of warehouse space.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment C to approve the special exception, subject to a modified limit of 43,600 square feet of warehouse space:

**RESOLUTION TO APPROVE
SE 2023-00016 2305 HUNTERS WAY**

WHEREAS, upon consideration of the staff reports prepared for SE 2023-00016 2305 Hunters Way and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-24.2.1(49) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (i) would not be a substantial detriment to adjacent parcels;
- (ii) would not change the character of the adjacent parcels and the nearby area;
- (iii) would be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the district, and with the public health, safety, and general welfare (including equity); and
- (iv) would be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to modify the gross floor area size limit on Storage / Warehousing / Distribution / Transportation uses on Parcel ID 07900-00-00-004P0 from 4,000 square feet (which limit would otherwise apply under County Code § 18-24.2.1(49)) to 43,600 square feet.

Item No. 8.8. FY 23 Third Quarter Financial Report, **was received for information.**

Item No. 8.9. Free Bridge Lane Update, **was received for information.**

The Executive Summary as forwarded to the Board states that Free Bridge Lane is a low-volume, unstriped roadway that extends approximately one-half mile from Darden Towe Park to US 250. Along

the west side of the roadway, there is a degraded, narrow shared use path. There is a future Albemarle County park site on the east side of the roadway. The 2019 Pantops Master Plan envisioned transitioning Free Bridge Lane from its current condition to a “Green Street” with enhanced bicycle and pedestrian infrastructure and elements of stormwater management. Free Bridge Lane was prioritized in the Pantops Master Plan as a “catalyst” project.

Staff engaged consultant services to develop a conceptual design for improvements to Free Bridge Lane that are consistent with the Pantops Master Plan. The consultants prepared two design proposals: a promenade design and a one-way street design. Staff presented the two designs to the public at the Pantops Community Advisory Committee on January 23, 2023. Those in attendance at that meeting spoke largely in favor of the promenade. Staff presented the two designs to the Board of Supervisors at their March 1, 2023 meeting. The Board of Supervisors offered feedback on the two designs and voted to support the development of a Free Bridge Lane Promenade Pilot Program. Community Development and Parks & Recreation staff are currently collaborating to develop that Pilot Program.

Following development of the Pilot Program, staff may return to the Board with a funding request (if necessary) and/or return for a Resolution to Discontinue Maintenance on Free Bridge Lane (if required by VDOT). Staff will update the Board on the Pilot Program progress in upcoming Transportation Quarterly Reports.

The consultants have completed the work outlined in their contract for the Free Bridge Lane Conceptual Design project. All project deliverables are included in “Free Bridge Lane Conceptual Design Final Package” (Attachment A); the deliverables are preceded by a memo from staff.

The purpose of this package is to comprehensively document the Free Bridge Lane Conceptual Design project and serve as a reference point as we embark on future improvements to Free Bridge Lane.

The Free Bridge Lane Conceptual Design project is complete, within its \$20,000 budget.

The Board does not need to take any action. The memo and deliverables are provided for information only.

Item No. 8.10. Monticello Area Community Action Agency (MACAA) Annual Report, **was received for information.**

Agenda Item No. 9. **Action Item:** SE202300009 8690 Little York Heights Homestay.

The Executive Summary as forwarded to the Board states that the applicant is requesting a special exception for a homestay at 8688 Little York Heights.

Accessory Structure. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting to modify County Code 18-5.1.48(c)(1)(ii) to permit a homestay use within an accessory structure.

Please see Attachment A for full details of staff’s analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception.

Ms. Lea Brumfield, Senior Planner II, stated that this was a special exception for a homestay located at 8699 Little York Heights in Greenwood, Virginia, on a 1.5-acre rural area parcel near the intersection of Interstate 64 and Rockfish Gap Turnpike, near the Nelson County border. She said that the applicants were requesting a special exception to use an accessory structure for a homestay. She said that because this was a Rural Areas (RA) parcel less than 5 acres, the parcel was permitted to rent out two guest room sleeping spaces within a single-family dwelling, meaning that it had primary structure setbacks and no unhosted stays were permitted.

Ms. Brumfield said that this request was for a homestay with only one guest sleeping space that would meet primary structure setbacks, had screening that met requirements, and was an owner-occupied parcel. She said that this request was only for the use of the detached accessory structure, which was intended for use as a homestay as well as private family use and the owner’s floral business.

Ms. Brumfield said that if the special exception was approved, the owners of the property would at that point apply for a homestay zoning clearance, and during that process the structure used for the homestay would be inspected for building and fire safety for homestay regulations, the owners would send a notice to their neighbors providing contact information for the responsible agent, and they would designate parking spaces onsite at a rate of one standard parking space per guest sleeping space.

Ms. Brumfield said that per the homestay regulations in Section 5.1.48 of the Zoning Ordinance,

the Board may consider whether the permission of the use of the accessory structure for a homestay would have any adverse impacts to the surrounding neighborhood, any adverse impacts to the public health, safety, or welfare, whether the proposed special exception would be consistent with the Comprehensive Plan and any applicable master small area plans, and whether the proposed special exception would be consistent in size and scale with the surrounding neighborhood.

Ms. Brumfield said that as indicated on the slide, the aerial image of the parcel showed a double lot parcel surrounded by largely undeveloped lots. She said that there were a few single-family homes and farm buildings on surrounding parcels, which were also forested fairly heavily. She said that all but one of the abutting parcels were owned by a single owner who also operated the farm on the abutting parcel. She said that the structure was not yet completed. She said that it was a by-right structure for use for the applicant's personal use, and they were requesting use for the building as well for a homestay in the upstairs finished space.

Ms. Brumfield said that the location of the structure was displayed on the slide in an aerial image, and the location was surrounded on the north and east sides by dense screening vegetation, and the nearest dwelling was more than 300 feet away from the proposed structure. She said that as the structure was currently under construction but was a by-right use, the structure met all the homestay requirements, and had a heavy amount of vegetative screening, staff did not find the homestay in the accessory structure would have a negative impact on abutting properties, and staff recommended the approval of the special exception permit.

Ms. Mallek asked if it mattered if the garage was built before the adoption of the ordinance. She said that the original ordinance was for use of existing structures, but she knew that may have evolved, so she would like clarification about that. She said that otherwise, it was a great location for the homestay.

Ms. Brumfield said that she could not speak for the Board, but knew that some of the reasoning they had when it was originally adopted was that structures should not be built solely for use as homestay structures to provide for less development, less erosion, and disruption in the Rural Areas if it was not already in use for the residents or another accessory structure for the residents.

Ms. McKeel said that she had no problems with this but was trying to orient where the building was located on the map in the packet.

Ms. Brumfield said that as indicated in the aerial photograph, the bottom structure was the house, and the red lines were the parcel boundaries. She said that the driveway was on the diagram, which were provided on the building plan for the actual structure.

Ms. McKeel asked if the yellow square was where the building was located on the parcel.

Ms. Brumfield said yes.

Ms. McKeel asked what the red square was.

Ms. Brumfield said that the red pin was an image from the aerial GIS (Geographic Information System) and indicated the parcel that was searched for.

Ms. McKeel asked if there were two driveways.

Ms. Brumfield said yes, while she did not know why there were two, the primary one came in.

Mr. Gallaway said that the location and the use here was fine, and if they wanted to do anything further they would have to come back, plus they had to go through the next steps of clearance if this was approved. He said that the location and screening around it made it much more acceptable in his view, so he approved it.

Ms. Price said that the floor was open for a motion.

Mr. Steve Rosenberg, County Attorney, said that a more simplified version of the motion for the Board's consideration would be to simply adopt the resolution set forth as Attachment F, which included in it all of the detail necessary in connection with the application.

Ms. Mallek **moved** the Board to adopt the SE202300009, Homestay 8688 Little York Heights as described in Attachment F.

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

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

**RESOLUTION TO APPROVE
SE2023-00009 8688 LITTLE YORK HEIGHTS HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2023-

00009 8688 Little York Heights Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 185.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the requested special exception :

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood

NOW, THEREFORE, BE IT RESOLVED, that in association with the 8688 Little York Heights Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit the use of an accessory structure for a homestay, provided that the homestay use is limited to (i) the existing accessory structure as depicted on the Homestay Location Exhibit dated June 5, 2023 or (ii) a primary dwelling or existing structure meeting all homestay setbacks.

Agenda Item No. 10. **Action Item:** SE202300004 640 Rocky Hollow Road Homestay.

The Executive Summary as forwarded to the Board states that the applicant is requesting a special exception for a homestay at 638 Rocky Hollow Road.

Resident Manager. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting to modify County Code 18-5.1.48(b)(2) to permit a resident manager to fulfill the residency requirements for a homestay use.

Please see Attachment A for full details of staff's analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception.

Ms. Brumfield, Senior Planner II, said that for the second special exception of the day, they had a request for a resident manager for a homestay at 638 Rocky Hollow Road, which was located on a 47-acre Rural Area parcel in the Rivanna District, just north of Pantops. She said that the applicant, who did not live on the property, was requesting a special exception to permit the long-term renter on the property to serve as a resident manager for a homestay.

Ms. Brumfield said that this was a Rural Area parcel over 5 acres, had up to five guestrooms used for sleeping, was permitted for homestay use in a single-family dwelling or accessory structures built before August 7, 2019, and unhosted stays were permitted for up to 7 days per month, up to 45 days per year by right.

Ms. Brumfield said that this parcel contained two full dwellings on acres sufficient for more than that, with remaining development rights available, and the proposed homestay was proposed to be located within a two-bedroom house at 638 Rocky Hollow Road. She said that this request was only for the resident manager to fulfill the homestay occupancy requirements, and all other regulations for homestays were met, and otherwise the homestay was by right.

Ms. Brumfield said that as noted in the staff report, Mr. Jonathan Birdsey resided in the larger dwelling on the parcel, 640 Rocky Hollow Road, and the smaller dwelling, 638 Rocky Hollow Road, was proposed for use as a homestay. She said that residency verifications, fire safety, addressing, parking, and all other requirements would be verified during the homestay zoning clearance process, which followed the special exception.

Ms. Brumfield said that indicated on the slide was an aerial photograph of the parcel itself, and the yellow star marked the location of the proposed homestay at 638 Rocky Hollow Road, and along the interior of the property, the dwelling at 640 Rocky Hollow Road, marked with a green star, would be the resident manager's dwelling and was the long-term residence of the proposed resident manager, Mr. Birdsey. She said that in correspondence with the owner, it was learned that the resident manager had been a tenant of this location since 2016, and since the residence was already in existence, built in 2017, the property was well-shielded from neighboring parcels, and the resident manager was a long-term resident of the parcel who would be available to immediately address any potential issues, staff recommended approval of the special exception.

Ms. McKeel asked what happened if the tenant decided to leave, and what the notification process was for that.

Ms. Brumfield said that that was part of the zoning clearance process, and since they had the short-term rental registry, the property owner who was the one in charge of the homestay and liable for it had to complete and update contact information for a responsible agent every year and send that notification to neighbors if that changed. She said that they must have a fire inspection as a part of the process, and that was the trigger for filling out and completing the form.

Ms. McKeel said that she wanted to make sure this was not based on complaints from neighbors

who had no idea what was going on over there.

Ms. Brumfield said that any change regarding the responsible agent must be communicated to neighbors every year.

Ms. McKeel said that she did not want the change in the person responsible to be based on complaint from a neighbor who would not necessarily know that. She said that it appeared there was a process in place to protect and was not determined by a complaint from someone.

Ms. Brumfield said that the responsible agent must be in place regardless of the zoning compliance or not.

Mr. Andrews asked why the responsible agent was not the resident manager.

Ms. Brumfield said that usually they would be, but if there was a third-party service answering calls and running the booking for the site, that could be considered a responsible agent, and they were still required to be on call 24 hours per day or to do that. She said that the resident manager was to establish residency, and the responsible agent was who would respond to any problems.

Mr. Andrews asked if the current resident manager were to move, what would the process be for the redesignation for a new resident manager as opposed to a responsible agent.

Ms. Brumfield said that they did not approve individual resident managers. She said that the permission to have a resident manager was what the special exception approved, but they did not have a lease saying who the resident manager was for that person. She said that generally, they were because they were there and it was easier for the property owner, but that was not necessary. She said that the responsible agent was to establish occupancy so that this was not a parcel solely on a commercial enterprise and was a residential parcel first for the resident manager, and it was an accessory use of a homestay second.

Mr. Andrews asked if the resident manager were to move away and the primary dwelling were unoccupied, could the homestay still be used.

Ms. Brumfield said that it would not be allowed to be used.

Mr. Andrews asked if there was a process through zoning to designate or recognize a different or new person living there and did not need approval but just confirmation.

Ms. Brumfield said that they did not have that unless it was through a complaint system.

Ms. McKeel said that that was what her earlier question referred to. She asked if this came back to a complaint-only system.

Ms. Brumfield said yes, as far as the resident manager goes.

Ms. McKeel said that this was in an area where there were not many people around, so she was trying to understand what the trigger would be when they had no way of knowing the resident manager had gone off the property.

Ms. Brumfield said that in the same manner that they did not know if the owner moved away, they did not know if the resident manager moved away.

Mr. Bart Svoboda, Zoning Administrator, stated that Ms. Brumfield was correct in that they would likely not find the manager right away, but as part of the annual re-up and registry, they would confirm residency, people present, number of bedrooms, and the fire safety inspection. He said that as part of that process, they would get that information, and while it may not be right away, they would find it eventually at that annual inspection.

Ms. Price said that she recognized there was a difference between an address and a structure that may be there. She asked for clarification about the applicant's statement that Jonathan Birdsy had been living at this address since 2016 but also said that the buildings were not built until 2017. She said that she was presuming there was a previous residence there at that address where Mr. Birdsy lived who would now be serving as resident manager, which would explain the discrepancy between living at an address and the date the buildings were built.

Ms. Brumfield said that while it was speculation on her part, it was possible that the resident may have lived there prior to the building inspection permits being completed. She said that she could not speculate as to whether there was another building there.

Ms. Price said that she would prefer there not be guesses. She said that the applicant had stated that the resident had lived at the address since 2016, but the structures were not built until 2017, so they could not live at a place that did not exist.

Ms. Brumfield said that she based her statement off of what the County real estate records said, which was that they were completed in 2017.

Ms. Price asked if no one could answer how someone was living in a building that did not exist.

Ms. LaPisto-Kirtley asked which residence Ms. Price was referring to, as there were two of them.

Ms. Price said that the applicant stated that both buildings were built in 2017. She said that in the materials, it said that both houses located on the parcel were built in 2017, and the applicant had said that the person identified as the resident manager had been living at this address since 2016, so to her it would seem that there was a different structure there before, but she did not want to speculate.

Mr. Svoboda said that without referring back to the records to see if they did an alteration on an existing structure, it was not common practice but also not surprising on occasion when people occupied a building earlier than when the County would consider the building to be complete based on the real estate records. He said that there was an area in there in which someone could have been occupying the structure prior to the CO (certificate of occupancy) being issued, but they would have to do additional research to figure that out. He reiterated that such a circumstance did happen on occasion.

Ms. Mallek said that Ms. Brumfield brought up that the manager must establish residency, which was different than having a tenant on a property. She said this was a commercial rental operation in which there was no owner present on the property, and they did not know if the owner was even here, which was the whole point of using established businesses, but there were now two buildings that were being rented, one short-term and one long-term. She asked how this complied, because it was now being established that it was acceptable for someone outside of the area to park a tenant in one building and then have homestays, which was not the spirit of the adoption of the homestay ordinance.

Mr. Svoboda said that speaking strictly to the use, there was a single-family house on the parcel and the homestay was accessory to that single-family use. He said that some guidance by the County Attorney's Office had indicated that whether the LLC owned it or the resident owned it or whether they lived onsite was not part of the equation. He said it was whether or not they had a primary use and whether or not the accessory use was there. He said that he knew as part of their initial conversations when they adopted that, they had a different mindset when they talked about the owners living on the parcel and conducting the homestays. He said that Ms. Mallek was correct in that their original conversations were mostly about owners occupying those parcels, but as time had gone on, and law and legislation concerning LLCs, they were considered the same in simple terms.

Ms. Mallek asked if there was a real and established LLC that followed the other applications done recently. She said that she did not recall this change in interpretation coming back to the Board, because this was a really big deal that they had spent a lot of time talking about a few years ago, and any of them who met with people in other counties heard from them that they were overrun with remote owners taking over properties and using them for short-term rentals.

Ms. Mallek said that all the counties surrounding the Shenandoah National Park were being destroyed by this, and people could not find places for employees at Shenandoah Park to live because all of the places they used to live in for the season was now being used on the weekends for homestays. She said that it sounded like they were giving up the high ground they had and allowing themselves to now be sucked into this.

Ms. Mallek said that this happened to be the example that had brought this new reality out, and she was not the only one who remembered it this way, so she was very concerned, not necessarily about this specific one due to the location, but due to the fact that this technicality had now taken over. She said that she would like to know more.

Ms. LaPisto-Kirtley said that she had visited the 638 property but not the 640 property, and she understood that because these were two remote properties, this was not something that would lend itself to a rental for a family because it was very remote and the driveway was very long, and someone would have to have a car because there was no transportation. She said that they had been looking at what they needed to do, because this was not a cookie-cutter approach, and in this case the land was a part of a trust, so it was family-owned, and they had the long-term resident manager and another smaller two-bedroom place that they wanted to be able to rent out.

Ms. LaPisto-Kirtley said that they also faced this with large acreages and on larger properties where people inherited things as part of a trust and wanted to be able to maintain those properties. She said that there were large estates in which the property owners had a hard time maintaining the properties they inherited, and if they were able to have homestays, they could rent the place out and keep up the large estate. She said that something they said they would look into the larger pieces of property over a year ago but had not yet done so. She said that there was another concern that they had to look at each piece individually to see what the intent was.

Ms. Mallek said that she did not see any type of affirmation affidavit what the intent was, and it was not clear to her in the packet that this was an LLC-type of presentation, similar to recent proposals. She said that she was not a lawyer, but her concern was that they were creating a different category of consideration for someone with an LLC versus someone who was buying up commercial property. She said that the rental properties were considered commercial, and if there was no one living there who was the owner, it was not an owner-occupied structure which allowed them to stay and pay their taxes by renting out their rooms.

Ms. Mallek said that the County Attorney would have to advise about whether they were de facto

establishing different approaches, which was not equal enforcement of their ordinances or application. She said that the next thing to come in would be five different lots at the previous application, saying they would do so with one resident manager who would manage 15 other homestays on .25-acre lots. She said that it was similar to Nag's Head where they were selling .25-acre lots with well and septic 50 years ago. She said that she was concerned they were going down a slippery slope very fast when they had not established the distinguishing features and how they were really changing what the ordinance said in writing. She said that that was not what has happened as far as she could see.

Ms. Price asked if there were any other questions of staff before comments were made by Supervisors.

Mr. Andrews asked what the difference was between responsible agent and resident manager, and what it meant to be a resident manager and if it was only fulfilling residency requirements or if there was any kind of notice that went to them if there was issue with the property, and if they were doing anything as a resident manager.

Mr. Svoboda said that they were located onsite. He said that the resident manager was located onsite, and the other responsible agent referred to the term used when talking about the whole-house rental that was allowed for a period of time on the larger parcels. He said that they sometimes got those confused a little bit, but the resident manager fulfilled the residency requirement that made the single-family house a single-family house that allowed the accessory use. He said that whether it was an LLC, whether an owner lived there, whether someone owned it but had their brother live there and they lived next door or 10 miles down the road, those were interchangeable at this point in time.

Mr. Svoboda said that the ownership, whether it was owned personally or owned through an LLC, it was just a protection mechanism, and the way they reviewed it, the impact for zoning and planning purposes was the same. He said that for housing stock, that may be different, but for the impacts on traffic, noise, and other similar items, the ownership was equivalent. He said that going forward, not for this application but in the future, they should think about whether or not they wanted to approve or have a better guidance on size of parcel or area.

Mr. Svoboda said that the example Ms. Mallek gave of all the small parcels under one LLC did not require the County to approve a resident manager, so the County would say that that particular example may be too much if it came before them. He said that it was part of the scrutiny they gave the applications as a part of that review. He clarified that they did not promote rubber-stamping, and they were looking at these individually and making sure they met all the criteria, and the impacts were what were expected. He said that they had approved many but not all of them.

Ms. Brumfield said that a special exception seen by the Board last year was a very similar situation, which was at 3948 Lonesome Mountain Road. She said that the resident manager was a tenant who lived in a cottage on one side of the parcel, and the rental was a full-time vacation-type rental was on the other side of the property. She said that this was a long-term tenant of the property who did in this case serve as the resident manager as well as the responsible agent. She said that this was the type of situation they had seen before where the property owner had had the property in their family for some time and used the property for her own vacations as well as renting it out.

Ms. McKeel asked if the County Attorney had any additional comments.

Mr. Steve Rosenberg, County Attorney, stated that the struggle the Board was encountering was that there was no basis to distinguish under the County Code between a Limited-Liability Company that was established by a property owner for personal financial planning purposes, someone who lived in a primary dwelling but chose to title their property in the name of a Limited-Liability Company for tax or estate planning purposes, and another party who formed a Limited-Liability Company and then acquired a property for investment purposes and then made it available as a homestay through any one of the platforms such as Airbnb or VRBO.

Mr. Rosenberg said that the case was that there was no basis to distinguish that under the County Code, and the Zoning Ordinance targeted uses of property, so if there were adverse uses of the property that needed to be addressed to guard against the latter example, they could look at imposing further restrictions on land uses rather than distinguishing between ownership of a property in the form of an LLC for one purpose versus another purpose.

Ms. Mallek asked if an owner-occupied house would be the category just described by Mr. Rosenberg as the use of the property by its owner, as opposed to what they were not allowed to do.

Mr. Rosenberg said that they were all permitted.

Ms. Mallek asked if there was a way for the owner-occupied use to be required more strongly in the ordinance code.

Mr. Rosenberg said that, required presently, was that the owner reside on the property unless there was a special exception granted, and that was why the matter was before the Board. He said that it was not legally possible for a business entity such as a Limited-Liability Company to occupy property, and only a natural person could occupy property, so in order to allow for the consideration for a homestay where the property was owned by a Limited-Liability Company, the ordinance permitted the Board to grant a special exception to permit an individual to function in that capacity so that the property's primary

use was for residential purposes with the homestay as an accessory use.

Ms. Mallek said that the distinction was that the beneficiary of the LLC had been on the property in the other cases. She said that the change that could be made when they came back around to look at the ordinance was to establish that when someone may be the beneficiary of the LLC and therefore was on the property, that made sense, but when two commercially-listed houses were involved, it could be a whole year before someone found out at the renewal time that both had been used for short-term rental for 364 days. She said that there was no process for that, and as she said, she heard of other terrible things happening in other places and was reluctant to have them relinquish the good start they had made.

Mr. Gallaway said that as the special exceptions came before the Board, they could not continue to debate the ordinance during the application. He said that if they were going to have debate and conversation about the ordinance, clarity, changing what was in there, and other issues, that should be an agenda item and they should dig into it. He said that many of the applications that came before the Board had resulted in debates about bigger items at the ordinance level and not application specific. He said that the application details were leading them to that conversation, but it was not fair to the applicants to have the Board make the ordinance while their application was before the Board.

Mr. Gallaway said that he was sure they would have varying opinions on these things, but it was not the place to do so when the application was in front of them. He said that his understanding was that if they denied this, the property owner could do two long-term rentals. He said that the purpose of the resident manager was that the primary use of the property was for long-term residency, and that had to be established to allow accessory use. He said that the homestay was simply stating that a resident manager qualified by ordinance to allow the accessory use to happen.

Mr. Gallaway said that none of the responsible agent, resident manager, or other issues mattered under long-term rentals. He said that it was a matter of there needing to be someone available to resolve issues at the homestay within 60 minutes, and if that was there, he was not too concerned about whether it was the person living there or not so long as the issue was resolved quickly. He said that he was supportive of the application and noted that the packet materials included the applicant's information about who the owner was and about the property being in a trust. He said that he believed that this had changed because they previously had only received the trust names but had wanted to know the individual behind them.

Ms. LaPisto-Kirtley said that she agreed with Mr. Gallaway, and that she liked to have flexibility in these issues. She said that people often had an LLC for individual purposes such as insurance and tax protection of the property. She said that she had no issue with this application because there was a responsible party. She said that if they were renting both of them, there would be no responsible party and no one to call and complain to because the owner resided in Florida and came to Virginia on business.

Ms. LaPisto-Kirtley said that if there was a resident manager, there would be a responsible party responsible for the homestay and what happened there, so it was actually safer for the neighbors. She said that the tenant had been there since 2016, and there was a policy in place that ensured they would have annual checks to see whether or not the resident manager was there and if there were fire hazards.

Ms. Mallek said that she looked forward to when this came back for discussion so she had a chance to receive clarification, because she did not realize that there had been such a major shift away from owner occupancy as a general rule.

Ms. McKeel said that she would support the application because the location was fine as well as other factors that favored it. She said that they should continue to discuss this issue and needed to schedule this on their agenda in the future so a better understanding could be attained.

Mr. Andrews said that he was supportive of the application as well as looking at this in the future. He said that he took issue with the use of the word manager, because it was very important to have a responsible agent, the word manager gave the impression that the individual was doing more than what the ordinance required, and they should address that in the future.

Ms. Price said that the ownership did not matter if it was an individual, LLC, or a trust. She concurred that they could not get bogged down in that. She said that she was not satisfied with the ordinance and that based upon the way the ordinance was currently written she would support the application.

Mr. Rosenberg suggested that as a matter of simplicity the Board make a motion for a resolution in the form of Attachment F. He said that this was sufficient, preferable, and would coordinate with Community Development going forward on having that reflected.

Ms. Price said that the floor was open for a motion.

Ms. LaPisto-Kirtley **moved** the Board adopt the resolution as presented in Attachment F to approve the special exception for SE202300004 638 Rocky Hollow Road Homestay.

Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO APPROVE
SE2023-00004 638 ROCKY HOLLOW ROAD HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2023-00004 638 Rocky Hollow Road Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the requested special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the 638 Rocky Hollow Road Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit a resident manager to fulfill the residency requirements for a homestay use.

Non-Agenda Item. **Recess.** The Board recessed its meeting at 2:28 p.m. and reconvened at 2:39 p.m.

Ms. Price noted that Mr. Gallaway had not yet returned to the dais and she would annotate when he returned.

Mr. Steve Rosenberg, County Attorney, said that regarding the Rocky Hollow Road homestay application on which the Board just acted, he would like to clarify his comments. He said that he was mistaken that the applicant was a Limited-Liability Company, but he understood it was not but was a trust. He said that the record title for the property was held by a trust, but the analysis was the same. He said that the County Code required owner occupancy to have a homestay unless the Board approved a special exception.

Mr. Rosenberg said that neither a trust, nor a LLC, nor a corporation, nor any other sort of business entity was capable of occupying the property itself, which was why the County Code was drafted in such a way that allowed a resident agent with the approval of the Board by special exception. He clarified that he was mistaken that the subject property was owned by a LLC, and it was actually owned by a trust, but his analysis was the same.

Ms. Price said that it did not matter that it was a trust or an LLC, and the circumstance would only be different if it were an individual.

Mr. Rosenberg said that was correct.

Ms. Price said that all Supervisors were present and they would now proceed to the next item.

Agenda Item No.11. **Work Session:** Review of 2023 Legislative Priorities and Initial Discussion of 2024 Legislative Priorities.

The Executive Summary as forwarded to the Board states that each year, the Board considers and approves a set of legislative priorities to pursue in the upcoming General Assembly session. The Board then meets with the County's local delegation from the General Assembly to discuss these priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). This will be the first of three anticipated Board discussions to develop priorities for the 2024 General Assembly session.

Staff will review the disposition of the County's legislative priorities for the 2023 General Assembly session, found in Attachment A. Staff will also recommend an approach to the 2024 General Assembly session, including development of priorities-with some possible priorities to be identified-and enhanced reliance on the Legislative Positions and Policy Statements, also adopted annually by the Board. Last year's Legislative Positions and Policy Statements are attached as Attachment B.

There are no specific, identifiable budget impacts.

Staff recommend that the Board receive the presentation, discuss the recommended approach, and provide direction to staff in preparation for the 2024 legislative session.

Mr. Steve Rosenberg, County Attorney, said that this presentation would be given by Mr. David Blount of the Thomas Jefferson Planning District Committee (TJPDC), Ms. Emily Kilroy, Assistant to the Albemarle County Executive, and himself. He said that he would provide a brief review of the 2023

priorities adopted by the Board and how they fared during the legislative session, then Mr. Blount would outline the landscape of 2024 for the General Assembly session. He said that this was timely in light of the results of yesterday's election as well as the more broadly changing landscape in the General Assembly. He said that finally, taking account of that changing landscape, Ms. Kilroy would propose to the Board for its consideration a strategy that was somewhat different than what had been employed in the past for the 2024 session.

Mr. Rosenberg stated that he would discuss the outcome of the 2023 General Assembly session from the County's perspective. He said that last fall, the Board approved seven legislative priorities for the session, and of those, most were initiatives carried forward from the 2022 session. He said that candidly, the County did not meet with much success, with only one bill enacted and approved by the Governor of Virginia, and even that bill only partially addressed the issues of importance to the County.

Mr. Rosenberg said that those bills that did not meet success included a bill seeking authority to impose civil penalties in lieu of criminal punishment for violations of local ordinances, a bill for expansion of the authority to use photo speed monitoring devices beyond the authority the County already has to use those devices in school zones, a bill for allowance of public bodies to hold all-virtual public meetings without the restrictions currently in the Virginia Freedom of Information Act, a bill for the Board to impose conditions for special exceptions, like ownership conditions or time restrictions, and a bill granting the County taxing authority for school division capital projects.

Mr. Rosenberg said that two bills had some success, one that changed eligibility requirements for the Virginia Business Ready Sites Program, which was enacted by the General Assembly, but then the Governor recommended substitutions that were rejected by the Senate of Virginia. He said that that bill would have reduced from 100 to 50 acres the required acreage for a site eligible for a site development grant. He said that this bill remained in play, and that Augusta County was separately pursuing similar legislation.

Mr. Rosenberg said that the one piece of legislation that was a part of the Board's legislative priorities and was enacted and approved by the Governor concerned a requirement that agricultural buildings used by the public be subject to minimum safety standards.

Mr. Rosenberg said that legislation had been enacted in 2022 that required several measures in this area, and there were requirements for outward-swinging doors with panic hardware and emergency lights and exit signs on designated emergency exits, emergency vehicle access, at least one restroom with handwashing facilities, portable fire extinguishers, a manual, unmonitored fire alarm system with pull stations and a fire evacuation plan, and the legislation in 2022 also established an agro-tourism event structure and technical advisory committee that convened and met on a few occasions subsequent to the 2022 session.

Mr. Rosenberg said that there was an uncodified provision of that 2022 legislation that required reenactment in the 2023 session of those portions of the legislation that imposed those requirements that he just detailed. He said that as he went through the legislative process in 2023, what emerged was significantly different and more limited in scope in terms of the requirements that were imposed, so there were now only three requirements, and not the longer list that he just recited.

Mr. Rosenberg said that the three requirements were now a portable fire extinguisher for the purpose of fire suppression, a simple written plan in case of an emergency, but not an evacuation plan, which was something specific required in general of commercial structures under the uniform statewide building code, and the third requirement was a warning sign prominently displayed that stated that this building was exempt from the uniform statewide building code, be alert to exits in the event of a fire or other emergencies.

Mr. Rosenberg said that that was how it was reenacted and those were the three requirements that applied as of July 1, and it was expressly provided that the technical advisory committee continued to exist, and was mandated to meet four times before the 2024 session to continue its consideration of these issues and report its findings and recommendations to the board of the Department of Housing and Community Development by November 1, 2023.

Mr. Rosenberg said that what resulted from the seven legislative priorities was the reenactment of this one piece of legislation with fewer requirements than had been the case in 2022. He said that it could be seen that despite considerable effort, the County enjoyed limited success in the achievement of its initiatives in the 2023 session. He said that that reality, combined with the coming changes in the composition of the General Assembly that Mr. Blount would describe next, informed the recommended strategy for the 2024 session that Ms. Kilroy would share.

Mr. Blount, TJPDC, stated that he would give a view of the landscape of the 2024 General Assembly session. He said that there would be dozens of newly elected General Assembly members due to the primary elections that happened in the state yesterday. He said that the House and Senate would turn over about a third of each of their membership turnover from 2023 to 2024.

Mr. Blount said that specifically for the Senate, 15 of the 40 seats would be changing hands due to retirement or primary elections, and for the House, more than 30 current members were retiring, running for other office, or were challenged, with one incumbent losing. He said that a low percentage was likely to have had local government experience and served in local elected office. He said that the dramatic turnover meant there was a loss of institutional knowledge and memory, new Republicans were

likely more conservative and new Democrats were likely more liberal, and there would be lack of knowledge of how state actions impacted local governments.

Mr. Blount said that this presented the County with the opportunity to begin developing relationships with and educating candidates on the state and local partnership. He said that there were opportunities to talk about local and state government links through schools and children's services, transportation, tax policy, environmental policy, public safety, human and social services, public health, and elections. He said that with that, a significant amount of state funding went to localities and to other local service providers. He said that budget and critical key issues were priorities, and there was opportunity for the TJPDC and localities to play roles.

Mr. Blount said that he would be reaching out to candidates for these offices across the region that he did not yet have a relationship with and begin to talk to them about the regional local governments and what they did through TJPDC. He said that he hoped that at the local government level, individually and collectively at the staff and Board level, they would do likewise. He said that he could discuss options as to how to best develop these relationships and inform these new legislators.

Mr. Blount said that his recommendation to the Board was to focus in the short-term on getting to know the new legislators and discuss with them the work of the Board of Supervisors in the state and local government partnership, and farther down the road as they got to the 2024 session, to focus on what was really important and what they wanted to do from a legislative initiative standpoint. He said that they should focus on one thing that was the most important, because there were so many unknowns about the 2024 session.

Ms. Emily Kilroy, Assistant to the County Executive, said that the strategy for 2024 included four different work streams, with the idea of thinking about the recommendations from Mr. Blount about growing their relationships with local delegation and focusing legislative initiatives to be very effective in 2024. She said that due to the new district lines, there were fewer individuals representing Albemarle County and Albemarle made up a much larger percentage of their district, so they believed that building those relationships would be a good use of their time. She said that the number one focus was the Rivanna Station Futures, which was the area that they could have the greatest impact for 2024.

Ms. Kilroy said that staff believed that in the first year of the Rivanna Station Futures project, setting up relationships at the state level would help them build positive momentum to help sustain the success of the project in future years. She said that the recommendation was to focus the bulk of the legislative work on the Rivanna Station Futures by developing partnerships and exploring funding possibilities. She said that the contract for the acquisition of the land was one cost, and there were also funding needs for infrastructure and site readiness, and they thought that the state could and would be willing to be a great partner there.

Ms. Kilroy said that regional opportunities included initiatives with the TJPDC, the Regional Housing Partnership (RHP) had a transit governance study underway, a comprehensive economic development strategy was under development and would have recommendations soon. She said that there was an opportunity for them to work with neighbors on advancing some work with local delegations that represented all of them to garner state support for funding or enabling authority in order for the locality to be effective in those areas.

Ms. Kilroy said that they could leverage the support of the entire region if they were to focus there. She said that they were not attempting to introduce legislation in any of these areas but were attempting to create capacity for implementation of the current initiatives' recommendations through local and regional support.

Ms. Kilroy said that topical opportunities were areas in which support did not necessarily have to be from geographic neighbors and could be issues faced by similar communities across the Commonwealth. She said that "town and gown" relationships were important to analyze in other localities such as Roanoke and Harrisonburg because some of those strategies may work well for Albemarle.

Ms. Kilroy said that these were areas in which they would not necessarily have to lead but could take the lead of others and join their opportunities for support or opposition to legislation that was of shared interest to the localities. She said that another example would be Augusta County's interest in pursuing a change to the minimum acreage for the Business Ready Sites Program, and that was something that Albemarle could follow the lead for instead of investing much of their own capacity on trying to advance that work.

Ms. Kilroy said that the positions and policy statements was included as Attachment B in the executive summary and was an item that they typically did not spend a lot of time discussing in legislative priority work sessions, but was very important when getting into the General Assembly legislative session. She said that it was fairly commonplace during the session for a delegate to reach out at 4:30 p.m. and ask for the County's position on a draft legislation by 7:30 a.m. the next morning.

Ms. Kilroy said that it could be challenging to navigate the County's opinion of what that legislation might be if it was something that had not been formally considered with the Board, and the turnaround time did not lend itself well to polling the Board on that. She said that what staff did was use the positions and policy statements the Board adopted each year to help guide a response giving the strengths and weaknesses from Albemarle County's perspective.

Ms. Kilroy said an example was that in the positions and policy statements was that the Board did not support unfunded mandates from the state, and that had been helpful as staff analyzed draft legislation in terms of whether the Board would support it or not. She said that they could spend time continuing to build those out because that was a really important tool for staff as they navigated what could be a short turnaround in the legislative session.

Ms. Kilroy said that this was also an area where they could support the work and energy of their local delegates in the areas that they had a lot of interest, and it would be helpful for them to understand what the local impact would be and if the County was supportive, to have the County's support for that in their toolbox as they try to get their colleagues to see why the legislation was valuable.

Ms. Kilroy said that staff was seeking Board input on the proposed process for the legislative priorities of 2024, whether they approved or would like to change it in any way, and if the Board felt there were opportunities for the positions and policy statements to have information added, removed, or flesh out things further than they had in the past.

Mr. Gallaway asked what the Governor's proposed amendments to the business ready sites was and why the Senate rejected the amendments.

Mr. Blount said that he did not have a clear answer.

Mr. Gallaway said that he had heard his reason for the veto.

Mr. Blount said that with his veto, the Governor had expressed concern about the impact the legislation may have on his desire for larger sites to be the focus. He said that he had made no secret about that in terms of some of the programs and additional funding that was put into the budget, and there was even some language in the previous budget put in by the legislature that referenced "mega-sites," or even larger sites.

Mr. Gallaway asked what the recommended change was.

Mr. Blount said that his recommended change, as opposed to the language in the proposed bill of changing the acreage from 100 to 50, was that localities that did not have a 100-acre site could use 50 acres as an eligible consideration by VEDP (Virginia Economic Development Partnership) for a site development grant. He said that they had questions about that language and who made that determination about whether they had one or not based on what criteria.

Mr. Rosenberg said that the issue was not only about who made that determination of whether a locality had a 100-acre site, but on what criteria was that determination based. He said that supposing a locality had a 100-acre site but it was under development, there was question as to whether they did have one or did not have one. He said that there was a lot of ambiguity about the language proposed by the Governor and how it would actually be applied, in comparison to the proposal made on behalf of the County which was simply to say that 50-acre sites were eligible for site development grants.

Mr. Gallaway said that he understood. He said that with what he read, he could not understand what was going on. He said that he assumed Augusta was in a similar situation to Albemarle. He said that whether they were currently developing or not, once the County had the property they were going to acquire for Rivanna Station, it would put them in a different category than when they started this. He said that that should qualify for whatever was currently in place and they did not need the 50-acre eligibility, however he still would like to have the 50-acre eligibility.

Mr. Gallaway said that he would like to continue on this issue, and there seemed to be leverage to partner with Augusta, who was a neighboring locality and neighboring planning district committee, and perhaps they could bring on other counties in a similar situation. He said that this was one item he thought was worth exploring more.

Mr. Blount said that some of the Republican legislators representing Augusta County had said, even after the Governor's amendments were received, that they would continue working on this, and it was probably best due to the political makeup of Augusta for Augusta to take the lead on this.

Mr. Gallaway said that he did not understand why party politics would get in the way of this, but there were things that they knew were there that they thought should not be there. He said that it was worth discussing or exploring how they could get the state to help them to address developer incentives for affordable housing in a way that was appropriate and legal and also could work with their normal land use procedures.

Mr. Gallaway said that he did not have specific ideas yet, but as they went through the developer incentives program that they came up with, it hopefully would illuminate areas that may be state roadblocks to them. He said that they should explore what current processes were happening under some special grant of authority or another purpose and then allow them to be done so that local governments could access that.

Ms. Kilroy said that Mr. Gallaway's comments spoke to the value of the policy and position statements, because if the County did not know of a particular solution for a problem they were trying to address, they could look for other ideas from other places to achieve that and give more tools for the locality to solve the issue rather than completely coming up with the solution themselves.

Mr. Gallaway said that they knew the proffers situation would not change and the impact fee situation had not been changed with the previous representatives, so maybe the newly elected officials would figure it out. He said that the developer incentive piece put the resources back potentially, so if they could figure out flexibility in there, it may break the log jam.

Ms. LaPisto-Kirtley asked to see the slide with the pie chart displayed. She asked if instead of creating specific items of legislation to bring to the legislature, they were looking at the pie chart items of Rivanna Station Futures, regional opportunities, topical opportunities, and positions and policy statements as more general things. She asked if that was correct.

Ms. Kilroy said yes. She said that this past year they had seven legislative priorities which they were asking for specific new legislation to be entered on their behalf, and in prior years the County had between five and 10 priorities proposed with little success, and they had not had great success with that.

Ms. Kilroy said that the idea this year was that one piece of legislation was manageable, and staff would be looking for support from the Board to focus on the partnership development work and funding opportunity development work around the Rivanna Station Futures project, developing relationships with the local delegation and using some of those other tools such as the positions and policy statements, topical opportunities, and regional opportunities as a way to continue to push in certain areas without specific legislation attached to those.

Ms. Kilroy clarified that the request from staff today was if the Board wanted to explore this concept further at the subsequent work sessions they had as they developed their legislative priorities for 2024.

Ms. LaPisto-Kirtley asked if the suggestion was that they would not be coming up with specific legislative items.

Ms. Kilroy said that that was what staff was asking for feedback on right now.

Ms. LaPisto-Kirtley asked if the process in future years would be to go after specific legislative items. She said that all of the legislative items proposed by the County were extremely valuable and benefited them, so it bothered her that they were not pursuing it, but she understood that the chances of getting anything done with them were nil to none.

Ms. Kilroy said that the shift this year was with the new districts locally and the General Assembly landscape being so uncertain. She said that tenure was very important in the General Assembly for committee assignments and setting the norms of how the General Assembly worked, so this year it would be a real challenge with so many new faces and so many long-tenured officials retiring or not returning for other reasons. She said that it would be a difficult year to advance anything very specific.

Mr. Blount said that it was important to be strategic about what they did. He said that he did not know if they wanted to come back and continue to introduce the same legislation that did not have a track record of having any traction in a year such as what they were looking at. He said that if they could focus their energies more on things that were more strategic and had a better chance of success, it would be more fruitful of an endeavor.

Mr. Blount said that however, some of these bills would show up again. He said that it was likely that someone would introduce the taxing authority for school facilities as a bill again, and if there was no change in the power of the General Assembly, they knew what would happen to that, but could be prepared as well to jump on and say as Albemarle County and TJPDC that they supported the legislation.

Ms. LaPisto-Kirtley asked if the Rivanna Station Futures would be the main goal or if all four items on the pie chart would be pursued.

Ms. Kilroy said that the proposal was to focus most specifically on Rivanna Station Futures, while looking for opportunities in those other areas to come on board with other localities. She said that Mr. Gallaway had expressed interest in reducing the acreage for the Virginia Business Ready Site Program, and they could lean their support to Augusta County's efforts rather than shouldering it themselves.

Ms. LaPisto-Kirtley asked if they would be in a position to assist those who wished to continue to have legislative priorities that the County agreed with, and this would be the County's policy. She asked if spending the time to get to know their legislators who had changed this year would build those relationships so that the following year they could pursue more.

Ms. Kilroy said yes.

Ms. Mallek asked if they should discuss the policies at this meeting or at a later time.

Ms. Kilroy said that today staff were seeking feedback on the overall approach, and in a subsequent work session they would discuss the content further.

Ms. Mallek asked who would take the lead on assisting the bills of other localities. She asked if it would be through VACO (Virginia Association of Counties) and VML (Virginia Municipal League) partnerships as they had done in the past or if they were having County staff take some parallel role to

what the state organizations were doing.

Mr. Blount said that it may be dependent on where the legislation was coming from and who was bringing it forward. He said that he would continue to function in the manner in which his position had been, being the feet on the ground down there. He said that he was constantly apprised of developments, and if Albemarle County, TJPDC, or another locality wanted to be a part of that, they certainly could. He said that it was a difficult question to answer at that point.

Ms. Mallek asked if before November someone in the tripartite effort would provide context of the new candidates. She said that it may be wise to reach out and begin relationships prior to November.

Mr. Blount said that the short-term opportunity and task would be that relationship-building throughout the summer and into the early fall. He said that if they waited until November, it would not happen because they would be overwhelmed from November until January. He said that he would begin putting the structure of that into place more and what that looked like for himself and to be able to assist the Board and other localities in the region.

Mr. Blount added that VML was planning to do something on a regional basis across the state, approximately six different workshops that they would be inviting newly elected members to, but that would not take place until after the elections in November. He said that this was again why it was important for them to get the ball rolling. He said that as Ms. Kilroy mentioned, they were going from two senators to one senator representing Albemarle and from four delegates to two delegates, so it would not be so much room needed for those meetings in the future.

Ms. Mallek asked if the research of policies and other issues would be a combined effort.

Ms. Kilroy said yes, and the County Attorney's Office tracked almost all bills introduced and mapped them to the functional areas within the County organization, so there was a lot of work that happened each year internally that they would be looking for. She said that they looked at the list of bills when they came out and identified those of interest to the County. She said that the further step this year would be whether it was something VACO and VML was taking a lead on or something other counties were taking a lead on, then working to identify the ones that aligned well with the priorities of the Board and work with the people who were patrons and sponsors of those bills in order to be as useful as they could.

Mr. Blount said that if something was discovered in the coming months that was an emergency-type thing that they needed to suggest a legislative change this year, or something unique to Albemarle County and the County Executive form of government that needed to be put in to advance something they wanted, that would be considered.

Ms. Mallek said that things continued to evolve. She said that so much work had been done on things, and she would appreciate all the Board members joining a VACO committee before August so that they could get much more involvement and make connections with other counties and the leadership that made all of these possibilities so much easier to do. She said that they also got to hear where those counties were going and who was bringing up specific legislative items such as the speed camera authorization.

Ms. Mallek said that there was a huge discussion about that topic at VACO, and at least a dozen counties were interested in what the others were doing. She said that perhaps they did not make it this time, but the players were now different, and a lot of communities across the Commonwealth were having similar issues to them, in which things were dying because they were going too fast.

Ms. Mallek said that she hoped they would continue on legislation for biosolids, which had been a fight for 25 years. She said that there would be federal regulation on it coming due to the direct connection between PFAS (polyfluoroalkyl substances) being deposited onto fields and then washed into the groundwater and drinking water, requiring treatment of water at a great expense. She said that they must be ready to pick up and support the actions down there for all of these things. She said that this was the way that they enabled themselves to succeed much better, although it was painful and took many years.

Ms. McKeel noted that Albemarle County was lucky in this community because their delegates did have local government experience. She said that she recognized they were working with many people who did not, and she appreciated the point, but their own locality had representatives who came from local government. She said that she agreed with the focus on Rivanna Station, because it was critical and had to be taken care of. She said that she agreed that Augusta County should be the lead for the business ready site bill, because they would have better luck than Albemarle.

Ms. McKeel said that she had an email from one of their delegates who said to her in this email that a year ago, VML, VACO, and local elected officials had to come together to advocate for statewide school finance. She said that what the delegate said to her in the email was that she did not think - that those three entities had not sent a clear message that they were one voice about statewide school finance. She said that they knew that anything they got for their schools, regardless of what it was, freed up money in their local budget.

Ms. McKeel said that she would suggest that they all try to work with VML, VACO, and the other communities on statewide school finance. She said that Ms. Mallek would be of great help regarding

VACO being involved in this capacity. She said that the superintendents' group may be of use in this process as well.

Ms. McKeel said that the General Assembly two years ago asked JLARC (Joint Legislative Audit and Review Committee) to look at the community service boards, which were not functioning the way they were supposed to function, and in Albemarle's case it was Region Ten. She said that mental health issues were of huge importance all over the state, and the General Assembly requested JLARC to make recommendations on how to improve the community service boards, and JLARC released that report in December, about six months ago. She said that she did not want this report to go on a shelf and be forgotten, and because the report already had recommendations, she would like for them to be utilized by the County.

Ms. McKeel said that they must somehow partner with those who had requested the study in the General Assembly in order to implement the recommendations, because the report was about the mental health issues that people had been worried about all over the state. She said that that would be her only addition, but was something that did not need to be done by the County because it had been completed.

Ms. Kilroy said that that was a great example of lending support to a study done by the General Assembly, and they did not have to create their own path on what that looked like but could say that they supported anything that implemented the study's findings.

Ms. McKeel said that it was very simple, which were that the community service boards were underfunded, underpaid, undertrained, and had no accountability. She said that it was not difficult to understand, and they needed to work with their partner agencies at the state level, such as VACO.

Ms. Mallek said that they needed a Board member on the education committee to discuss it with that group of 15 to 20 members as well as someone on the health and human services committee. She said that with all of these different portfolios, everyone had to step up here. She said yes, she would be happy to push this.

Ms. McKeel said that she could push this as well, and she felt that because this was something already created, they needed to go after it. She said that she knew that in her nine years on the County that they had gone to the General Assembly and asked for permission to do things that the County had not implemented. She said that this might be the year to go back and discuss the items that they had received permission from the General Assembly to do but had not yet had time to implement.

Ms. McKeel said that she would like to see a list of what they had asked for that they had not implemented, or what they had asked for and had implemented. She said that she would like to begin at that point for this next year, because over this next year there may be things that they had asked for that they could go back and actually implement.

Mr. Blount said that things related to funding, such as the report about the status of the community service boards, were looked at in terms of funding for the next fiscal year after July 1. He said that at the state level, agency level, and up through the Department of Planning and Budget, by the time they got to the first part of October, the state agencies had made requests to DPB (Department of Planning and Budget), and they were going through administration so that by the time they got to Thanksgiving, there was a state budget that was probably ready to go for introduction in the middle of December.

Mr. Blount said that this was prefaced to say that things of a funding nature that they wanted to communicate to state agencies and administration for consideration of inclusion in the Governor's introduced budget in December would be a short-term task as well. He said that VACO had done well in the past to send a letter with these timelines in mind about what their priorities were and suggestions for inclusion in various budgets.

Ms. McKeel said that while she said that the community service boards had been underfunded, there was more to the problem than giving more funding. She said that there were things that required structural change, however she appreciated Mr. Blount's insight regarding funding.

Mr. Andrews said that he understood the need to focus on the priority of Rivanna Station. He said that the priorities and policy statements were included as Attachment B, but he heard that they would eventually revisit it looking at the legislative priorities in the past to see where they fit into what they previously called positions and policies and then look for opportunities for when they could move forward. He said that that meant they needed to be nimble and be prepared, while working with as many other groups and jurisdictions that they could.

Ms. Price said that prior to her own campaign for public office four years ago, she paid attention principally to the General Assembly representatives of the district in which she lived, as well as senators who may represent the City of Charlottesville or the area in the County. She said that to Mr. Blount's comment that they were going from a 2010 redistricting in which there were four delegates and two senators who collectively covered Albemarle County, she would like to know how much in the last six years the representation had changed. She said that she could recall the retirement of Delegate Dave Toscano and Delegate Sally Hudson who took that seat but could not think of any other changes.

Mr. Blount said that Senator Reaves came in in 2012; Senator Deeds was here, Delegate Bell was here, Delegate Farris may have come in in 2012.

Ms. Mallek noted that Chris Runyan came in.

Mr. Blount said that was correct. He said that Delegate Runyan had been in office for approximately two terms.

Ms. Price said that with one exception, for the same six years they had the same six people representing Albemarle County in the House and Senate. She said that now, they would now be going to a situation in which they would have at most one of three with prior General Assembly experience. She said that without discussing individuals, parties, or the outcome of the November election, at the most they would have one, because they knew that the two for the House of Delegates neither had General Assembly experience.

Ms. Price said that two of the nominees of yesterday's primary election had local government experience, but it was limited to School Board experience, and the School Board was much more narrowly focused than the Board of Supervisors and did not have taxing authority. She said that they were moving into a situation with essentially very little legislative experience representing their County. She said that the strategy proposed by reducing it made perfect sense, because she envisioned it would be very difficult for the new General Assembly to get much legislation passed at all because they did not have the experience.

Ms. Price said that she fully concurred that Rivanna Station was where their top priority was, because if the due diligence went through and they ultimately made that purchase, and were able to do based on what they did later today the differed utilization, it was critical to their economic future. She said that both Augusta County and Green County had both set aside 500 acres in conjunction with what Albemarle had, and Rivanna Station Futures in North Fork provided a technology triangle opportunity for the region, so she totally supported all of this. She said that they must remember that they were going into a year with almost no experience.

Mr. Gallaway said that he would like to endorse the committee work at the VACO level. He said that he joined the transportation and community, economic, and workforce development committees, the latter of which would be his first year of serving on. He said that there were six steering committees, there were others to get involved in, and it was a good way to understand what other communities were on board with similar issues, so he recommended taking a look at that.

Mr. Gallaway said that when they thought of the partnerships with other counties, it sometimes relieved them of the responsibility. He said that if Augusta County announced their legislative priorities and the Business Ready Sites Program was a big deal to them, then Albemarle County should send a representative to make an in-person appearance in support of that, in order to have a different weight than just sending a letter or shooting an email. He said that if they saw an elected official from a different Board come to say why it was important to them as well, it could trigger something different than what had been accomplished in the past. He said that this was especially true regarding the junior nature of newly elected representatives. He said that he would volunteer himself to make that communication.

Mr. Gallaway said that he understood the pragmatism and concerns about the new people coming, but those individuals campaigned with the intent of being a part of this high-level work, so they should get ready for action. He said that some of the priorities could not wait, and while he was measuring his expectations, the expectations of people voting these officials in was that those elected would get stuff done, and they should get at it.

Mr. Gallaway said that he had faith in the people who would be representing them, and their longest-serving representatives stood on a record of getting stuff done, so they should use that. He said that he understood the proposed approach, but he would not be giving the representatives a pass, and they were elected to two-year terms and did not have time to wait around, so they should get after it. He said that he wanted to keep the expectation that these were important priorities, and anything they could do to help and support was there, but he did not want to make it sound like they were in a honeymoon period.

Ms. Mallek said that she supported the focus on Rivanna Station, which was ideal, but also agreed that they could not take time off. She said that over the years there had been questions as to whether they were doing too much, but the answer was no, because they needed all of the ammunition they needed for all of these issues, as many pages as they may be, so that Mr. Blount could act quickly on their behalf. She said that she loved the idea of helping their soon-to-be-elected officials to be very well-equipped with the information they needed to uphold when going through the legislative session.

Ms. LaPisto-Kirtley said that she would volunteer herself to discuss with any local governments or entities who were looking at the photo speed cameras. She said if there was a VACO committee that dealt with police and fire, she would volunteer for that as well.

Ms. Mallek said that there was a general government committee, and the education committee did not yet have an Albemarle County representative.

The Executive Summary as forwarded to the Board states that in response to the development of the Fiscal Year 2024 - 2028 Albemarle County Strategic Plan, staff have gathered and reviewed data representing community well-being to serve as an initial human services needs assessment. Data are presented and used to inform recommendations for future investments and activities.

A human services needs assessment may be used to monitor community conditions, evaluate the need for intervention, and/or inform the development of programming and investment. This initial human services needs assessment presents data and contextual information from the areas of homelessness, housing, criminal justice, food insecurity, behavioral health and financial need. Emerging needs in the areas of family homelessness, adolescent mental health, community safety, and navigation for seniors are identified based on data and analysis of current community capacity and context. Recommendations for investment of time, funding and/or resources are made for each category of emerging need. Staff recommend that a long-term funding component be added to the annual Agency Budget Review Team process that would provide performance agreements or contracts for up to \$100,000 per year for activities specifically intended to address the concerns or gaps in service for these four areas. Under this new longer-term investment strategy, agreements could be renewed for an additional two years, based on measured impact.

If the Board of Supervisors provides direction to the creation of the expanded investment in the Agency Budget Review Team annual solicitation, this item will be incorporated into the Fiscal Year 2025 (FY 25) five-year financial planning and annual budget development process for future Board discussion. As an example for illustrative purposes, an amount of \$100,000 for four focus areas would have an estimated budget impact of \$400,000. The actual amount would be determined by the Board of Supervisors in the annual budget process subject to total budget considerations including, but not limited to: County mandates and obligations, investment in the Strategic Plan, such as this initiative, and available revenues. Funding for future years would be reflected in subsequent budget development processes.

Staff recommends that the Board of Supervisors provide direction to staff on the following that will inform program development and the FY 25 budget process:

1. General guidance about prioritizing needs identified in Attachment A.
2. Four performance agreements at a maximum of \$100,000 each to support identified needs.

Ms. Kaki Dimock, Director of Social Services, stated that she would share the human services needs assessment, which constituted a lot of available data around community wellbeing and need in Albemarle County, and recommendations around how to respond to that. She said that she would discuss human services needs assessments in general and then get Board feedback specifically around the possibility of using the recommendations to make investments in the FY25 budget, particularly in time for them to return on July 19 to discuss the ABRT (Agency Budget Review Team) process and budget process.

Ms. Dimock said that this was well-aligned with the FY24-28 Strategic Plan, showing up in three different goals. She said that the idea of completing a human services needs assessment was baked into the staff goals as part of their Strategic Plan for the first quarter of next year. She said that a human services needs assessment could do many things and there were few templates or requirements for using one, so this was the first attempt at doing one in the hopes that the County would come back to it with some degree of regularity. She said that it could be expanded or shrunk, and they were generally used to understand needs in the community, to track changes over time, to recognize emerging trends, and could be targeted or broad.

Ms. Dimock said that human services needs assessments were done regularly in Canada based on a very broad category of metrics of wellbeing that included air quality, soil quality, access to outside, and social connection. She said that she would be seeking Board feedback on whether or not the categories should be broad or narrow. She said that they could be one-time only or they could be regularly scheduled. She said that she recommended the County do these assessments on a fairly regular basis as their services expanded, because it determined how and when they corrected course or invested in a new kind of solution, whether that was staff or increase in capacity in the community.

Ms. Dimock said that there was a lot of good data available from technicians in the community, and it was a matter of making sense of that data. She said that they had an Orange Dot Report, local equity profiles, particularly the excellent work that Siri Russell did for the County, ALICE (Asset Limited, Income Constrained, Employed) Reports from United Way, census data, and the Stepping Stones report from the Commission on Children and Families, which focused on youth development data and had just been picked up by the Charlottesville Department of Human Services and had just been released. She said that they had a regional criminal justice planner that produced an incredible amount of data around arrests and jail usage that they could likely use for years.

Ms. Dimock said that the Charlottesville Area Alliance continued to study and collect data around seniors in the community, and the Blue Ridge Area Coalition for the Homeless (BRACH) collected data that was reported to the Department of Housing and Urban Development (HUD). She said that they had lot of stakeholders and collaborating partners as well as County staff, who had important experience for them to draw on in order to identify what they had trouble accessing and what they had trouble finding resources for in the community. She said that the community members shared with them information about what was missing or emerging in the community.

Ms. Dimock said that some of the assumptions of this study was that internal and external providers reported that their consumers had more complex needs and higher acuity of need than historically true, so that this meant that a 100-case caseload was radically different than five or 10 years ago, and combined with lots of new changes and requirements in the state around what constituted a case and how they managed a case, their caseloads were taxing staff in all community-based settings and in local government settings.

Ms. Dimock said that it also meant that their workers there and otherwise were looking for additional community supports in order to solve problems, so the idea of having a robust continuum of care in every setting was important, and they could not have just one resource or one intervention in any category that responded, but much like Ms. Pethia's continuum, the continuum of need reflected the need for a continuum of different kinds of interventions, which was true of every one of these subsets of needs. She said that need was not distributed evenly throughout their community, and Black and Brown community members had higher percentages of need in almost every category presented today.

Ms. Dimock said that the equity profile had already demonstrated that there were differences in life expectancy based on neighborhood in their community, which was also based on race, so it was important to know that this was not an evenly distributed burden across the community. She said that related to pandemic-era support ending, in the report it noted that there had been a reduction in food insecurity, which was a problem that they never expected to move the needle on, but actually food insecurity had gone down in their community largely due to support coming from the federal government, which were now ending. She said it was important to be ready for an increase or surge in need across the board for children and families in their community.

Ms. Dimock said that said that the overall rate of people living in poverty in Albemarle County was 7.67% of the population or approximately 8,000 people. She said that 8.2% of children lived in poverty and 7% of seniors lived in poverty. She said that the poverty rate for a family of 4 was \$26,500.

Ms. Dimock said that another way to identify poverty and need was the Orange Dot Report, which defined what a sufficient income would be to make ends meet, which was characterized as having access to childcare and transportation, which would allow them to have a job. She said that almost 10 years ago their baseline minimum income was reported to be \$35,000, and that continued to be used as the baseline for longevity and comparison purposes but acknowledged that those numbers affected by inflation would be somewhere between \$42,000 and \$45,000. She said that using the \$35,000 number, they identified 2,614 families who did not have sufficient income.

Ms. Dimock said that another level was to look at ALICE, which was the United Way's designation for families in need, a group of people who had jobs but were living so closely to the amount coming in that they could not survive or be resilient if there was a financial emergency in their lives, such as an unexpected medical bill or car that had been crashed. She said that these were families of concern above the systems of care and not within them yet. She said that the 2022 ALICE report identified 16,990 households of concern, and a household survival budget for a family of four was equal to \$70,788.

Ms. Dimock said that the ALICE data was available by district in the County. She said it was important to recognize that these families were not evenly distributed across all demographics, so there was a higher percentage of seniors experiencing poverty in all three of these categories, and a higher percentage of single-family head-of-households under the age of 25, which was incidentally one of the highest risk groups for domestic violence, family dissolution, and homelessness. She said that looking at the layers of concern allowed them to identify ways to target potential intervention. She said that Ms. Pethia had also identified a housing budget, which was the necessary income to afford a 2-bedroom housing unit, which was close to \$56,000.

Ms. Dimock said that the criminal justice planner had generated a lot of data, and some of the most important data they were reckoning with at the moment was a 20-year to 40-year reduction in crime. She said that there had been a 53% reduction in the violent crime rate in the last 20 years and a 61% reduction in the property crime rate. She said that they had had a recent 18- to 22-month spike in violent crime in their region. She said that local data was reflected in the national and long-term trend of reduced property crime and reduced violent crime and a recent short-term spike.

Ms. Dimock said that even with the short-term spike, they were still looking at a graph line that went way down over a long period of time, yet the community did not feel safe, which was something the people working in the system were trying to reconcile. She said that the intervention was not so direct or clear when trying to combine those two things. She said that part of the spike in violent crime included that the Police Department had responded to a call about gunshots fired every other day for the first 75 days of the year. She said that Colonel Reaves identified that they responded to 90 gun violence incidents since January, which demonstrated a particular concern around an increase in gun violence and increase in juvenile violence.

Ms. Dimock said that another area of concern was homelessness. She said that the annual point in time (PIT) data identified all people experiencing homelessness one night per year, and they also looked at the number of people surveyed over time. She said that there had been a spike from 2021 to 2022 from 177 people to 260 and had most recently dropped to 200. She said that the number of people served over the course of the year for the previous year, while there were 260 people identified in the PIT count, there were 528 people served over the course of the year by the homeless system of care.

Ms. Dimock said that it was an important distinction, because most people experienced

homelessness in their community for the first time, and it was surprising that 68% of the people served by the homeless system of care identified that as the first time they had experienced homelessness. She said that the most recent data indicated that it would be 77% of the people experiencing homelessness in the system of care were experiencing it for the first time.

Ms. Dimock said that the system of care had been designed to respond to chronic homelessness of single adults who sometimes had behavioral health needs in addition to their housing needs, and what they had been seeing more recently in the last 24 months was a pretty significant increase in family homelessness, or families who had lost their housing or had moved or had some other devastating event they could not recover from based on the pandemic-era economy. She said that it had been a challenge to their system of care, because most of the functions they had in place were for single adults.

Ms. Dimock said that data related to housing included that 10,824 households paid more than 30% of monthly income on housing, which was the HUD standard for housing burden. She said that half of those people were severely burdened, meaning they paid more than 50% of their monthly income on housing. She said that they needed just over 10,000 affordable units in the region to meet the demand by 2040, and half of those units would be needed for those at less than 50% area median income (AMI). She said that this meant that housing investments for workforce did not capture this group.

Ms. Dimock said that mental health had become a significant issue in the community and across the country. She said that prior to the pandemic, one in 10 people identified they had experienced a mental health condition as a broad definition, and after the pandemic, that number was four in 10, which was a significant increase. She said that the Surgeon General had just released a very robust report on what they were calling an epidemic of loneliness and social isolation, which had very real impacts on life expectancy, and any chronic condition was exacerbated dramatically by experiencing those effects of social isolation and loneliness.

Ms. Dimock said that an important distinction between the two was that social isolation was being physically isolated from a system of care and loneliness was the subjective experience of wishing to have more contact with people and being unable to. She said that this had serious physical impacts on people, so it was unsurprising that they would identify mental health as a serious condition and issue in the community and across the country.

Ms. Dimock said that the Mental Health and Wellness Coalition had identified a number of behavioral health goals that were in the community health improvements plans for the University of Virginia and Sentara, and the public health working group, part of President Ryan's working group collection, had identified a number of significant, robust behavioral health recommendations for the UVA system as well.

Ms. Dimock said that of particular concern around this subset of mental health data was that related to teenagers, where there had been a significant increase since 2016 with a pretty big spike between 2020 and 2021 around the number of young people experiencing suicidal ideation, and significant and steady increase in the number of young people who said they sometimes felt sad and hopeless, with a particularly strong focus on the number of young girls identifying that.

Ms. Dimock said that it was very concerning in their community because there were not many resources for adolescent mental health, so while there was lots of work being done on the behavioral health system of care, this particular area around teenagers' mental health should be given special attention by all of them.

Ms. Dimock said that this last issue she identified in this assessment was around navigation needs, which came to them from stakeholder interviews and internal conversations with providers at DSS (Department of Social Services). She said that because of the higher acuity of need of people coming in and because of the complexity of that need, their workers were being asked to identify resources and navigate resources and systems that they were unfamiliar with and were unable to do so particularly because their caseloads were so demanding. She said that helping people get connected to the service they needed was critical, and the systems were complex and could be mercurial in terms of the day-to-day experience of the systems of care.

Ms. Dimock said that by asking families to enter themselves into a system to get critical care, they had a vested interest in helping them actually connect to that care and not just give them a referral or phone number to call. She said that it was interesting because a number of those calls, they got for all kinds of issues, but particularly around seniors who did not meet the threshold for adult protective services (APS) case's mandated response, but were not self-sufficient, so there was a space between. She said that they had an interest in responding because they could prevent them from entering into the APS threshold by providing resilience through connection to a service that would prevent deeper issues.

Ms. Dimock said that she had made recommendations related to this data review and discussions with community stakeholders, important collaborators, and internal providers. She said that the recommendations were to prioritize services for families with children experiencing housing instability and homelessness by focusing on prevention, prioritize community-based mental health services for teens, and to fund spots for Albemarle County youth to participate in evidence-based positive youth development programming at CAYIP (Community Attention Youth Internship Program and Teens Give).

Ms. Dimock said that they also included to continue support of Human Services Alternative Response Team (HARTs) and coordination of efforts with Region Ten's proposed expansion of the crisis

receiving center, continue to participate in information-sharing and strategy-development activities with regional partners and preparing to support community safety working group recommendations, and support navigation services internally and externally with a priority for seniors that are in need but do not meet the criteria for an APS case.

Ms. Dimock said that staff would return to the Board on July 19 to discuss the FY25 budget process with a focus on the ABRT process, and guidance from the Board today may be incorporated into that discussion. She said that staff sought feedback and guidance on whether to incorporate larger performance contract investments, including four performance contracts supporting adolescent mental health, family homelessness, community safety, and senior navigation, up to \$100,000 per year per contract, and potential for two additional years of funding contingent upon available funds, future Board budget approval, and meeting satisfactory progress.

Ms. Dimock said that they would meet all procurement requirements for this, so it could be an open and competitive grant-making process, an RFP (Request for Proposals), or a sole-source contract depending on the issue and who expressed an interest in ideas about how to meet the needs that they defined. She said that the second category of questions and feedback was about future human services needs assessments, including preferred frequency, additional metrics of wellbeing, and presentation style changes.

Mr. Gallaway said he had no recommendations regarding presentation style. He said that he liked the idea of this moving forward. He asked how this overlapped with the annual report done by the advisory committee.

Ms. Dimock said that she did not know the answer to that question.

Mr. Gallaway said that there were things scored in that report, so he was wondering what items overlapped with the content of the human services needs assessments. He said he was not opposed to any of the recommendations in the report. He said that in the annual DSS report they received, one of the goals was to be within 5% of the spending, meaning they would not spend all the money.

Mr. Gallaway said that he believed that that was the department that should spend all of their money because of everything stated in tonight's presentation as well as in the DSS report. He said that he understood that this information would come back in budget cycles, and they would have to determine how much to allocate toward what, and all of the assessments were there to help them determine if they were putting the right money there.

Mr. Gallaway said that this was a functional area for those in need where the target they wanted to hit was high impact and high return for the money put in, but when helping folks in need, high return was not always going to be possible, but the impact for them with a small amount of resource allocation could be really big. He said that as they were thinking about funding this, he would be supportive of going after high impact, and his requirement for high return like it would be for some other department areas would not necessarily be the same.

Mr. Gallaway said that a high-impact, high-return example would be intervention programs to prevent unnecessary costs associated with keeping people in jail. He said that to help a child experiencing homelessness or food instability did not require as much of a resource, so funds should be kept available for helping in those types of situations. He said that this was the one place where lapse factor gave flexibility in a way that should be allowed in this department. He asked Ms. Dimock how many unstaffed positions there were in her department.

Ms. Dimock said there were approximately five or six open positions.

Mr. Gallaway said that there was funding allocated for those positions each year, and there should be some way for a percentage of that money to be reallocated to fund some of this urgent work in a way that would be transparent. He said that this would allow there to be County oversight while allowing for critical, high-impact and high-return work to be achieved. He said that he was glad to have this information and looked forward to when Ms. Dimock returned and the Board would discuss this topic more.

Mr. Gallaway said that he was glad to see the youth development program included and would love to learn more about what the program entailed. He said that he assumed there were a lot of seniors who did not meet the APS threshold but still were not self-sufficient, and he did not know what the caseload was for that, but it seemed to be incredibly important, and he was glad to see that as well.

Ms. LaPisto-Kirtley asked if the open positions in Ms. Dimock's department were funded.

Ms. Dimock said that they were funded but not filled.

Ms. LaPisto-Kirtley asked if those monies could be put into the program until the positions were filled in order to fill the needs they had.

Mr. Jeff Richardson, County Executive, said that Mr. Bowman from the Finance and Budget Office could discuss how the organization managed lapsed salaries not only in DSS but in all departments, and how that was handled in the budget process.

Ms. LaPisto-Kirtley clarified that she did not wish to not give them additional funding but was asking if they would be able to use that in addition to what had been presented, which she supported.

Mr. Andy Bowman, Interim Assistant Chief Financial Officer, stated that organizationally, there was an amount of turnover that could be expected throughout the organization each year, and they counted a reasonably conservative initial amount of those savings in the budget. He said that throughout the year, they tracked how they were performing through that, and once they got to the point where they had met that target of turnover or attrition, they analyzed if a different strategy was necessary. He said that an example of that would be DSS this year, where they talked to the Board about six months ago about the federal program unwinding and addressing the needs they had there.

Mr. Bowman said that they could pursue other efforts such as over-hiring to strategically hire positions while anticipating turnover. He said that this was an ongoing discussion with the departments and County Executive's Office as these opportunities arose, and at the same time they did as much as they could to keep any position changes within the annual budget process so the Board could make those decisions in the context of all County priorities and needs.

Ms. LaPisto-Kirtley asked if that was the overall strategic plan to do that with various hirings and vacancies in order to benefit the entire organization.

Mr. Richardson said that was correct. He said that with the size of the organization, number of departments, and lapsed salaries they had, they were very proactive in managing that across the organization. He said that this could be an example of something in the future that they considered, but lapsed salary was extremely hard to predict on a department-by-department basis.

Mr. Richardson said that in some cases, they would have lapsed salaries over the course of the year that would offer an opportunity they would otherwise be unable to address, and in some cases the large departments such as Fire Rescue or Social Services, there may not be very much lapsed salary over the course of the year. He said that it was difficult to predict, but it was a good idea, and he was glad Mr. Bowman could talk to the Board about how they looked for opportunities to address one-time needs throughout the year.

Ms. LaPisto-Kirtley said that she did not mean to pigeonhole the salaries for this particular area, though she could see that they could use it. She said that the 9- to 18-year-olds and the seniors were important to address and be proactive about. She said that Ms. Dimock's department did a great job doing that, but it pained her to know that there were so many needs out there, and maybe they could not address all of them, but at least as many as possible. She said that she was in favor of preventive care for adolescent mental health to prevent people from feeling hopeless. She reiterated that she supported Ms. Dimock's proposal.

Ms. Mallek said Ms. Dimock had mentioned accessing services for people, and a longstanding issue had been having the communication or the ability to get to places. She said that police officers used to offer people rides to bring them to 5th Street to get services, and she was unsure if they could still do that or if people were willing. She said that there used to be payphones everywhere, and now if people did not have cell phones, they were out of luck for calling a number to get on a list for services. She said that she would love to learn more about this problem from Ms. Dimock if she could provide more information.

Ms. Mallek said that she was fully supportive of Ms. Dimock's suggestions, but she was unsure of how exactly all the consultancies would work, and she looked forward to learning about that. She said that the focus on prevention was incredibly important, and combining the services Ms. Dimock discussed with others such as transportation were essential. She said that Ms. Dimock had mentioned the opioid abatement funding being given to Region Ten, and she would like to know if this money went toward expansion of new facilities or toward service provision.

Ms. Dimock said yes, the money went to both. She said that one of the grants they had been preliminarily approved for, which was scheduled for public hearing on Friday, was for a community outreach team, which would be a brand-new effort to move further upstream toward new and nonemergent intervention for people in their neighborhoods. She said that the other was to create 23-hour beds that were attached to the CTAC (Community Treatment and Care), where there currently was one bed attached, and this would provide opportunity for people who could not de-escalate immediately or were not well after 4 or 5 hours of spending time with a police officer or the HARTs team but likely did not need an inpatient treatment bed, jail cell, or an emergency room, but needed some place safe to de-escalate and connect to their social supports. She said that this would be a major bonus to their system of care if they received those funds.

Ms. Mallek asked if that would be in the Region Ten fiscal plan.

Ms. Dimock said yes.

Ms. Mallek said that in future needs assessments, because the numbers were so horrifying, she would like to know how Albemarle County compared to the whole. She said that she agreed with Mr. Gallaway that she did not want money to sit around unused, but in workforce, when they had state and federal money, they had to prepare for a carryforward period due to the discrepancy in their funding period and the County's. She said that she did not know if that impacted the Department of Human Services.

Ms. Dimock said that they had a very brief overlap with one month with the state in which they had to do some projections, but it was not the same kind of thing as working with the federal government. She said that HUD liked them to carry forward dollars, but they liked to get to zero and begin again, so they were always somewhat in conflict with the HUD Office.

Ms. Mallek said that it could be a very bad deal if people were in programming and then they had to cancel on them six months later. She said that she appreciated the team focus. She said that a future focus should be connections with the young people and employment, which was so helpful for self-esteem and practice life skills, and the Workforce Center should be kept in mind for this purpose due to their utilization of federal funding.

Ms. McKeel said that she fully supported Ms. Dimock's recommendations. She said that she wanted to ensure that she understood this. She said that Ms. Dimock provided a list of data received from different studies and reports, and she knew that to some degree, the data could not be compared due to the different ways it was obtained and question it was attempting to answer.

Ms. McKeel said that she had seen a lot of families with children experiencing housing instability and homelessness in her district because they were moving back and forth between the City and the County when the rent was due. She said that the children were severely affected because they were switching between school systems, and Albemarle County and the City of Charlottesville had tried to address that in some ways. She said that when they were doing this work, they should include the school system in the process.

Ms. McKeel said that regarding community-based mental health services for teens, they were seeing a rise in violent crimes and gun crimes by middle-schoolers and high-schoolers, which was a huge concern, and she had often thought that this community did not have much in the way of activities for children after school, and they knew that children joined gangs because they were looking for support systems and connection. She asked if the \$100,000 per year per contract supporting the recommendations would be able to go toward support of activities for children in the County.

Ms. Dimock said yes, the funds could be used for a range of things, and \$100,000 was a lot of money but was not a start-up for a new service, and it would substantially change the capacity of an existing service. She said that someone could propose a community-based peer counseling program or mentoring program for high school students and junior high students focused on wellbeing and mental health but not clinically focused. She said that they could focus on increasing access to after school programming or teen connections, which would all be responsive.

Ms. McKeel asked if the tutoring that the 100 Black Men offered could be an example.

Ms. Dimock said yes.

Ms. McKeel said that she would like to have these needs assessments done more than once every two years or one year, but she did not know how that worked. She said that she trusted staff to provide the best timeline.

Ms. Dimock said that the data sets presented were generally updated between 12 and 18 months, sometimes every two years. She said that if they funded any initiatives, they would be collecting performance metrics in order to confirm that they were doing what they needed and would be separate from a human services needs assessment.

Ms. McKeel said that she trusted staff to know when they had to come back, but she wanted to ensure the Board was involved and apprised of the progress. She said that this was great work and she appreciated Ms. Dimock's work.

Mr. Andrews said that he hoped they would continue to assemble the data in order to see progress, because the data was only useful when they could see it was working. He said that they got a lot of data from others, so if they updated every year or 18 months, they needed to look at least around that frequency. He said that he did not have thoughts on additional metrics, but when they began looking at performance contracts, there may be important metrics for assessing goals. He said that they had tremendous needs in the areas of adolescent mental health and family homelessness, but he was less clear on what was involved in the category of community safety.

Mr. Andrews said that the HARTs program was mentioned, and he recognized they had significant needs in their ABRT that went toward return to society for incarcerated individuals. He said that he agreed that senior navigation was a high priority, and he supported all the categories. He said that regarding funding, as others came into request assistance, their capacities for a one-size-fits-all amount may differ, so a performance contract may lend itself to a more holistic approach focused on the needs at that time.

Ms. Dimock said that the community safety issue was unclear because it was unclear, so it would be important for them if they were going to collectively invest in a solution to wait for the community safety working group to have completed its work prior to making recommendations, and they could participate in whatever the recommended investment would be.

Ms. Price said that she was broadly supportive of everything presented and was appreciative of

the work that had gone into it. She said that where her concerns lay were that there was nothing that looked like a smart goal, meaning specific, achievable, relevant, or time-based on what was presented. She said that there was question as to what prioritize meant, what fund spots, or what continuing to do these things did, and there was nothing specific that helped her believe what they could achieve there. She said that on slide 18, one thing that they needed to be reminded of was the third big bullet of up to \$100,000 per contract per year meant there could be a total of \$400,000, and there was question as to how that number was identified as a reasonable figure for the contracts.

Ms. Price said that there may be certain areas, such as family homelessness, where \$100,000 was nowhere near sufficient. She said that a Board meeting recently was held to discuss the reduction of homelessness and the fact that they were going to run out of money in no time at all and needed substantially more money there, whereas \$100,000 may be way more than needed for adolescent mental health.

Ms. Price said that they must relay how those numbers were identified and how they identified the effectiveness, because the charts provided were helpful to understanding the broad issues being dealt with, but she did not see how most of this would address most of the things in the chart. She asked how the priorities would impact the data provided. She asked how two years was identified as a potential period of funding rather than a more indefinite period. She asked how satisfactory progress would be established if they had not gone through those specifics.

Ms. Price said that she concurred that the frequency of needs assessments should be more than one year or every other year, and additional metrics of wellbeing related back to the smart metrics for determining whether or not goals were actually being achieved, because continued support did not establish a goal. She reiterated that she was broadly supportive of this and definitely believed that they, as the local government, had an obligation and responsibility to do these things, and her only question was not how but what, and how they would then know if they were achieving what their actual goal was.

Ms. Dimock said that details on the how could be addressed by incorporating Board feedback and making a proposal in July for how this was managed as a part of the budget process, but importantly, it was her baseline assumption that she did not know what the right intervention was at all for any of these categories.

Ms. Dimock said that she was not seeking funding for a specific intervention, and she believed that they needed to do a competitive or open RFP process to ask people what the solution was and evaluate with experts the solutions proposed and select from those, and like they did with Southwood, identify a performance contract based on progress made. She said that she could not answer all the questions based on the fact that she was not starting with an assumption about what the right solution was in any of these categories.

Ms. Price said that she did not expect that today, but that was what she would be looking for, so that they would be able to have that objectivity of what their desired objectives were.

Ms. Dimock said that they could incorporate this funding process as a part of the FY25 process and they would defer to their experts on how to incorporate that into the budget, and then they could do a competitive bid to find the solution, finally reporting back to the Board on what those smart goals and metrics were. She said that the Board would have the opportunity to determine whether there was a potential future year of funding.

Ms. Price said that she supported the four categories identified by Ms. Dimock.

Ms. McKeel said that the Board was continuing to learn, and they were beginning to find whether or not things worked, and they should remember that as they progressed.

Ms. Price said that that was part of identifying the objective, the current status, and the data to see if they had actually achieved those goals.

Mr. Gallaway said that in this particular area, progress versus impact were two different things. He said that a smart goal was a very specific thing, and they said whether or not it was achieved, but impact was different in that the impact they could have on people may not necessarily attach to some notation of had progress been made. He said that it might be a low return of the funds spent, but if the impact was high, he was interested in that. He said that he did not only want things to be in the direction of progress, but also with high impact so that it could be explored and understood.

Mr. Richardson said that he had discussed previously with the Board about the University of Virginia's interest in working with the City and the County in the four topic areas, and with that work, Ms. Dimock and Police Chief Reaves were still in the early stages of working through it, but by the FY25 budget process, it may run the course to the point in which they had partnership opportunities to collaborate with both of those organizations with both resources and expertise.

Ms. Dimock said that they had had three sessions in which they heard from community providers doing violence interruption activities, adolescent mental health, positive youth development programs, and early childhood and family support programs. She said that they were looking at the current presence of evidence-based practices in the community and the capacity of those programs to see if there was someone already doing something that had impact on prevention of criminal involvement later on that they could improve the capacity of without building something new.

Ms. Dimock said that they had also looked at large structural changes that had been implemented in cities to reduce violence in general. She said that a lot of these programs were relatively new, so their impact on community safety data would be unknown for some time. She said that her use of the word progress was not meant to soft-pedal it, because there would be some that they could say they had made a difference, and could name the number of people and the way they had made a difference, and there would be others where they could say it was a good prevention program that had worked in other places, but they couldn't define a big impact.

Ms. Dimock said that \$100,000 per year for a contract for three years was something that they had not tried before, so it was a substantial enough impact to contribute to the expanded capacity of something, and they knew they could serve more people than they currently did. She said that this also would be able to be done over time with the potential of additional funding as a new way of doing it, so it would be a new experiment that did not require a lot of money. She said that individual interventions may not have a great impact, but in conjunction with other initiatives at the right time, they could potentially move the needle at some point.

Ms. McKeel said that the community was safer than people thought it was according to Ms. Dimock's presentation. She asked how that could be addressed.

Ms. Dimock said that she did not know the answer to that because they were only beginning to assess the cause of that feeling. She said that her strong instinct was that it was connected to the social isolation and loneliness people experienced, in that people were disconnected and therefore felt unsafe, and also people had access to more information about crime happening. She said that she was unsure, but the Surgeon General had put an urgent plea for people to evaluate, study, and research it to understand the connections, because the solutions were wholly different from the ones they had had before.

Ms. McKeel said that she was unsure of how they impacted people's view of crime in this way, because she knew that people in her own district feared crime while it was not actually happening around them.

Ms. Mallek asked if there would be a considerable relationship between overhead and services during the development of the process. She said that she would be reluctant to agree to hire someone and then have no money to provide the services, but for some initiatives \$100,000 would go a long way.

Agenda Item No.13. Closed Meeting.

At 4:50 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 (7), to consult with legal counsel and receive briefings by staff members pertaining to actual litigation concerning the Ragged Mountain Natural Area, in the case styled Board of Supervisors of the County of Albemarle, Virginia v. City Council of the City of Charlottesville, Virginia where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and
- under subsection (8) to consult with legal counsel regarding specific legal matters requiring legal advice related to land use applications and a decision of the Board of Zoning Appeals.

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

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

Agenda Item No.14. Certify Closed Meeting.

At 6:00 p.m., Ms. LaPisto-Kirtley **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

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

Agenda Item No. 15. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said that the Virginia Opioid Abatement Authority (OAA) grant supported Goal 1, which encouraged a vibrant community with economic and recreational

opportunities that serve all community members, and the particular focus on Goal 1.2 was to enhance and develop human service initiatives to assist their community in accessing existing resources. He said that a committee of the Virginia OAA voted to recommend more than \$23 million in awards to 76 Virginia cities and counties, which represented the first major allocation of awards since Virginia received the first national settlement payments from manufacturers and distributors of prescription opioids last year.

Mr. Richardson said that Albemarle County was the fiscal agent for the Regional Cooperative Partnership, which included Albemarle, Nelson, Louisa, Greene, and Fluvanna Counties, and the City of Charlottesville. He thanked the staff of Albemarle County for stepping forward to be the fiscal agent.

Mr. Richardson said that they were recommended for two of the three grants, and the first grant award expanded their crisis response, which was a 23-hour bed program at Region Ten, with an award amount of \$834,000. He said that the second grant would expand the Blue Ridge Center Community Response and add drop-in service at Region Ten, which was for \$448,000.

Mr. Richardson said that these expanded services had a significant impact on their community, the members they served, and specifically the community members who were struggling with behavioral health challenges. He said that the full Board of Directors at the OAA would conduct a public meeting on June 23 to consider public comment before voting on the recommended grant awards. He said that the timing of this discussion and the report to the Board blended well with the report from Ms. Dimock earlier in the meeting.

Mr. Richardson said that as indicated on the slide, the Director of Equity and Inclusion, Mr. Jesse Brookins graduated from the Leaders Lab of Greater Charlottesville, which was a nine-month program for emerging leaders to build leadership skills and to practice collaborative community problem solving. He said that this was run through the Greater Charlottesville Chamber of Commerce, and Mr. Brookins represented Albemarle in the last year.

Mr. Richardson said that Mr. Brookins also recently graduated from the UVA Local Government Equity Clinic, which equipped community members with tools for governance, equity, and resiliency. He said that Ms. Kim Gardner, Chief of the Office of Grants and Agreements in the Finance Department, also graduated from the UVA Local Government Equity Clinic.

Mr. Richardson said that the town hall was held yesterday with 177 employees. He said that he shared at the meeting that his favorite slide at that month's presentation was the slide about Mr. Dirk Kingma. He said that when a fellow team member encountered medical leave in January 2023, Mr. Dirk Kingma stepped out of his role as a Combination Inspector II in Community Development (CDD) to assist in plan review and process efficiency, and he eventually became a residential plan reviewer in April 2023. He said that he had performed over 800 residential plan reviews such as single-family dwellings, solar, ground- and roof-mounted signs and various other types of plans.

Mr. Richardson said that since January 2023, the residential plan review cycle time had reduced from an average of 91 days per permit to an average of 26 days per permit, or a 71% reduction. He said that they were fortunate to have team members such as Mr. Kingma in their organization, and that type of performance metric was what they were driving toward as an organization.

Mr. Richardson said that the Information Technology Department (IT) led the County in a layered approach in cybersecurity defense to protect the external infrastructure from vulnerabilities and strived to maintain proactive vigilance in monitoring and enhancing their information security measures. He said that one layer just conducted last week required all County staff to complete annual cybersecurity training, and also required all Board members to complete annual cybersecurity training.

Mr. Richardson said that for monitoring and response, the County had technical solutions spanning from domain protection as their first line of defense to application network and perimeter security. He said that IT Security Manager Eric Kiser recently reported that their firewall and VPN had blocked over 105,000 attempts and 3 million connection attempts from outside of the United States and 430,000 restricted application blocks every day.

Mr. Richardson said that a program that supported Goal 1, which was nurturing a safe and healthy community, was 40 years of the Albemarle County Police Department (ACPD). He said that in May of 1983, the Albemarle County Board of Supervisors passed an ordinance creating the ACPD with a staffing level of five officers. He said that the Police Force was defined in Virginia Code Section 14.1-84.2L, "is hereby established, which shall be responsible on and after June 1, 1983 for the prevention and detection of crime, the apprehension of criminals, the safeguard of life and property, preservation of peace, and the enforcement of state and local laws, regulations, and ordinances."

Mr. Richardson said that in honor of the 40th anniversary of ACPD, the Albemarle County Police Foundation presented every sworn and civilian personnel with a commemorative badge set containing all five badges that had been worn in the history of the department. He gave his thanks to Detective Phil Giles for the concept of his work in creating the special set.

Mr. Richardson said that Albemarle County had been recognized by the National Association of Counties (NACo) with two 2023 achievement awards. He said that these were given for the County's work in implementing community engagement efforts and also the County's approach to project and change management. He said that this was connected to their performance, specifically to Goal 2, which was designing programs and services that promoted equitable, engaged, and a climate-resilient

community, Goal 6, which was to recruit, retain, and engage public servants to provide quality government services that advanced their mission.

Mr. Richardson said that the first of the two recognitions was for the Let's Talk Albemarle Mobile Field Office recognized for its County-wide community engagement effort to meet people where they were by taking the van all over the County. He said that the County was also recognized for its project and change management approach, which was driven out of their Performance and Strategic Planning Division led by Ms. Kristy Shifflett. He said that this model was recently seen in the payroll clarity project, a completed effort that modernized the organization's payroll system and their processes. He thanked the Performance and Strategic Planning Division, the Office of Finance and Budget, the Office of Communications and Public Engagement, the Procurement Division, and other supporting divisions.

Mr. Richardson said that Southwood Market Day was an example of them being in the community supporting Goal 2, designing programs and services that promoted equitable, engaged, and a climate-resilient community. He said that staff from Facilities and Environmental Services (FES) and Parks and Recreation as well as the Piedmont Environmental Council (PEC) attended the Southwood Market Day to talk with community members about the future Biscuit Run Park. He said that responses to the question of what people wanted to see in Biscuit Run Park included well-identified trails, play areas with swings, access to trails from Southwood, stream restoration, and birdwatching.

Mr. Richardson said that as a part of their connecting to a safe and healthy community, Albemarle County Fire Rescue (ACFR) crew members from the Monticello Fire Station visited Mountain View Elementary School's field day to celebrate the end of the school year and cool off the students with water.

Mr. Richardson said that the Avelo Airlines flights from Charlottesville-Albemarle (CHO) Airport to Orlando International Airport began on May 4, 2023. He said that CHO Airport had four Florida markets in the top 20 destinations that passengers went to regularly, so this was a big win for Charlottesville and the surrounding counties that CHO serves.

Mr. Gallaway said that the improvement in permitting was a wonderful improvement.

Ms. Mallek said that the process improvements made by staff were appreciated by businesses and individuals, because people of all levels needed to build things, and it was great to get that permitting done.

Ms. McKeel said that she appreciated the 71% reduction in time taken for community members and businesses to get applications through. She asked if those of them who voted to establish the ACPD by referendum 40 years ago could receive a badge set.

Mr. Andrews said that the cybersecurity training for the County included reporting phishing attempts, and by doing so he learned that they were a part of the County's testing.

Ms. Price said that she appreciated that Mr. Richardson brought forward the exceptionalism and progress in Albemarle County, and that exceptionalism was the norm in the County. She said that the CDD improvement for permitting time was a huge step.

Agenda Item No. 16. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Mr. Kent Schlusell, Rio District resident, said that he was also the chairperson of the Dunlora Trails Committee, which maintained neighborhood trails as well as the RTF (Rivanna Trails Foundation) trail that went through Dunlora. He said that several months before, he talked to the Board about trees, and since that time, it had only gotten worse as the developers clear cut everything in sight. He said that it was not good for them and was not good for the environment.

Mr. Schlusell said that he would refresh their memories on the issue and show photographs as well as possible policies to stop this practice and improve the environment. He said that according to the Department of Agriculture, trees provided much needed oxygen for people to live, and were the only natural way to help improve the environment. He said that trees were nature's way to produce oxygen and filter the air.

Mr. Schlusell said that if 1000 acres were developed, that was enough oxygen for 18,000 people. He said that clearcutting meant less oxygen and more pollutants, however, they could do better with good policy and destroying their trees. He said that displayed on the screen was an example of clearcutting in one area of Albemarle County. He noted that clearcutting had taken place in Crozet, US 29-North, Pantops, as well as other areas. He said that many mature trees had been destroyed, to say nothing about the loss of habitat for wildlife.

Mr. Schlusell displayed another photograph which he said was a different perspective of what was and what was now, with trees in the background that had to also suffer from the destruction of the trees near them, as ground pollutants were carried in the streams that originated on the clear-cut land went down to the trees. He said that this ended up in the Rivanna River. He said that in addition, RTF trails had been destroyed due to the clearcutting. He said that they needed policies that encouraged leaving trees as opposed to destroying them, which was up to the County to set as a policy. He said that the bottom line was to stop the practice of clearcutting and help save the environment.

Ms. Judy Schlusel, Rio District resident and member of the Rio-29 CAC (Community Advisory Committee), said that she recently sent the Board an email about the truck restriction sign being removed on Dunlora Drive and Loring Run. She said that the Board requested Emily Kilroy investigate the request, which was sent to Carrie Sheppard, Charlottesville Residency Administrator for VDOT, and Ms. Sheppard's response was somewhat of a textbook answer. She said that textbook answers were great if they were taking a test, but then there was application to real-life situation. She said that the Belvedere subdivision became a reality to homeowners beginning in 2008 and brought increased truck and safety concerns to the Dunlora residents.

Ms. Schlusel said that Dunlora Drive was and continued to be used as a cut-through, and concerns were brought to the attention of key people, including Mr. Ned Gallaway, Ms. Etta Moore from VDOT, and Mr. Mark Graham from Albemarle County CDD, who all worked together, and a truck restriction sign was put on Dunlora Drive and Loring Run, and truck traffic decreased. She said that guidelines for signs needed to be in place, however, sometimes guidelines needed to be reevaluated, and perhaps this was an example of how the environment in and around Rio Road had changed.

Ms. Schlusel said that the Belvedere subdivision was years from being built out, which meant that the residents of Dunlora would need to contend with speeding construction trucks driving down a road that had a country road designation while residents walked and rode bikes along the road's edge. She said several traffic studies and radar had confirmed that drivers went much faster than the posted speed, and the Albemarle County Traffic Department was short-staffed but could not continuously focus on Dunlora subdivision although acknowledging there was a speeding issue.

Ms. Schlusel said that at 7:48 a.m. on Monday, June 12, her husband was going to work as an election official at the early election site at the County Office Building on 5th Street. She said that she was sitting at her computer, and at the same time her husband was driving on Dunlora Drive when a huge tractor trailer taking up three quarters of the road came speeding down the road, causing her husband to stop. She said that she heard a loud roar and thought a plane was diverted over the house en route to Charlottesville-Albemarle Airport. She said that she could see Dunlora Drive from her house, and it was not a plane but a flatbed truck carrying huge construction vehicles and going much faster than the posted speed. She said that her husband was a very focused driver and avoided a potentially catastrophic accident.

Ms. Schlusel asked how many of them remembered the accident at Forest Lakes southern entrance when a very large truck came speeding up 29-North, broadsiding a young driver leaving the Forest Lakes entrance heading to Albemarle High School. She said that this young girl had her entire life ahead of her but was cut short because of the road conditions, and the accident was a community nightmare. She said that noise pollution and driving recklessly meant that they should be proactive and reevaluate and focus on safety before a citizen was seriously injured due to this dangerous situation. She asked the Board to act now by creating a resolution potentially avoiding headline stories involving the Dunlora community.

Agenda Item No. 17. Public Hearing: Authorized Uses of Rivanna Station Futures Acquisition. To receive public comment on the County's proposed acquisition of the following Parcels, for the possible development thereon of business and industry: Parcel ID Numbers 02100-00-00-014C0, 03200-00-00-005C0, 03300-00-00-00100, 03300-00-00-001B0, 03300-00-00-001D0, 03300-00-00-00200, 03300-00-00-01000, 03300-00-00-01400, 03300-00-00-01500, a portion of 03300-00-00-01300, and a portion of 03300-00-00-01600 within Albemarle County, Virginia.

The Executive Summary as forwarded to the Board states that on May 24, 2023, the Board of Supervisors adopted a resolution (Attachment A) to authorize the acquisition of 462 acres located in the Rivanna Magisterial District, at a purchase price of \$58 million, for certain purposes. The subject property (formerly Project Falcons, but now known as Rivanna Station Futures) consists of the following Parcels: 02100-00-00-014C0, 03200-00-00-005C0, 03300-00-00-00100, 03300-00-00-001B0, 03300-00-00-001D0, 03300-00-00-00200, 03300-00-00-01000, 03300-00-00-0001400, 03300-00-00-01500, a portion of 03300-00-00-01300, and a portion of 03300-00-00-01600. As presented on May 24, the development of the County's proposed Intelligence Community Innovation Acceleration Campus on this property may include public, private, and non-profit users.

By its action on May 24, the Board has already authorized the acquisition of the Rivanna Station Futures property (a) for any public use, including, without limitation, public facilities such as educational facilities and military installations (pursuant to Virginia Code § 15.2-1800), (b) for facility site(s) (pursuant to Virginia Code § 15.2-4917), and (c) for development of business and industry (pursuant to Virginia Code § 15.2-1802), conditioned upon the conduct of a public hearing as required therein.

Staff's presentation on June 7 provided an overview of the budgetary impact and financing strategy for the purchase of the 462 acres for \$58 million, as well as the due diligence to be undertaken by the County.

Staff recommends that the Board conduct the public hearing and subsequently adopt the attached proposed Resolution (Attachment B), reaffirming the possible uses of the Rivanna Station Futures property, including, without limitation, the development on such land of business and industry. In all other respects, the Board's May 24 Resolution would be reaffirmed and remain in effect.

Mr. Trevor Henry, Deputy County Executive, stated that by the Board's action on May 24, the Board had already authorized the acquisition of the Rivanna Station Futures property for any public use, including without limitation public facilities such as educational facilities and military installations. He said that for facilities beyond that, development of business industry or anything more in the private sector required a Board to conduct a public hearing specific to the land use, which was why staff was presenting tonight.

Mr. Henry said that what was heard from contacts in the support of defense and security was that they could not do this mission alone, and the attraction of this work and this future was that it would give the opportunity to bring the nation's best and brightest talent, including representations from academia and private industry to bear the support of the work currently and in the future. He said that they believed this location in their community was uniquely poised to provide this.

Mr. Henry said that he would provide summary information about the item before Deputy County Attorney Andy Herrick reviewed the specifics of the public hearing and land use item. He said that staff recommended the Board conduct this public hearing as well as adoption of the resolution attached in the executive summary. He said that this would reaffirm the possible uses of the Rivanna Stations Futures property, including and without limitation the development of such land for business and industry. He said that in all other respects, the Board's resolution from May 24 would be reaffirmed and remain in effect.

Mr. Henry said that displayed on the slide was the overhead view of Rivanna Station today. He said that it was home to the National Ground Intelligence Center (NGIC), the National Intelligence Agency, and the National Geospatial-Intelligence Agency. He said that those functions comprised a core intelligence center in their community on 29-North near the Greene County line, off of Boulders Road.

Mr. Henry said that currently underway was a \$90 million expansion project for NGIC, and with this project, the investment would be extended by the military in this area to approximately \$312 million. He said that Rivanna Station was home to 2,100 civilian and military personnel on 75 acres of land, and the work done there was critical in the support of their intelligence community with data and analytical insights that advanced their security interests locally and abroad.

Mr. Henry said that the Defense Affairs Committee Programs Manager presented to the Board a month ago the economic impact study of the DoD (Department of Defense), which was the second-largest economic driver in the community of Albemarle County, City of Charlottesville, and Greene County. He said that this industry represented approximately \$1.2 billion in revenues annually, which Rivanna Station composed 52%.

Mr. Henry said that indicated on the screen was an aerial photograph of the site, in which the orange color represented the existing Rivanna Station owned by the army, approximately 75 acres just off of Boulders Road, a public VDOT road, and terminated at the green section in the middle. He said that the green section was a commercial building leased by the army that had been upfitted to support consultant and contractor work for Rivanna Station. He said that the area that surrounded that represented the 462 acres that the Board accepted the contract of on May 24, and was the area subject to the land use discussion today.

Mr. Henry noted that the work around this station and in support of DoD started in 2010 and 2014 from the state Secretary of Veterans Affairs Office holding multiple SWAT (special weapons and tactics) analyses with stakeholders from Rivanna Station and the defense industry, where they discussions around the possibility of expansion, and was the basis for driving this work the County was undergoing today. He said that feedback heard through the past decade from the DoD partners was that they had a strong preference to have a large buffer from neighbors and agencies as practical, especially due to the type of mission that Rivanna Station managed.

Mr. Henry said that an envisioned layout of a future expansion would take up 75 to 100 acres, so as an adjacency, they had spent a decent amount of time investigating and continued to do so now. He said that by having site control, the County had the opportunity to continue to work with representatives of DoD on compatible uses and as they considered uses beyond the near-immediate, they would be able to do that in a way that was supportive of the work there. He said that there was also 1,500 acres of developable area that could become a defense and technology corridor over the next decade, as Chair Price mentioned earlier in the meeting. He said that there was a lot of work to do, but the community was primed to support that work.

Mr. Henry said that displayed on the screen was a rendering of what the layout of the site could possibly look like, which was created in 2014 and used as a model of interest and expansion. He said that there was remaining acreage in the development area that was under consideration and was a part of why they were present; to allow through this action today, if the Board chose, to give staff the tools necessary to optimize this region in a way that supported current and future missions.

Mr. Andy Herrick, Deputy County Attorney, stated that he would be reiterating some of the information shared by Mr. Steve Rosenberg, County Attorney, at the Board's last meeting as well as Mr. Henry's comments. He said that he would like to help the Board and the public. He said he would like the Board and the public to understand the limited purpose of tonight's public hearing. He said that when the Board adopted its resolution previously on May 24, it proved acquisition of the entire 462 acres and authorized the County Executive to take the steps necessary to complete the acquisition. He said that no

further action was required by the Board to acquire the land.

Mr. Herrick clarified that at this juncture, the County had not yet acquired the land but had signed a contract to do so. He said that for the next several months, the County would be performing due diligence, which was the process in which tests and studies were performed to investigate the land before the County actually decided to complete the acquisition. He said that once the County acquired the land, they could make many uses of it, including public uses such as educational facilities and military installations, both of which were a part of the intelligence community innovation acceleration campus that had been conceptualized by the Board and County staff.

Mr. Herrick said that under certain conditions, the County may also use the land for what was referred to in the state code as a facility site, a category that included a very narrow set of uses. He said that for the uses of public and facility sites, the County needed to do nothing more, and once the County's due diligence was completed, it may proceed to accept the deed to the land, and no public hearing was required for those uses.

Mr. Herrick said that if the County decided to include as a part of the campus business or industrial development that complemented other uses, or even if it wanted to preserve that possibility but had not yet decided to do so, state law required that the Board first conduct a public hearing prior to the acquisition of the land about its potential business and industrial development. He said that therefore, to preserve all options as the concept for this campus was further pursued and refined, staff recommended the Board conduct a public hearing tonight.

Mr. Herrick said that although no further action beyond the conduct of the public hearing was required, for the Board's consideration at the conclusion of the public hearing would be a resolution reaffirming the Board's resolution adopted on May 24 and setting forth the potential uses of the land once it was acquired by the County, including both uses for which no public hearing was required and for business and industrial development that required a public hearing. He said that in summary, the public hearing tonight was not about whether to acquire the land, which was a decision already made by the Board subject to the completion of due diligence.

Mr. Herrick said that the public hearing tonight was about whether to facilitate certain uses of the land, specifically business and industrial development once it was acquired. He said that, prepared for the Board's consideration, was a proposed resolution, and staff recommended at the conclusion of the public hearing that the Board adopt the proposed resolution, included as Attachment B in the staff report.

Mr. Herrick said that as indicated previously, the proposed resolution would reaffirm the possible uses of the property, including its development for business and industry, and in all other respects the May 24 resolution would be reaffirmed and remain in effect. He said that at the bottom of the document there was a suggested motion if the Board chose to adopt the resolution. He said that as Mr. Henry indicated, he would discuss the next steps if the Board chose to proceed with this.

Ms. Price said that if any audience member was present to speak for this public hearing, there was a sign-up sheet that she requested the speakers sign before the public comment portion.

Ms. Price opened the public hearing.

Mr. Adrian Felts, Defense Affairs Committee of the Charlottesville Regional Chamber of Commerce, thanked the Board for the opportunity to speak about expanding private enterprise created by the recent acquisition described in Rivanna Station Futures. He said that he would provide history from his perspective in the defense industry and as a member of the Defense Affairs Committee of the Charlottesville Regional Chamber of Commerce.

Mr. Felts said that his former company moved him to Charlottesville in 2005 to ready their business for the base realignment inclusion that was planned for 2010. He said that at that time, the Defense Intelligence Agency (DIA) had been directed to close several leased facilities in the national capital region, which would require the movement of more than 800 government employees to a new joint use facility at Rivanna Station. He said that in 2009, the Chamber invited himself and several other defense contractors and related stakeholders to form at that time what would be the defense enterprise roundtable. He said that early discussions of the roundtable members identified areas of focus that included workforce development, community engagement, and trailing spouse employment.

Mr. Felts said that there were also suggestions by some in that group that they as a community somehow resist that change, and this mindset offered an opportunity to further engage with the leadership in DIA as well as their counterparts at the NGIC to help educate the community on the benefits of having these national security assets in their backyard and to welcome the resulting positive impact to the regional economy.

Mr. Felts said that as the roundtable evolved, it became clear that the leadership at Rivanna Station desired to utilize the group as their primary conduit for communicating with the community. He said that regular sessions with the key Chamber stakeholders and the Rivanna Station leadership allowed them to shape an agenda that evolved from a solely volunteer effort to hiring a fully-funded program coordinator, which was spearheaded by this Board's approval of funding for the position as a pilot in 2019.

Mr. Felts said that the Board's leadership was complemented with funding from Greene County, City of Charlottesville, University of Virginia, and the UVA Foundation, all of whom recognized the opportunity to further support the military government defense industry, and veterans who contributed greatly to this community. He said that this pilot was very successful in a myriad of ways, and most recently culminated in the Weldon Cooper report on the defense industry's economic impact on the region to the tune of \$1.2 billion, and in the hosting of a SWAT analysis focused on Rivanna Station, which was followed up to a similar analysis a few years ago that identified opportunities that Rivanna Station Futures directly addressed.

Mr. Felts said that the County's leadership in enabling the efforts in the Defense Affairs Committee, and now with the acquisition described in Rivanna Station Futures project, would continue to allow opportunities for the highly technical solutions that the DoD and intelligence community needed from industry and academia to protect their national security. He said that this further attracted additional high-paying technical jobs to their region, as well as other private enterprises required to support the employees who filled those jobs.

Mr. T. J. Fadetey, Rivanna District, said that he believed in fostering a great relationship with the defense sector here and all the benefits that it brought, but a decision of this magnitude merited more than just one public hearing. He said that while the Virginia Code allowed the County to purchase this land, it would behoove the body to further engage resident taxpayers of Albemarle County as part of a deliberate due diligence process. He said that per the County's GIS (Geographic Information System), the assessed value of this land totaled \$22,397,000. He asked why the Board had agreed to pay over \$35 million over the assessed value.

Mr. Fadetey said that of the 462 acres to be purchased, he read that the Rivanna Station expansion would only use 100 of them, and he asked what the County's plans were for the remaining 300 acres. He said that this purchase would be realized through the issuance of revenue bonds, and resident taxpayers had the right to know what were the existing and future streams of revenue that would satisfy the underwriting of bonds for which the proceeds would make this purchase possible.

Mr. Fadetey said that unfortunately, the Code of Virginia only required a referendum when general obligation bonds were proposed, and they had no such requirement that would further engage resident taxpayers in Albemarle County. He asked where the economic development partnership was in all of this and why Albemarle County was so on its own. He said that while this may be a sound investment, he believed the process moving forward could later call into questions the actions of this Board.

Mr. Michael Scott, Rio District, said that he had been a resident of Albemarle County for nearly 30 years. He said that this was hands down the best, most forward-leaning proposal they had seen in three decades, and he would like to thank the Board for their insightful leadership and having the courage to act on it. He said that Rivanna Station Futures had potential for tremendous benefits to the community for generations to come.

Mr. Scott said that beyond the proposed development of the property that had already been publicized, he respectfully requested that at least 20% of the land be preserved as a natural area to be used as a sanctuary for military personnel and veterans. He said that as the military struggled with the lasting impact of decades of combat operations, deployments, and overall high operational tempo, opportunities to heal the human mind and spirit seemed elusive, but they had the chance to change that.

Mr. Scott said that nature was known to have many healing properties including healing the human mind and spirit, and nature-based healing could be active or passive, or a combination of the two. He said that studies had shown that nature-based therapy had real benefits for those dealing with post-traumatic stress disorder, anxiety, and depression. He said that the natural rejuvenation zone on Rivanna Station away from gun ranges and demanding lives could provide the setting for a nature-based therapy, a safe area for those who struggled to reconnect could benefit from nature's ability to heal.

Mr. Scott said that on a more active end of the spectrum, the concept of therapeutic horticulture was centuries old and used today in some Veterans Administration facilities for the treatment of trauma and stress-related disorders. He said that partnering with the VA (Veterans Affairs), local mental health professionals, horticulturists, and nature conservators could further increase the benefits and create a place in which people wanted to invest their time and energy. He said that a bolder, whole governmental or societal approach should be ideal and something to aspire to as they tried to help heal those who had served them all.

Ms. Andrea Johnson, Jack Jouett District, said that she was present in support of the Rivanna Station Futures. She said that for additional perspective, the economic impact would be huge, and as a 23-year military wife she knew that being part of the military was enriching in what it could bring to the community not only for the service men and women, but for their families. She said that this was something that should be taken into consideration, and the military in general had a sense of service, which was transposed into the communities in which military families lived.

Ms. Helen Cauthen, President of the Central Virginia Partnership for Economic Development,

said that Mr. Henry could attest that she was absolutely thrilled to hear the news that the County was considering something this grand. She said that her group represented Albemarle County, Charlottesville, and seven other counties as a not-for-profit collaboration of higher education, local government, and the private sector.

Ms. Cauthen said that one of the region's key targeted industries was defense and security. She said that she was on the leadership committee of the Chamber's Defense Affairs Committee and appreciated the opportunity to look at how they could help the defense sector in their region to remain and grow there. She said that as they knew from the Weldon Cooper study, an impact of \$1.2 billion was significant, and would create 2,100 jobs with an average wage of \$100,000 at Rivanna Station alone. She said that if they had the vision, they could achieve phenomenal results.

Mr. Cauthen said that for example, Gary Wood of the Central Virginia Electric Cooperative (CECV) had the vision of bringing high-speed internet to rural Virginia, and just four years later with Firefly fiber broadband, what they had achieved was absolutely remarkable. She said that this was in her view a once-in-a-generation opportunity that could have similar significant results. She said that they could help protect Rivanna Station and its \$500 million impact and make an investment that would preserve and grow their defense in other sectors over the long term.

Mr. Neil Williamson, the Free Enterprise Forum, said that earlier today, the Chair spoke of a shipmate who had spent a significant portion of their entire bill at sea. He said that he never served but was born at the U.S. Military Academy as well as his brother, and his father served for 20 years. He said that during the summers, he and his brother would go to the Pentagon to get their haircuts because there was a barber shop there open on weekdays, and for lunch during that day, they would go to a terrible restaurant called the Pickle Palace that literally served a plate of pickles.

Mr. Williamson said that there was a huge economic benefit around military installations, and he knew that staff had done exactly what state code had said in focusing the public hearing to allow options for private enterprise to locate at Rivanna Station. He said that considering the corollary if they did not do this, they would be actively prohibiting private enterprise from locating where private enterprise was needed.

Mr. Williamson said that they were outsourcing so much and their military deserved so much. He said that whether it was a large business like some of the contractors or a small business such as a sandwich shop that served pickles, it was certainly was good for Albemarle. He said that the Free Enterprise Forum was proud to stand with the Charlottesville Regional Chamber of Commerce in support of opening the Rivanna Station Futures to private enterprise.

Mr. Don Long, Chair of the Albemarle County Economic Development Authority (EDA) and White Hall District resident, said that yesterday the EDA received a presentation from Mr. Trevor Henry, Deputy County Executive, and Mr. Jonathan Newberry, Economic Development Office, about the Rivanna Station Futures project, and the members of the EDA and himself were ready to help and do what was necessary to move this project forward. He said that he believed this was a very forward-thinking and was supportive of what the County was doing to support the defense industry and the opportunities this would give the County moving forward. He said that he supported the action tonight and encouraged the Board to keep doing what they did.

Ms. Natalie Masri, President and CEO of the Charlottesville Regional Chamber of Commerce, said that she just started that position on June 1. She said that the Chamber's mission was to advocate, convene, and engage to strengthen business in the greater Charlottesville region, and they urged the Albemarle County Board of Supervisors to endorse the proposed resolution to allow for private enterprise activity to locate at Rivanna Station Futures.

Ms. Masri said that this potential co-location with institutional users would foster an environment that stimulated diversified job creation, capital investment, and entrepreneurial opportunity and activity. She said that it also potentially may reduce traffic demands on US-29 North by providing services and office space adjacent to the institutional employment center. She said that they believed that allowing private enterprise would increase and enhance the project's attractiveness as well as financial viability. She said that they also applauded creative public-private partnerships to improve their regional economic vitality.

Ms. Price asked if there were any additional questions or comments from the Board of Supervisors, and hearing none, closed the public hearing.

Mr. Gallaway thanked the public for speaking on the project. He said that he was very pleased that a member of the Rio District came forward to speak and was glad that Mr. Scott recommended a rejuvenation zone. He said that he did not know if it was on the radar, but it was a wonderful idea. He said that the extra acreage had come up in another comment, and with this type of installation, the buffer zone around it was important, so the extra acreage had been kept for that purpose. He said that there was room to accommodate Mr. Scott's idea, especially since it would serve those potentially working there but also family members.

Ms. LaPisto-Kirtley said that she was very much in favor of the Rivanna Station because she was from a military family. She said that Mr. Scott's suggestion to help those who needed to heal from being in the military as a service member or as a family member was important and she thanked him for his suggestion. She said that this was Albemarle County staff's best to see into the future and making sure they were maximizing the use of Rivanna Station and their economic viability.

Ms. Mallek thanked staff and the Board members both current and past who in recent years had come to recognize the importance of the station. She said that there was also importance in the ability to expand and provide the security buffer in order for the station to stay. She said that she became involved with this issue in 2008 and was pleased to see the progress, but she also would like to connect Mr. Scott to staff in order to incorporate his idea to help recovering and returning veterans. She said that even in the short term when they had to come and go every six months, to have that place close by would be very wonderful. She said that she looked forward to seeing this project as it developed.

Ms. McKeel said that she was thrilled to join her fellow Board members in support of this project. She said that she would like to take the time as others had to thank staff and community members who had worked diligently on this project for a long time. She said that she appreciated Mr. Scott's recommendation as well, and it was an example of the reason they brought the public in to talk about their ideas.

Mr. Andrews said that he supported the project and hearing about the flexibility in this resolution to include public-private partnerships and business development. He also expressed his appreciation to staff for going through the long process of negotiating and analyzing how to proceed with this project.

Ms. Price said that they were all aware that there had been discussions about facilities that would improve quality of life for those who were stationed or worked there, but none of them had taken it that next extension to that, and the Board was very appreciative of those remarks. She said that they did not have a military base in the area, but that had a military installation. She said that when this facility was acquired subject to the due diligence, it would provide opportunities for quality of life that did not currently exist. She said that the public was appreciated for expressing their thoughts to the Board.

Ms. Price said that as Mr. Herrick made clear earlier, the decision tonight was not related to the acquisition of the property, which was a decision subject to due diligence that had already been made. She said that the decision tonight was whether upon acquiring the property they limited their ability to utilize the property, and she could think of no reason that they would cut off the opportunities before they had the chance to make those decisions.

Ms. Price said that she had mentioned before that while they were looking at this as an intelligence acceleration campus, the uses of what could be developed there far exceeded the intelligence or defense industry. She said that advances in medical and surgical abilities came from combat experience, and advances in technology may begin in the military intelligence area and soon have application into the broader economy and society. She said that there was no reason in the world why they would not want to give themselves the greatest flexibility and opportunity.

Ms. Mallek said that it was reassuring that this was not a blank page, and there was a tremendous amount of work regarding rules, criteria, and process that were yet forthcoming. She said that this action allowed them to then do that work and not preclude that from happening.

Ms. Price said that the floor was open for a motion.

Ms. Price **moved** that the Board adopt the resolution to reaffirm the use of the Rivanna Station Futures property for the development of business and industry (Attachment B).

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

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

Mr. Henry said that they were currently in engagement with the state, and staff was full court press on the partnership of development work and would continue to do so. He said that they were also in the middle of due diligence that was proceeding on schedule. He said that coincidence, or not, he and Mr. Newberry were leaving after this meeting to attend a conference in Washington, D.C. tomorrow for the Association of Defense Communities.

Mr. Henry said that the topic of the conference was relevant in that both DoD and Congress had recently sounded the alarm on the potential national security threat posed by foreign investment near their military installations. He continued that this issue had created a complex challenge for defense community leaders as they sought to balance economic development in support of the military installation. He said that this forum would look to find specific challenges, explore current actions being undertaken by DoD, Congress, and other federal agencies, and begin to define the role that defense communities must have in addressing this issue. He said that this was absolutely relevant to the work and leadership the Board was doing on this project, and he was proud to be a part of it.

**RESOLUTION TO REAFFIRM THE USE OF THE RIVANNA STATION FUTURES PROPERTY FOR
THE DEVELOPMENT OF BUSINESS AND INDUSTRY**

WHEREAS, Next Generation, L.L.C. and Rivanna Station Futures, LLC entered into a certain Purchase and Sale Agreement dated May 18, 2023 (the “Agreement”) concerning the conveyance of certain real property and related assets more particularly described in the Agreement, including Parcel ID Numbers 21-14C, 33-1, 33-2, 33-10, 32-5C, 33-1B, 33-1D, 33-

14, 33-15, a portion of 33-13, and a portion of 33-16 within Albemarle County, Virginia (collectively, the “Property”); and

WHEREAS, on May 24, 2023, the Board of Supervisors of Albemarle County, Virginia adopted a Resolution authorizing the County’s acquisition of the Property, (a) for any public use, including, without limitation, public facilities such as educational facilities and military installations (pursuant to Virginia Code § 15.2-1800), (b) for facility site(s) (pursuant to Virginia

Code § 15.2-4917), and (c) for development of business and industry (pursuant to Virginia Code § 15.2-1802), conditioned upon the conduct of a public hearing as required therein; and

WHEREAS, having now conducted a public hearing in accordance with Virginia Code § 15.2-1802, the Board now desires to reaffirm the possible uses of the Property, once acquired by the County, including, without limitation, the development on such land of business and industry (pursuant to Virginia Code § 15.2-1802).

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

The Property or portions thereof, once acquired by the County, may be used (a) for public use for purposes of Virginia Code § 15.2-1800, (b) as a facility site for purposes of Virginia Code § 15.2-4917, and/or (c) for the development of business and industry for purposes of Virginia Code § 15.2-1802.

In all other respects, the Board’s Resolution of May 24, 2023, is reaffirmed and remains in effect.

Agenda Item No. 18. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. LaPisto-Kirtley said that a new Thai restaurant had just opened at Riverside Village, and could attest that the food was great. She said that there would be a grant opening there the second week of July.

Agenda Item No. 19. Adjourn to June 22, 2023, 10:00 a.m. 6269 Esmont Road, Keene, VA 22946 on Esmont Road approximately 0.3 mile southwest of the intersection of Scottsville Road and Plank Road.

At 7:07 p.m., the Board adjourned its meeting to June 22, 2023, 10:00 a.m. 6269 Esmont Road, Keene, VA 22946 for the opening of the Southern Convenience Center on Esmont Road approximately 0.3 mile southwest of the intersection of Scottsville Road and Plank Road. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Chair

Approved by Board
Date: 03/19/2025
Initials: CKB