

ACTIONS		
Board of Supervisors Meeting of October 18, 2023		
October 26, 2023		
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> The meeting was called to order at 1:00 p.m., by the Chair, Ms. Price. All BOS members were present. Also present were Jeff Richardson, Steve Rosenberg, Claudette Borgersen, and Travis Morris. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> ADDED a Proclamation Supporting Operation Green Light for Veterans under agenda item #6, Proclamations and Recognitions. REMOVED agenda item #15, Pathways to Removing Obstacles to Housing (PRO Housing) Grant Application, from the agenda at the request of the applicant. MOVED agenda items #13 (From the County Executive: Report on Matters Not Listed on the Agenda) and #16 (From the Board: Committee Reports and Matters Not Listed on the Agenda) earlier on the agenda. By a vote of 6:0, ADOPTED the final agenda as amended. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that there would be a yard sale at Burley Middle School on Saturday, the 21st of September, which was being sponsored by the Jefferson Masonic Lodge No. 20 and the Chihamba 33rd Annual African American Cultural Arts Festival. Announced that the Apple Butter Festival would be held on Saturday, October 28, from 8 a.m. to 12 p.m. at the Whitehall Community Building and was sponsored by the White Hall Ruritans. Announced that the 29th Annual Artisan Studio Tour would be held on November 11 and 12. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Noted that she, Ms. Price, and Ms. McKeel attended the historical marker unveiling for Ms. Virginia Murray that was held on October 8 and announced that the St. John Family Life and Fitness Center would officially open on November 11. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Mentioned that the Medicare open enrollment period began on October 15 and would end on December 7. She said that JABA offered free counseling services by appointment. Announced that MicroCAT transit option would be launching a pilot program October 30 as a free service to the public. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> Commented that the International City/County Management Association (ICMA), in collaboration with the American Councils for International Education, had implemented the Young Southeast Asian Leaders Initiative (YSEALI) Professional Fellows Program and the County hosted two young leaders. Remarked that the previous week, she and Mr. Jeff Richardson had the chance to present to 		

the Emerging Leaders Program of the Sorenson Institute.		
6. Proclamations and Recognitions. <ul style="list-style-type: none"> a. Proclamation Supporting Operation Green Light for Veterans. <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED proclamation and presented it to Trevor Henry, Deputy County Executive. 	(Attachment 1)	
7. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or that are Pending Before the Board. <ul style="list-style-type: none"> • <u>Dirk Nies</u>, a resident of the White Hall District, addressed the Board and presented a petition on expanding eligibility for tax relief for the elderly. • The following individuals spoke towards requesting assistance with preserving the old African American School House in Brown Cove. <ul style="list-style-type: none"> ○ <u>Phyllis Ripper</u> ○ <u>Alice Howard</u> 		
8.2 Voting Credentials for the 2023 VACo Annual Business Meeting. <ul style="list-style-type: none"> • DESIGNATED Supervisor Donna Price as Voting Delegate and Supervisor Ann Mallek as Alternate Delegate. 	<u>Clerk</u> : Forward Certified Voting Credentials Form to VACo.	
9. 2024 Legislative Priorities and 2024 Legislative Positions and Policy Statements. <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED the 2024 Legislative Priorities. • By a vote of 6:0, ADOPTED the 2024 Legislative Positions and Policy Statements. • By a vote of 6:0, APPROVED the Support Letter Concerning the Extension of Line of Duty Benefits to Private Officers of Private Police Departments and AUTHORIZED the Chair to sign the letter. 	<u>County Attorney</u> : Proceed as discussed. (Attachments 2 and 3) <u>Clerk</u> : Prepare letter for Chair's signature. (Attachment 4)	
Recess. At 2:12 p.m., the Board recessed and reconvened at 2:23 p.m.		
10. Presentation: Zoning Modernization Phase I Report. <ul style="list-style-type: none"> • RECEIVED. 		
13. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u> <ul style="list-style-type: none"> • Presented the County Executive's monthly report. 		
16. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Bea LaPisto-Kirtley:</u> <ul style="list-style-type: none"> • Remarked that the previous night there was a very successful all-CAC meeting on transportation. <u>Jim Andrews:</u> <ul style="list-style-type: none"> • Mentioned that at the Solid Waste Alternatives Advisory Committee meeting the previous week a presentation was given by Jane Mills on the Loaves and Fishes Food Pantry. <u>Donna Price:</u> <ul style="list-style-type: none"> • Commented on the recent events that were occurring in the Middle East. 		
11. Closed Meeting. <ul style="list-style-type: none"> • At 3:33 p.m., the Board went into closed meeting pursuant to section 2.2-3711(A)(7) of 		

<p>the Code of Virginia, to consult with legal counsel and receive briefings by staff members pertaining to actual litigation concerning the assessment of real property, in the case styled <i>Westminster Canterbury of the Blue Ridge v. Board of Supervisors of Albemarle County</i>, where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and the Board.</p>		
<p>12. Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 4:13 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>Recess. At 4:14 p.m., the Board recessed and reconvened at 6:00 p.m.</p>		
<p>14. 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.</p> <ul style="list-style-type: none"> <u>Wanda Bruce</u>, a lifelong resident of Albemarle County addressed the Board concerning tax relief for the elderly and asked the Board to reconsider 		
<p>15. <u>Pb. Hrg.: Pathways to Removing Obstacles to Housing (PRO Housing) Grant Application.</u></p> <ul style="list-style-type: none"> REMOVED from the agenda at the request of the applicant. 		
<p>17. Adjourn to November 1, 2023, 1:00 p.m. Lane Auditorium.</p> <ul style="list-style-type: none"> The meeting was adjourned at 6:06 p.m. 		

ckb/tom

Attachment 1 – Proclamation Supporting Operation Green Light for Veterans
Attachment 2 – Legislative Priorities
Attachment 3 – Legislative Positions and Policy Statements
Attachment 4 – Support Letter Concerning Extension of Line of Duty Benefits

Proclamation Supporting Operation Green Light for Veterans

WHEREAS, Albemarle County has great respect, admiration, and the utmost gratitude for all the men and women who have selflessly served our country and this community in the Armed Forces; and honors the contributions and sacrifices of those who served in the Armed Forces as vital in maintaining the freedoms and way of life enjoyed by citizens; and

WHEREAS, veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veterans Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44 to 72 percent of service members experience high stress levels during the transition from military to civilian life, and active military service members transitioning from military service are at a high risk for suicide during their first year after military service.

NOW THEREFORE BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, do hereby recognize Operation Green Light for Veterans, and with Albemarle's designation as a Green Light for Veterans County, declare from October 18 through Veterans Day, November 11, 2023, as a time to salute and honor the service and sacrifices of our men and women in uniform transitioning from active service; and

BE IT FURTHER PROCLAIMED, that in observance of Operation Green Light, we, the Albemarle County Board of Supervisors, encourage County residents, businesses, and organizations in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying green lights in a window of their place of business or residence from November 6 through November 12, 2023.

Signed this 18th day of October 2023.

2024 Legislative Priorities

1. Provide state funding for Rivanna Futures project
2. Grant the County taxing authority for school division capital projects
3. Expand the authority to use photo speed monitoring devices

Priority No. 1: provide state funding for Rivanna Futures project

Proposed: Include \$58 million in funding in the biennial state budget for this economic development project adjacent to the U.S. Army's existing Rivanna Station.

Elements: The County has contracted to purchase approximately 462 acres of real property for \$58 million, on which it will develop the Intelligence and National Security Innovation and Acceleration Campus (INSIAC). The County seeks a matching investment from the state of \$58 million to fund site acquisition, road construction, site development to Tier 4 readiness under the Virginia Business Ready Sites program and branding.

Rationale: INSIAC will be a center for agencies, and academic and private sector partners, focused on intelligence and national security collaboration and innovation on a 50-acre expansion of the existing Rivanna Station. Phase 1 is estimated to generate 873 new jobs with a median income of \$81,000, \$2.2 million in annual state tax revenue and \$135 million in total economic impact. Future phases will house compatible businesses, non-profits, and education partners and provide food and retail services across 150-180 acres on Route 29 North, the keystone for extending the defense innovation ecosystem in the County.

Priority No. 2: grant the County taxing authority for school division capital projects

Proposed: Amend [Title 58.1, Subtitle I, Chapter 6 of the Code of Virginia](#) to make Albemarle County eligible to levy an additional 1% retail sales tax for the purpose of funding school division capital projects.

Elements: Either amend [Virginia Code § 58.1-602](#) to designate Albemarle County, in addition to other previously designated cities and counties, as a “qualifying locality” with such authority, or amend [Virginia Code § 58.1-605.1](#) to provide such authority to all cities and counties. In either case, the imposition of such a tax would require approval in a local referendum and would be subject to expiration no more than 20 years after the board’s initiation of the referendum.

Rationale: The County lacks a dedicated funding mechanism for school construction and renovation projects. Such projects are largely funded presently by existing tax revenues and proceeds of bond issues. Additional taxing authority would generate revenues dedicated solely to school division capital projects, providing further fiscal capacity and flexibility to the County.

Prior History: This priority was addressed during the 2023 General Assembly session in [HB 2316 \(Bourne\)](#), which failed in committee and [SB 1287 \(Deeds\)](#), which passed in the Senate before failing in House committee.

Priority No. 3: expand the authority to use photo speed monitoring devices

Proposed: Amend [Virginia Code §§ 46.2-882](#) and [46.2-882.1](#) to enable the use of photo speed monitoring devices on segments of secondary roads where speeding has been identified as a problem.

Elements: The enabling authority would be implemented by ordinance and would apply only to segments of secondary roads having posted speeds of 35 miles per hour or higher which are selected based on speeding, crash, and fatality data supporting the need for additional enforcement against speeding. In addition, the selected road segments would be required to have signs posted informing drivers that such devices are being used to monitor speed.

Rationale: This initiative would give localities the option to use photo speed monitoring devices as an enforcement tool on designated segments of secondary roads where speeding is prevalent. Using such devices would promote public safety by providing broader enforcement of speed limits and safety of law enforcement officers, who might otherwise be required to make traffic stops on potentially dangerous road segments (e.g., segments without shoulders or with limited sight distance). Additionally, the use of technology where human intervention is unnecessary would allow law enforcement officers to do other critical police work.

Prior History: This priority was addressed during the 2023 General Assembly session in [HB2119 \(Hudson\)](#), which failed in committee.

2024 Legislative Positions and Policy Statements

Priority Positions and Policy Statements

Civil Penalties: Support legislation that would enable localities to establish a schedule of civil penalties in lieu of criminal punishment for violations of certain local ordinances.

Short-Term Rentals: Support legislation that would allow localities to further regulate short-term rentals by authorizing localities to provide for the expiration of a special exception or a special use permit for a short-term rental upon a change in ownership of the property and in other circumstances.

Virginia Freedom of Information Act: Support legislation that would allow local public bodies to hold all meetings virtually.

Agriculture

Virginia Agricultural Best Management Practices Cost-Share Program: Support state funding for the Virginia Agricultural Best Management Practices Cost-Share Program in the amount of \$100,000,000 per year.

Broadband and the Internet

Broadband Deployment: Support legislation by the state and the federal government that would assist localities and provide financial incentives to localities and their communities in deploying universal, affordable access to broadband technology, particularly in unserved and underserved areas, while at the same time preserving local land use authority for siting telecommunications infrastructure. This includes supporting continued and increased funding for the Virginia Telecommunications Initiative (VATI). In addition, support legislation that would: (1) ensure that coverage maps used to determine underserved and unserved areas or census blocks are accurate; (2) amend the definition of “coverage” to mean that service actually exists in a census block or area and the service availability within that census block or area is substantial ; and (3) ensure definition of unserved and/or underserved includes those lacking 100 Mbps download/20 Mbps upload speeds.

Net Neutrality: Unless the Congress or the Federal Communications Commission restores net neutrality at the national level, support legislation that would prohibit internet service providers from slowing down or blocking access to websites, charging companies extra to deliver their services faster, and other acts that adversely affect consumers and discourage competition.

Growth Management, Environmental Protection, Land Use, and Transportation

Biosolids: Support legislation enabling localities, as part of their zoning ordinances, to designate, and/or reasonably restrict the land application of biosolids to, specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding the land application of biosolids that protects the environment, public health and safety.

Environmental: Support legislation prohibiting businesses from using disposable plastic bags and straws and to require bottle deposits, or enable localities to do so, with exceptions applicable to straws for hospitals and other care facilities. Oppose legislation that reduces local authority to regulate new natural gas infrastructure for development projects.

Erosion and sediment control standards for agriculture and forestry operations: Support legislation that would establish minimum statewide erosion and sediment control standards for agriculture and forestry operations. These standards could include those within the Chesapeake Bay Preservation Act's regulations, which include: (1) for agriculture operations, soil and water quality conservation assessments evaluating the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and, where necessary, resulting in plans outlining additional practices needed to ensure that water quality protection is being accomplished; stream buffers are maintained; and best management practices for agricultural ditches are used; and (2) for forestry operations, requiring operations to be conducted using the appropriate best management practices as prescribed by Virginia's Forestry Best Management Practices for Water Quality, and requiring that a full 100-foot buffer be established in woody vegetation when the silvicultural activity ceases within the buffer area on the property and a new land use is proposed.

Impact Fee Authority: Support impact fee legislation that: (1) allows for effective implementation through simple locally based formulae and reasonable administrative requirements; and (2) does not cap or limit localities' impact fee updates.

Open-space Easements: Support legislation that augments local efforts in natural resource protection through: (1) continued funding of the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g., the ACE Program in Albemarle County); (2) continued provision of matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; (3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological, and scenic value that attract tourism; (4) increased incentives for citizens to create conservation and open-space easements; (5) fully allocating the Land Preservation Tax Credit transfer fee for the stewardship of protected land; and (6) restoring the individual cap on the use of the Land Preservation Tax Credit to \$50,000 per year.

Proffers: Support further changes to the current proffer system and, in particular, the proffer legislation approved in 2016 (Virginia Code § 15.2-2303.4) and amended in 2019, which limits the scope of impacts that may be addressed by proffers and establishes specific criteria as to when a proffer is deemed to be unreasonable. Support changes to provide more balanced and practical standards for determining whether a proffer is reasonable and restore a climate where localities and applicants can openly discuss rezoning applications and possible proffers.

Scenic Protection and Tourist Enhancement: Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. The legislation would provide a method to ensure full consideration of visual resources and scenic areas when the county or state make land use decisions in designated areas.

Stop Extending the Sunset Provisions for Certain Development Approvals that Would Otherwise Expire: Support allowing the sunset provisions in Virginia Code § 15.2-2209.1:1 to expire. First established in 2009 when the General Assembly adopted Virginia Code § 15.2-2209.1 to extend the validity of certain land use approvals during the Great Recession, the General Assembly has repeatedly extended the sunset clauses for various land use approvals. Most recently, the General Assembly extended the validity of these approvals in Virginia Code § 15.2-2209.1:1 because of the COVID-19 pandemic. The continued extension of these approvals results in non-vested and undeveloped but approved projects to retain their validity well beyond their otherwise applicable expiration date. Some projects protected by the extension of the sunset provisions were approved as much as 15 years ago. These projects may no longer be consistent with the locality's current planning policies or zoning or site development requirements.

Stormwater Management: Support state funding for the Stormwater Local Assistance Fund (SLAF) in the amount of \$80,000,000 per year in Fiscal Years 2023 and 2024. Oppose any legislation that would impact the resource and funding needs of the Virginia Department of Environmental Quality (DEQ) to fully administer,

enforce, and maintain the State Stormwater Management Act, the Erosion and Sediment Control Law, and the Chesapeake Bay Preservation Act.

Transportation Funding: Support legislation to: (1) allow a Charlottesville-Albemarle Regional Transit Authority to establish a new dedicated funding source to support multi-modal transportation in the region; (2) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs including necessary funding to support both project construction and appropriate staffing needs to administer programs; (3) direct funding efforts to expand transportation choices and engage in multimodal transportation planning; and (4) fund maintenance of rural road systems. Oppose any legislation or regulations that would require the transfer of responsibility to counties for constructing, maintaining, or operating new and existing secondary roads.

Water Quality and Resources: Support state funding for the following: (1) agriculture best management practices; (2) stormwater grant initiatives; and (3) wastewater treatment plant upgrades.

Health and Human Services

Abuse and Neglect: Support legislation to expand the definition of "abuse and neglect" to include parents who are habitually under the influence of drugs or alcohol while being responsible for children.

Administrative Appeals and Findings: Support legislation to amend Virginia Code § 63.2-1526(A) to require that an administrative finding be controlled by a court's civil or criminal finding if those matters involve the same conduct and the same victim and arise under the same operative facts. Support legislation to amend Virginia Code § 63.2-1526(C) to stay child protective services administrative appeals while abuse and neglect proceedings, findings, or both, are pending in juvenile and domestic relations district court or circuit court, or on appeal in any court.

Child Care for Low Income Working Families: Support legislation to provide additional funds to localities to assist low-income working families with childcare costs. Funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

Children's Services Act (CSA): Support: (1) a locality's ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools; (2) maintaining cost shares on a sum sufficient basis by both the state and localities; (3) enhanced state funding for local CSA administrative costs; (4) a cap on local expenditures in order to combat higher costs for serving mandated children; and (5) proactive efforts by the state to make residential facilities and service providers available, especially in rural areas. Oppose changing the funding mechanism to a per-pupil basis of state funding, which would shift the sum sufficient portion fully to localities.

Increase Funding for Community Services: Support increased state funding for community services.

Local Department of Social Services (LDSS): Support increased state funding for LDSS to match all available federal funding to assist LDSS staffing needs in order to meet state mandated services and workloads.

Mental Health Services: Support expanded access to community-based behavioral/mental health services.

Targeted Grants: Support improving the state's targeting of grants to businesses that pay higher wages by increasing the minimum wage requirements for eligible grant applicants.

Workforce Development: Support legislation addressing workforce pipelines and pathways of credentialed community-based behavioral/mental health service providers, given the retirement-eligibility of the present workforce.

Housing

Supportive Housing: Support legislation providing for the creation of permanent supportive housing and other supportive housing.

Local Government Administration and Finance

Community College Capital Costs: Support legislation for the state to fund 100% of public funding required for community college capital costs. Currently, localities are required to fund a portion of operating and capital costs.

Composite Index: Support legislation to amend the Composite Index Funding Formula by re-defining the local true value of real property component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program.

Drones: Support legislation enabling localities to have authority to regulate the use of unmanned aerial vehicles in their jurisdictions not preempted by federal law.

Drug Court Funding: Request full funding for the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the circuit courts of several Virginia localities.

Public Defender Funding: Request that the state adequately fund compensation for public defenders in localities.

Regional Library Funding: Request full funding of State Aid to the Jefferson Madison Regional Library and other regional libraries in the state system.

Seat Belts: Support legislation that would make the failure to use a seat belt a primary offense.

State Mandates Funding: Request full funding for state mandates in all areas of local government including, but not limited to, the Standards of Quality (SOQs) and other mandates imposed on local school divisions, positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

Taxing Authority: Support legislation to further enhance county taxing authority so that counties enjoy authority comparable to cities to address capital and operations needs and to reduce over-reliance on the real property tax as a revenue source.

Virginia Retirement System: Support continuing restoration of funds to the Virginia Retirement System to maintain the long-term solvency of the system without further devolving the funding responsibility to localities.

Public Safety

Emergency Management and Community Resilience: Request expanded direct state support to localities for emergency management and community resilience, including expansion of the Emergency Management Performance Grant Program (EMPG).

Fire and Emergency Medical Services: Support legislation that provides for additional state funding for local fire and emergency medical services to ensure adequate staffing levels consistent with high levels of public safety and health.

Private Police Departments/Line of Duty Benefits: Support legislation extending line of duty benefits to private police officers of private police departments recognized by the Commonwealth of Virginia.

October 9, 2023

Honorable Members of the General Assembly,

Officer Mark Christopher Wagner, II served the Wintergreen community as a private police officer, as recognized by the Commonwealth of Virginia, and while responding to a disturbance call in his capacity as a law enforcement officer, was shot and killed in the line of duty on June 16, 2023. Under the Code of Virginia, Officer Wagner and all the other officers serving in private police departments are not eligible for Line of Duty benefits.

By definition under the Code of Virginia private police officers are law enforcement officers subject to the same training and statutory standards as a deputy sheriff or police officer of any city, county, or town of the Commonwealth. The Line of Duty Act, Virginia Code § 9.1-400 et seq., excludes private Police Officers from the benefits of that Act. Private Police Officers, just as their counterparts employed by a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof, are responsible for the prevention and detection of crime and the enforcement of penal laws and are exposed to the same risks of injury or death.

Albemarle County joins other localities in requesting that the Line of Duty Act be amended to afford private police officers the benefits available under this Act.

Respectfully,

Donna P. Price
Chair, Albemarle County Board of Supervisors

CC:

Albemarle County Board of Supervisors
Jeffrey B. Richardson, County Executive
Steve Rosenberg, County Attorney