

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 21, 2024, at 1:00 p.m., Lane Auditorium, County Office Building, 401 McIntire Road, Charlottesville, Virginia, 22902.

BOARD MEMBERS PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Mike O. D. Pruitt.

BOARD MEMEBERS 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, Mr. Andrews.

Mr. Andrews said that a quorum was present, and that Mr. Mike Pruitt was requesting to participate remotely in the meeting. He asked Mr. Pruitt to provide his location and reason for joining remotely.

Mr. Pruitt said that he was located in the Township of Chautauqua, New York, for personal business reasons.

Ms. McKeel **moved** the Board of Supervisors to admit Mr. Pruitt to participate remotely in the meeting.

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, and Ms. McKeel.

NAYS: None.

ABSENT: Mr. Pruitt.

Mr. Andrews asked the Board for a motion.

Mr. Andrews introduced the Albemarle County Police Department Officers present to provide their services at the meeting, Master Police Officers Eric Ketchum and Dana Reeves.

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews said that there was a proposed amendment to the agenda to add to Item 21, From the Board, an authorization to sign a letter of support for the Botanical Garden of the Piedmont's nomination for the National Medal for Museum and Library Service.

Mr. Andrews requested a motion to adopt the agenda as amended.

Ms. Mallek **moved** to adopt the final agenda. 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 Mr. Pruitt.

NAYS: None.

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

Mr. Gallaway said that today marked the first day of school in Albemarle County. He said that observing the hustle and bustle as everyone directed traffic and moved, he wished the best to all the students and families participating in school. He said that the influx of UVA students returning would undoubtedly impact traffic and mobility in their town, especially during the moving weekend. He said that he was asking for patience during this busy period. He said that later in the meeting, he would need to step away for approximately 45 minutes due to a family matter but would return afterwards.

Ms. LaPisto-Kirtley said that she would like to announce the St. John Family and Life at the St. John Family and Life Fitness Center on Saturday, September 28. She said that attendees could receive free screenings and health screenings for various conditions.

Ms. LaPisto-Kirtley said that there was a meeting from VDOT regarding the intersection of Pantops Corridor and Improvements in Albemarle County. She said that this was a design public hearing, and those located in or working in the Pantops area might want to attend. She said that the meeting would take place on Tuesday, September 10, from 4:30 p.m. to 6:30 p.m. at the Hilton Garden Inn. She said that this project would affect the road, as VDOT was redoing the road from Rolkin Road, where Giant

was, all the way to Route 20. She said that VDOT was presenting their designs and inviting public input.

Ms. Mallek said that the most important thing first was regarding VA (Veterans Affairs) benefits. She said that she placed with the Clerk a link for VA.gov resources about the PACT (Promise to Address Comprehensive Toxins) Act. She said that in the last two years, following the congressional passage of the PACT Act, the VA had added over 325,000 new enrollees, screened over 5.6 million veterans for toxic exposure, and processed nearly 1.5 million claims.

Ms. Mallek said that they had funded 31 new VA facilities across the country to ensure that veterans had more convenient access to high-quality care. She said that their veterans had to travel 75 miles to McGuire for dental care, indicating a significant need for improvement. She said that for those who served in Vietnam or since, or who faced toxic exposure at any time, it was not too late to get care.

Ms. Mallek said that if they thought they might be eligible for PACT Act benefits, she encouraged them to apply. She said that there was a find more information link that they would have at the Clerk's Office. She said that there was no deadline to apply for the support they deserved. She said that she urged them to share this information with their friends, neighbors, and relatives so that this information could be shared broadly.

Ms. Mallek said that regarding recent meetings, the previous day's quarterly meeting for the Rivanna River Basin Commission had discussed the 2024 Annual Conference, which would take place on September 27, from 9:30 a.m. to 1 p.m. at the Carver Center. She said that the topic would be Bridging the Gaps, Conservation, Connectivity, and the Future of the Urban Rivanna River, with updates from County staff and others about the planning that had already happened and what was coming next.

Ms. Mallek said that lunch would be available, and registration emails and publicity were currently being sent out. She said that there would also be a river trail walk on the following day, Saturday, in conjunction with the Loop-de-Ville hiking event. She said that for all the information, Rivannariverbasin.org was the place to visit.

Ms. Mallek said that she attended the VACo, Virginia Association of Counties Region 5 virtual meeting, which included Albemarle and four other counties in their region, as well as 9 through 11 in the far west corner. She said that representatives Chandler Vaughan and Caroline Lux George from DHCD (Department of Housing and Community Development) provided updates and reviewed eight years of broadband experience and deployment in Virginia, along with exciting news about upcoming grant opportunities. She said that these details were to be shared with their broadband field experts.

Ms. Mallek said that Emily Kilroy presented Albemarle County's priorities at the legislative roundtable. She said that localities from all three regions, encompassing 21 counties, unanimously agreed on the importance of maintaining local decision-making for utility-scale solar facilities, regardless of whether they were urban or rural, or represented farmers or business localities.

Ms. Mallek said that shared issues included photo speed cameras, prescription drug box changes proposed by the federal government, and the lack of state and federal support for EMS (Emergency Medical Services) services throughout the Commonwealth. She said that the need for funding to carry out JLARC (Joint Legislative Audit and Review Commission) improvements was repeatedly mentioned, as well as the importance of workforce and career technical training dollars from the state for local schools and workforce centers. She said that she looked forward to continuing collaborating with other localities in the future.

Ms. McKeel said that she had a couple of items that she wanted to bring to their attention. She said that JABA (Jefferson Area Board for Aging) was offering a one-day free life planning event on October 9, from 9:00 a.m. to 3:00 p.m. She said that this event would provide assistance in creating important documents such as a will, durable power of attorney, and advance medical directive. She said that it was a great opportunity for individuals to take advantage of JABA's expertise and create essential paperwork. She said that regardless of age, it was important to have these documents in place. She said that to register, they should visit JABA's website.

Ms. McKeel said that the second item she wanted to highlight was the upcoming traffic pattern change at Hydraulic Road and U.S. 29, which would take effect Monday morning. She said that this change involved the closure of left-hand turns off of Hydraulic Road onto U.S. 29 North. She said that drivers should be cautious and mindful of this change, especially with the start of the school year. She said that the reconfiguration of the traffic pattern was part of the completion of a project that had been well-received by the community.

Mr. Pruitt said that he had two points he wanted to discuss. He said that they had recently addressed the consequences of Tropical Storm Debby, which caused widespread disruptions. He said that it led to the closure of significant roadways in the southern parts of Albemarle and a blackout that affected almost the entire township of Scottsville. He said that these were considerable inconveniences and could be dangerous.

Mr. Pruitt said that they must also consider that these events highlighted deeply existential concerns. He said that the changing climate and weather patterns posed a threat to their locality. He said that every time they experienced significant flooding or heavy rains, they had to consider the status of the Scottsville levy. He said that the Scottsville levy represented a potential existential threat to the community of Scottsville.

Mr. Pruitt said that as they looked to the future, they had to acknowledge that a changing environment and climate would confront them with broader existential threats. He said that these included changing stresses on their utility and energy grids, as well as on individual communities. He said that this situation prompted him to reflect on their role as a local government and community in addressing these challenges.

Mr. Pruitt said that when they considered the Scottsville levy as a solution to the environmental threat they faced. He said that this was a significant issue that required a whole of government effort. He said that it involved state funds, federal funds, and the local government articulating the need to the communities. He said that as they considered their roles as the Board and as Albemarle County in addressing these threats in the future, he wanted to emphasize the importance of this moment.

Mr. Pruitt said that this was particularly relevant in light of the traumatic experiences they had with Tropical Storm Debby. He said that their approach to climate concerns in their community must be comprehensive. He said that they could not modernize the utility grid on their own to cope with rising temperatures. He said that their role as the Board in this auditorium and Albemarle County was to keep the narrative going and to effectively communicate the need as they continued to witness the impacts firsthand.

Mr. Pruitt said that early voting for the upcoming local election would begin on September 20 and continue through November 2, every weekday at the Albemarle County Offices at Fifth Street Station. He said that he had previously discussed the congressional races and primaries. He said that today, he wanted to highlight the number of registered voters for the local election in the town of Scottsville.

Mr. Pruitt said that he wanted to take a moment to discuss the upcoming local elections in the town of Scottsville. He said that there were four elections taking place. He said that one was for the mayor's office, with incumbent mayor Ron Smith and current council member Eddie Payne as candidates.

Mr. Pruitt said that there were three town council seats set to expire and be elected, which were currently held by Alex Bessette, Aileen Morse, and Eddie Payne. He said that they would need reelection if the voters were satisfied with their service. He said that it was important to note that residents within the town of Scottsville would also see these races on their ballots. He said that these races may not receive as much media attention as others, but they were equally important.

Mr. Andrews announced that the Ivy Solid Waste and Recycling Center, which was previously known as the Ivy Materials Utilization Center (MUC), had already started the sign-ups at Rivanna.org for e-waste, which was scheduled for September 14. He said that the sign-ups were already beginning to fill up. He said that September 20 and 21 were designated for household hazardous waste, September 28 was for furniture, October 5 for appliances, and October 12 for tires.

Mr. Andrews said that there were a few announcements that may seem a bit early, such as the Apple Butter Weekend in Batesville in October. He said that the sign-up sheet for stirring and preparing the apple butter began on September 1. He said that they would need to get there early to participate.

Ms. LaPisto-Kirtley said that she wanted to add to Ms. Mallek's points regarding veterans and veterans' care. She said that she had been assisting her disabled brother, a veteran of the Vietnam War, and had learned about Community Care through Richmond. She said that for those more than 40 miles from a hospital in Richmond, Optum Community Care would arrange for services like eye care and dental care locally, regardless of the location. She said that she would leave the contact information for Optum Community Care with their Clerk so that anyone could easily access these services if they were a veteran.

Ms. LaPisto-Kirtley said that she wanted to mention the Rockfish Wildlife Sanctuary, which was well known and loved by many. She said that they were celebrating their 20th anniversary with a gala at Potter's Craft Cider on Friday, September 13. She said that it was a great opportunity to have a good time and support the sanctuary.

Ms. Mallek said that the early voting would take place at the County Office Building at 5th Street, rather than the Fifth Street Station.

Agenda Item No. 6. Proclamations and Recognitions.
Item No. 6.a. Resolution of Appreciation for Steve Rosenberg.

Mr. Gallaway **moved** that the Board adopt the Resolution of Appreciation for Steven Rosenberg, which he read 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 Mr. Pruitt.
NAYS: None.

Resolution of Appreciation for Steven L. Rosenberg

WHEREAS, following nearly seven years in private legal practice, Steven L. Rosenberg has served the City of Alexandria, Augusta County, the University of Virginia, the City of Staunton, and Albemarle County with distinction over a combined 27 years; and

WHEREAS, during his tenure as the Albemarle County Attorney, Steve's legal expertise and leadership have advanced many important County priorities, including the Rivanna Futures project to acquire 462 acres for the proposed Intelligence & National Security Innovation Acceleration Campus (INSIAC); and

WHEREAS, as an exceptional attorney who has consistently provided the highest level of dedicated, ethical, and valuable service, Steve has been a true public servant, and integral to the County's success.

NOW THEREFORE BE IT RESOLVED, that we the Albemarle County Board of Supervisors do hereby honor and commend Steven L. Rosenberg for his many years of exceptional service to the public sector, the County Attorney's Office, Albemarle County, and the entire Commonwealth of Virginia, with knowledge that Albemarle County is strengthened and distinguished by Steve's dedication, commitment, and professionalism in meeting County government needs.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors as a lasting testament to the esteem in which Steve is held by this Board for his legacy of government service and the work he has done to make Albemarle County better for future generations.

Signed this 21st day of August 2024.

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Mr. Gallaway said that he would like to express his gratitude to Mr. Rosenberg for his service. He said that it had been a pleasure to get to know him during the interview process for hiring him. He said that he had come to appreciate and value his dedication to his work. He said that his expertise in County governments and his legal knowledge were truly impressive.

Mr. Gallaway said that the breadth of his experience, including his time as an attorney, city manager, and his knowledge of local government, had been invaluable. He said that his ability to match the pace of the County Executive team had been greatly appreciated. He said that he was sincerely grateful for his service, legal experience, and his long-standing career as an attorney. He thanked Mr. Rosenberg.

Ms. LaPisto-Kirtley thanked Mr. Rosenberg for his meticulous attention to detail and his effectiveness in responding to the Board's inquiries. She said that she appreciated his ability to push back thoughtfully and always be responsive to the Board's questions and requests, which had been extremely helpful.

Ms. LaPisto-Kirtley said that he had done a great job of training his staff so that they would be prepared to move forward in his absence, which she commended him for. She said that she would miss him, but she was confident that he had set everything up for success. She said that she thanked the team he had built and appreciated everything they had done for the County. She thanked Mr. Rosenberg.

Ms. Mallek said that she began her role on the Board of Supervisors in a position where she sat next to a previous County attorney, whose consistent response of "no" to every question was a reputation he had earned across the Commonwealth. She said that as a result, she found herself repeatedly asking questions, particularly about their authority to address issues.

Ms. Mallek said that she had asked Mr. Rosenberg numerous times since his arrival, and she appreciated his efforts to provide accurate and correct answers. She said that his encouragement of staff development had left a lasting legacy for them, and they were grateful for his contributions. She thanked Mr. Rosenberg.

Ms. McKeel said that she certainly agreed with her colleagues' statements. She said that she would like to add that she thoroughly enjoyed working with him both professionally and personally. She said that he had been an exceptional team member, and she had greatly valued his advice. She said that she had always found that he was spot on.

Ms. McKeel said that they thought about themselves as a family in Albemarle County, and they wanted him to feel like he was part of their family. She said that they considered former Supervisors part of their family as well. She said that he had moved from his roots in Staunton to become an integral part of their community, and he had integrated seamlessly. She said that he would be missed. She thanked Mr. Rosenberg.

Mr. Pruitt thanked Mr. Rosenberg. He said that last Wednesday, he expressed his frustration with being remote today, as he wished to be present to share and congratulate him personally. He said that he had had the least amount of time to get to know him, but he greatly valued relying on and learning from his expertise.

Mr. Pruitt said that he often came to him with challenging questions, and he always provided thorough and helpful answers, going beyond the simple yes or no. He said that he had been a mentor to him, and he greatly appreciated learning from him as he conducted his work and led his team. He said that he would be greatly missed, and he hoped he would not be a stranger. He congratulated Mr. Rosenberg on his extraordinary career.

Mr. Andrews thanked Mr. Rosenberg for his care, diligence, expertise, and excellence in his work. He said that as the Chair, that he relied heavily on him, and he was grateful for his wise counsel many times along the way.

Mr. Andrews said that on a personal note, some of them may know that Mr. Rosenberg was a long-time runner. He said that when Mr. Rosenberg joined the County, he started running with a group that he also ran with. He said that unfortunately, he was not the first, second, but the third Steve on the group's text listserv. He said that he was now Steve #1, which he had always considered him. He said that he appreciated that. He said that he would like to ask the County Executive, Mr. Richardson, and the Deputy County Attorney Mr. Herrick to join them.

Mr. Jeff Richardson, County Executive, said that he was grateful for the opportunity to speak for a few minutes about Mr. Rosenberg's service to Albemarle County. He said that the County Attorney's position was indeed unique in local government. He said that the County Attorney was hired by their governing board, and as per state law, this position reported to the Board as their highest-ranking legal attorney in Albemarle County.

Mr. Richardson said that the County Attorney was expected to lead a significant group of legal professionals on various legal issues that they encountered on a daily basis. He said that the scope of this role stretched far and wide in local government. He said that in light of this, Mr. Rosenberg was an excellent fit for this organization when he joined them.

Mr. Richardson said that he wanted to publicly thank the Board for inviting members of the County Executive's Office to be part of the interview panel and to participate in evaluating candidates when Mr. Rosenberg was hired for the position. He said that the Board did not have to do this, and they were aware of their responsibilities as laid out in law. He said that they were responsible for hiring the attorney, but they invited the County Executive's Office to be a part of the hiring process, and they provided feedback and met Mr. Rosenberg in the process.

Mr. Richardson said that Mr. Gallaway read the resolution and highlighted Mr. Rosenberg's career in local government. He said that he believed that experience was a teacher, and he strongly suggested that Mr. Rosenberg was a fantastic selection and a fantastic fit for this organization. He said that in addition to being a well-recognized attorney across the Commonwealth, Mr. Rosenberg had also managed local government organizations.

Mr. Richardson said that their organizational leadership team had warmly welcomed him into the organization. He said that they had invited him to join their organizational leadership team and he had expressed his willingness to do so. He said that later that afternoon, they would present their first Strategic Plan annual report, which served as a diagnostic of their organization's performance. He said that Mr. Rosenberg had been instrumental in this process.

Mr. Richardson said that as a legal attorney and a legal mind, he had served the Board well and led the department effectively. He said that Mr. Rosenberg had also been a valued member of their organizational leadership team. He said that his contributions had been significant, and he would be missed. He said that Mr. Rosenberg's commitment to good government and his open-minded approach to work had made a difference in their team. He said that Mr. Rosenberg had exemplified the essence of a true public servant. He said that it had been an honor to work with him.

Mr. Andy Herrick, Deputy County Attorney, said that he was representing the County Attorney's Office. He said that he had known Steve Rosenberg for nearly 25 years, which was longer than most people in the room. He said that many of them were aware that Mr. Rosenberg had started his legal career with a private law firm almost 34 years ago. He said that in 1997, Mr. Rosenberg had made the decision to serve the public.

Mr. Herrick said that over the next 25 years, Mr. Rosenberg had served the City of Alexandria, Augusta County, the University of Virginia, and the City of Staunton with great distinction. He said that his most recent contribution had come two years ago. He said that through a series of unexpected events, the County had been fortunate to have Mr. Rosenberg join them. He said that following in the footsteps of many talented County Attorneys before him, Mr. Rosenberg had made a significant impact on the County in a short time.

Mr. Herrick said that it was hard to determine who had benefited the most from Mr. Rosenberg's tenure, whether it was the Board, senior staff, departmental clients, or their office. He said that he could confidently say that he had benefited the most. He said that he truly and deeply appreciated how Mr. Rosenberg had brought out their talents and positioned each of them for success going forward. He said that even though their time in the office was growing short, they would forever be grateful for Mr. Rosenberg's lasting impact on them.

Mr. Herrick said that unfortunately, unlike the Board, their office had no ability to issue formal

public proclamations. He said that they would like to present Mr. Rosenberg with both a plaque and a flag that had flown over the County Office Building to honor his service. He said that they also had the opportunity on this occasion to heartily concur with the Board in its public recognition of Mr. Rosenberg's contributions.

Mr. Herrick said that if the proclamation were a legal pleading, he was sure that all of their attorneys would heartily endorse it with a "seen and agreed to." He said that on behalf of their entire team, Nick, Lauren, Amanda, Richie, Jill, Anthony, Ayanna and James, who could not be there today, he would like to thank Mr. Rosenberg for all that he had meant to each of them and wish him all the best for a long, happy, and healthy retirement.

Mr. Rosenberg thanked the Chair, and the public for their patience during this item. He said that although it may not be why they came to this meeting, he believed it was an important part of the local government cycle, which attracted many dedicated individuals to serve the community. He said that he was worried as to whether the Board's vote on the resolution would be unanimous, so he was pleased with the outcome.

Mr. Rosenberg said that he wanted to express his gratitude to everyone for their kind remarks. He said that he was almost at a loss for words to express how fortunate he had been to land here and spend his last two years with this organization. He said that it had been a privilege to serve with such smart and dedicated people serving this community.

Mr. Rosenberg said that he was grateful for the opportunity to work with the Board of Supervisors, including former Supervisor Donna Price, who had offered him this opportunity. He said that it had been a rewarding and refreshing experience to work with such a highly functioning governing body, the members of which cared so genuinely and deeply about the County and its residents.

Mr. Rosenberg said that he also wanted to thank his colleagues on the organizational leadership team, including Jeff Richardson, Trevor Henry, Ann Wall, and Doug Walker, as well as all the department and office directors. He said that he considered them consummate professionals and there was no finer collection of public servants.

Mr. Rosenberg said that he offered his greatest admiration and appreciation to his colleagues in the County Attorney's Office. He said that he believed they would match any law firm in Virginia. He said that whatever success he had achieved during his brief time here, he owed to them. He said that he entrusted them to their capable hands.

Mr. Rosenberg said that finally, he wanted to express his gratitude to his wife, Catherine, who was present today and had been with him throughout his entire professional journey, beginning in 1990 when he was a law school graduate who knew absolutely nothing; although they certainly could not tell him that at the time. He said that her support had been steadfast in both good times and bad. He said that it had been quite a ride, and he was proud to conclude his journey here in Albemarle County. He thanked everyone.

The Board presented the Resolution to Mr. Rosenberg.

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. Donna Price, Scottsville District, said that she was present to honor County Attorney Steve Rosenberg for his civic service, which extended beyond Albemarle County to their community, their County, their region, and the Commonwealth. She said that it was a challenge to express in three minutes all that he deserved to hear and praise for his public service. She said that an attorney at law was the highest professional qualification in the legal field. She said that however, individual characteristics of the specific practitioner separated the wheat from the chaff.

Ms. Price said that as the immediate past Chair of the Board of Supervisors of Albemarle County, she had the pleasure of experiencing a special, time-limited relationship with the three individuals that the Board hired: the Clerk for the Board, the County Executive, and the County Attorney. She said that this relationship only existed while serving as Chair and did not exist as a Supervisor or Vice Chair, although in the latter position one was more aware of its existence.

Ms. Price said that when serving as Chair, a Supervisor was most intimately involved in the inner workings of those responsibilities under the authority of those three hires. She said that the Chair, serving as an intermediary and liaison for the Board, had the unique opportunity to work the closest with the County Attorney, to truly get to know that individual. She said that throughout her 45-year professional career as an attorney, she had the opportunity to work with the best at national, state, local government levels, and in the corporate world.

Ms. Price said that Mr. Rosenberg was an attorney of the highest order. She said that as an attorney moved up in an organization, their technical skills became more focused on subject matter expertise, which was expected. She said that from an organizational standpoint, what was equally, if not more important, was promoting the culture of the organization, taking an excellent office, and making it exceptional, as he had done.

Ms. Price said that it was such an honor for her to have that special time-limited relationship with him from July 27, 2022, a date easy for her to remember, through December 31, 2023. She said that in perfect naval tradition, he had stood the watch, that his time for being piped ashore was coming with all the honors and respect a person could ever achieve, and thanking him for his service, his wise counsel, and now his personal friendship, she bid him fair winds and following seas.

Ms. Nancy Muir, White Hall District, said that she wanted to express her concerns about ranked choice voting (RCV) today. She said that their current ballot system was simple and straightforward. It allowed one person to cast one vote. She said that RCV, however, was anything but simple and straightforward. She said that municipalities often spent hundreds of thousands of dollars just to keep voters informed or to help them understand what RCV was. She said that public trust in elections mattered.

Ms. Muir questioned why they should consider a new voting system if the current system, which was widely used, was understood and functioning effectively. She said that RCV confused voters, created distrust, and had led to decreased voter participation in many localities where it had been implemented. She said that RCV was only approved at the statewide level in Maine and Alaska.

Ms. Muir said that a statewide repeal effort had RCV on the ballot that November in Alaska, where they were attempting to remove it. She said that RCV was currently banned in the state of Montana, Kentucky, Tennessee, Idaho, South Dakota, and Florida.

Ms. Muir said that as a former member of an electoral board and a citizen, she had heard various viewpoints on RCV, and she still had concerns. She said that firstly, RCV required voters to research multiple candidates which gave more power to elite voters who had more time and greater access to information, making it more challenging for voters who lacked these resources. She said that number two, the Foundation for Government Accountability suggested that RCV led to a decrease in voter confidence in elections.

Ms. Muir said that number three, RCV disconnected voting from important political debates and issues. She said that fourth, RCV did not afford the transparency of a traceable ballot. She said that election integrity was non-negotiable and was the foundation of the democratic process. She said that RCV undermined this democratic process, and fortunately, cities, counties, and states nationwide were catching on.

Ms. Karen Juul-Nielsen, White Hall District, thanked the Board for the opportunity to share her thoughts on why she believed RCV was not suitable for Albemarle County. She said that when it was time for all of them to cast their votes on whether to implement this process, she urged them to vote against it. She said that there were several reasons why RCV was not appropriate for their area, but due to time constraints, she would focus on three.

Ms. Juul-Nielsen said that voter confusion, general distrust of the election process, and a lack of need for it, as there were very few candidates who actually ran in Albemarle County, were her main points. She said that over the past few years, Republicans, Democrats, and Independents alike had worked very hard to improve and increase voter participation in Albemarle. She said that they had canvassed their neighborhoods, registered voters, and talked person-to-person about their misunderstanding of the process, and how they could further encourage voter participation here in Albemarle.

Ms. Juul-Nielsen said that what had become clear from their answers was there was a general mistrust of the whole process and that there was confusion. She said that they did not believe their vote counted or mattered. She said that they were aware that their vote did count and matter. She said that in politics, perception was reality, and that was what they had to deal with. She said that the RCV system required voters to research and evaluate multiple candidates before ranking their preferences. She said that this process could add confusion for voters.

Ms. Juul-Nielsen said that they had concerns about the tallying process, the time it would take, the associated costs, and the verification of results. She said that they also questioned the practicality of RCV in Albemarle, where there were often only one or two candidates running for an office. She said that implementing such a system may not be necessary and could potentially add layers of distrust to the electoral process. She urged the Board to vote against RCV.

Mr. John Linder, Rivanna District, said that he wanted to voice his opposition to the adoption of RCV. He said that when preparing for an upcoming election, he reviewed the candidates, decided whom he wanted for each office, and cast his vote for one person per office.

Mr. Linder said that with ranked voting, he felt compelled to vote for all candidates, which he found confusing and time-consuming. He said that he believed this system could prolong the voting process, complicate result calculations, and potentially cause confusion. He urged the Board to maintain the current voting system, asserting that if it was not broken, there was no need to fix it.

Ms. Susan Perry, Scottsville District, said that she usually came prepared, but she apologized for

any unpreparedness on her part today. She said that she wanted to discuss RCV, stating that she believed it was a straightforward choice that aligned with pro-democracy values. She said that she was surprised to see opposition to it. She said that it may not apply right now, but maybe someday they would have lots of people fighting to get positions on the Board, so it was an important thing for them to stand by and expand in the state and nationally.

Ms. Perry said that RCV opened up their democracy to allow people to feel that they had a chance and would not muddy up the system by participating. She said that people could begin participating, letting their voice be heard, and have a place to start. She said that more importantly, it was unacceptable for there to be people in office who did not have a majority rule. She said that it baffled her that it was not something they all wanted.

Ms. Perry said that this was a way to achieve that. She said that she did not believe it was a good excuse to say that they could not do it, and if they cared enough, they could educate the populace about RCV, as she believed it would give people more choices, more freedom, and a more vibrant democracy. She urged the Board to vote for RCV, despite opposition, as she believed it was better for their democracy.

Mr. Eli Weinger, Jack Jouett District, said that he served as the president of Students for Equity and Reform in Virginia (SERF). He said that his involvement in politics and public policy had taught him that engaging young people in politics was a significant challenge. He said that the perception that there were few candidates running for positions in Albemarle County was concerning. He said that they needed more young people engaged in their democracy, not less.

Mr. Weinger said that young people often felt disenfranchised when they did not see their voices and perspectives reflected in government and public life. He said that to address this, he believed that an electoral system promoting competition, involvement, and inclusivity was necessary. He said that RCV would bring more diverse voices into the political conversation, thereby allowing more voices and choices.

Mr. Weinger said that he also wanted to address some common misconceptions about RCV. He said that many people argued that RCV was overly complex yet exit polls from RCV elections across the country had demonstrated otherwise. He said that in 2021, in New York City, 95% of voters found their ballot to be simple to complete. He said that in Minneapolis, 88% of voters in 2021 believed that RCV was simple. He said that in Boulder, Colorado, 86% of voters in 2023 expressed that RCV was easy. He said that in Arlington, 88% of voters in 2024 stated that RCV was easy.

Mr. Weinger said that another concern regarding RCV was the duration of the tabulation process. He said that the positive news was that RCV tabulation was both quick and straightforward. He said that in both Arlington's RCV elections, the RCV tabulation process was completed within minutes on the Friday following the election.

Mr. Weinger said that this was a reasonable amount of time to ensure that all voices were heard and to prevent the spoiler effect. He said that anyone who had taken an economics class was aware that less competition in the market, or less competition for votes, resulted in customers or voters having less power. He said that more competition, more voices, and more choices were needed, not fewer.

Mr. Chris Seaman, White Hall District, said that he served as the Robert E. R. Huntley Professor of Law at Washington and Lee University School of Law, where he taught and conducted scholarship on election law and voting rights. He said that the views he expressed today were his own and did not necessarily represent his employer. He said that he was present to advocate for RCV, an electoral reform that could increase voter choice and help mitigate the current toxic levels of polarization in their political system.

Mr. Seaman said that RCV allowed voters to rank candidates in order of preference. He said that all first-choice votes were counted initially. He said that if no candidate secured a majority, the candidate with the fewest first-choice votes would be eliminated, and their second-choice votes were transferred to the remaining candidates. He said that this process continued until one candidate achieved a majority.

Mr. Seaman said that RCV did not inherently favor any political party. He said that second and even third-place choices could determine the ultimate winner, so RCV encouraged candidates to appeal to a broader electorate. He said that RCV had a rich history, having been developed in the mid-1800s and since used by billions of voters worldwide, including former British colonies such as Australia, India, Ireland, and New Zealand.

Mr. Seaman said that in the United States, RCV had been adopted by numerous municipalities for local elections, as well as congressional elections in Alaska and Maine. He said that notably, in Virginia, the Republican Party had utilized RCV in 2021 to select Glenn Youngkin as its nominee for governor. He said that he also wanted to address some concerns that had been raised.

Mr. Seaman said that one of the most common objections to RCV was that it confused voters. He said that the data did not support this claim. He said that as the previous speaker mentioned, in Arlington, 88% of voters in an exit poll had agreed that marking the ranked choice ballot was easy. He said that in Alaska, 85% of surveyed voters had stated that RCV was easy to use. He said that with respect to voter turnout, a recent article published that year in *Electoral Studies* had reported a 17% increase in turnout in

municipalities that used RCV.

Mr. Seaman said that in summary, RCV was an important reform at a time when deep party polarization had affected politics. He said that researchers at the University of Chicago had found in a recent report that replacing existing plurality vote systems with RCV could have a transformative effect, leading to more candidates, less polarization, and less incentive to vote strategically.

Ms. Kerin Yates, White Hall District resident and a former president of the League of Women Voters, said that today, she was speaking on behalf of Lisa Hilgartner, the current president, who could not attend. She said that the League of Women Voters' position on election systems and election integrity was to ensure fair and free elections that maximized participation, as these were critical to representative government. She said that they supported the use of RCV in local elections. She said that this method allowed voters to rank all candidates in a race, ensuring that every voter's choice was considered in the final vote count.

Ms. Yates said that recently, RCV had gained momentum in localities and states across the country, including in Virginia. She said that it was used by the Republican Party of Virginia in their statewide nominating elections in 2021, and Arlington became the first locality in Virginia to adopt RCV for their County Board primaries. She said that if implemented in Albemarle County, the League of Women Voters was prepared to assist with educating the community about the system.

Mr. Bruce Kirtley, Chair of the Albemarle County Democratic Party and White Hall District resident, said that he was present to represent their party's views. He said that as they were likely aware, the previous year they had endorsed RCV, and this year they had reaffirmed that position unanimously. He said that their position remained the same. He said that naturally, anytime changes were made, concerns would arise.

Mr. Kirtley said that they were here to advocate for a thorough study and informed plan. He said that he anticipated that cost would be a primary concern. He said that he would submit that over a period of time there would likely be changes in hardware and software. He said that he encouraged the incorporation of RCV into any relevant purchases.

Mr. Kirtley said that they acknowledged that educating the public would take time. He said that they had heard from the County's Registrar the previous day that it would require another person. He said that they had research indicating that nearly 1,100 new voters had registered in Albemarle County this year within the first six months. He said that by the end of the year, if they extrapolated, that they could see an increase of 2,000 to 3,000 more. He said that regardless of the decision, there would be a need for additional personnel at the Registrar's office.

Mr. Kirtley said that they suggested that when hiring, education was a factor, so they believed one of the prerequisites be that the new employee have the skills and ability to inform people about RCV. He said that some may question the need for change. He said that implementing RCV would diminish his influence, which he believed was a good idea for democracy. He said that RCV encouraged dialogue, discussion, and civility.

Mr. Kirtley said that if a candidate was in first place but realized they would not get 51%, they should understand the issues brought up by numbers three and four. He said that if they failed to do so, they risked losing those votes and being taken over by other candidates. He said that his party believed it was worth implementing RCV, and he trusted that the Board would study it and put a good faith effort into it.

Agenda Item No. 8. Consent Agenda.

Mr. Andrews said that he was not aware of any requests to pull any items, and that the floor was open for a motion.

Ms. Mallek **moved** to approve the consent agenda. 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 Mr. Pruitt.
NAYS: None.

Item No. 8.1. Approval of Minutes: November 2, 2022.

Ms. Mallek had read the minutes of November 2, 2022, and found them to be in order.

By the above-recorded vote, the Board approved the minutes as read.

Item No. 8.2. Fiscal Year 2026 Operating and Capital Budget Calendar.

The Executive Summary forwarded to the Board states that the process of developing the

County's Operating Budget for Fiscal Year 2026 (FY 26) and the Capital Improvements Program (CIP) for FY 26 - 30 is underway. Staff provides a proposed budget calendar on an annual basis.

Attachment A provides a preliminary budget calendar for the FY 26 budget process. The budget development calendar establishes specific dates for Board meetings and public hearings on the tax rate, the budget, and the CIP. Staff will continue to provide the public with as much notice as possible for planned community engagement opportunities, public hearings, and work sessions associated with the development of the upcoming budgets.

There are several dates that are driven by Virginia Code requirements that are reflected in the attached calendar:

- Localities with a first-half tax year collection in June may adopt the tax rate on or before May 15.
- There must be at least seven days between the public advertisement of the budget public hearing and the actual hearing date.
- There must be at least seven days between the budget public hearing and the adoption of the budget.
- Localities must provide at least seven days' notice of, and conduct, an effective real estate tax rate public hearing if the reassessment would result in an increase of one percent or more in the total real property tax levied compared to the prior year's real property tax levies.
- The effective real estate tax rate public hearing must not be held at the same time as the annual budget hearing.

The preliminary budget calendar for the FY 26 budget process meets the Virginia Code requirements and closely mirrors the budget process from last year.

This executive summary provides information on the FY 26 Budget development process.

Staff recommends that the Board adopt the preliminary budget calendar set forth in Attachment A.

By the above-recorded vote, the Board adopted the adopted the preliminary budget calendar (Attachment A):



FISCAL YEAR 2026 BUDGET CALENDAR

July 2024	
17 (Wed.)	Outside Agency Funding Process Modifications
August 2024	
21 (Wed.)	Approval of FY 26 Budget Calendar
21 (Wed.)	Strategic Plan Execution and Reporting
September 2024	
17 (Tue.)	Joint Meeting with the City of Charlottesville
18 (Wed.)	Septic to Sewer Program Update
October 2024	
16 (Wed.)	Economic Outlook Report
November 2024	
20 (Wed.)	Long-Range Financial Planning – Overview, Assumptions, and Connection to Strategic Plan
December 2024	
4 (Wed.)	Long-Range Financial Planning – Joint meeting with School Board for capital
February 2025	
26 (Wed.)	County Executive’s presentation to Board – Recommended Budget and Capital Improvements Program
March 2025	
05 (Wed.)	Public Hearing on County Executive’s Recommended Budget and CIP
10 (Mon.)	Work Session #1
12 (Wed.)	Work Session #2
13 (Thur.)	School Board approves Public Schools budget request
17 (Mon.)	Work Session #3 – School Board presents budget
19 (Wed.)	Work Session #4 – Board proposes budget and sets maximum tax rate for advertisement
26 (Wed.)	If needed - Work Session #5
31	Spring Break
April 2025	
1-4	Spring Break
7 (Mon.)	If needed - Work Session #6
23 (Wed.)	Public Hearing on Board’s Proposed Budget
24 (Thur.)	School Board adopts Public Schools Final budget
30 (Wed.)	Public Hearing on the CY 25 tax rates
May 2025	
7 (Wed.)	Board approves and appropriates FY 26 Budget and sets tax rates

Item No. 8.3. Solar Power Purchase Agreement to Lease Roof of 5th Street County Office Building.

The Executive Summary forwarded to the Board states that a solar energy Power Purchase Agreement (PPA) allows a solar development company to lease either a rooftop or land for the installation of a solar energy generation system. Under such an agreement, the system is designed, installed, financed, owned, operated, and maintained by the solar development company for the life of the agreement. Throughout the life of the system, the property owner pays the solar development company for the energy, just as an owner would pay for energy from electric utilities. In addition to a lack of up-front costs, a primary benefit of a PPA is the predictability of energy costs from the system. The owner can design the rate of increase over the PPA term, and that price (and its increases) are fixed by the agreement. At the end of the agreement’s term, many PPA’s specify that the owner may either request that the developer remove the system or purchase the system at an amortized rate.

In the fall of 2023, County staff began pursuing options to install a solar photovoltaic system on the roof of the 5th Street County Office Building (COB-5). Staff consulted with six solar developers to learn about project delivery alternatives. County staff also consulted staff of the Albemarle County Public Schools, which has installed solar energy systems on several school roofs via PPA agreements. Based on preliminary estimates, a solar energy generation system at COB-5 could generate as much as 660 kilowatts of electricity, from more than 1,500 solar panels. The system would produce an estimated 900,000 kWh of electricity annually, which is approximately half of COB-5’s current consumption. The

resulting savings would translate to almost 10,000 tons of avoided greenhouse gas emissions over the term of the proposed PPA, or the equivalent of removing 2,159 cars from the road for one year. Additional information is provided as Attachment A.

The proposed Solar PPA Agreement would entail a lease of the roof area where the system would be installed (Attachment B). If the lease were approved, the solar developer would lease only the roof space, while maintaining ownership and maintenance responsibility of the system. This arrangement would allow the County to purchase the solar power from the solar provider's installed system.

There would be no increase in costs to the County's operating or capital budgets. The proposed solar energy generation system is estimated to generate cumulative 30-year operational budget savings of approximately \$1,247,000.

Staff recommends that the Board schedule a public hearing on October 2, 2024, to consider a proposed lease agreement.

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing on October 2, 2024, to consider a proposed lease agreement.

Item No. 8.4. Construction Easement for Southwood Community Development Block Grant Phase 2.

The Executive Summary forwarded to the Board states that Albemarle County has received a Community Development Block Grant (CDBG) to support new infrastructure development in Phase 2 of the Southwood Redevelopment Project. Specifically, this grant is to replace failing septic systems with public water and sewer services in Village 3, which would support the construction of 33 new affordable dwelling units. To use CDBG funds for this project, the Virginia Department of Housing and Community Development (DHCD) requires localities to have control of the subject property during the time of CDBG funded activities. DHCD has approved use of a Temporary Construction Easement to constitute legal control of the property.

To satisfy CDBG requirements, Southwood Charlottesville, LLC, owner of the subject property, has agreed to grant the County a Temporary Construction Easement (Attachments A and B). Acceptance would convey a temporary construction easement to the County required for the project. Unlike most deeds conveying temporary construction easements, this deed specifically states that the property owner (Southwood Charlottesville, LLC), rather than the easement recipient (the County), will perform all construction work. It further provides that the County has the right, but no responsibility or obligation, to perform any construction work on the Property. Again, the sole purpose of the easement is to demonstrate County control of the subject property during the time of CDBG funded activities.

Approval and acceptance of the Deed of Temporary Construction Easement would allow the County to use \$1,075,000 of CDBG funding awarded for the project.

Staff recommends that the Board adopt the attached Resolution (Attachment C) authorizing the County Executive to accept a temporary construction easement on portions of Parcel 90A1-1D.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment C) authorizing the County Executive to accept a temporary construction easement on portions of Parcel 90A1-1D:

**RESOLUTION ACCEPTING TEMPORARY CONSTRUCTION EASEMENT
FROM SOUTHWOOD CHARLOTTESVILLE, LLC**

WHEREAS, Southwood Charlottesville, LLC owns Parcel ID Number 090A100-00-001D0; and

WHEREAS, an easement across this property is necessary in order for the County to comply with the requirements for the Southwood Phase 2 Community Development Block Grant, which will support the funding for the construction of new infrastructure development in Village 3.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the County's receipt of a temporary construction easement on Parcel ID Number 090A1-00-00-001D0, and authorizes the County Executive to sign, the Deed of Easement and any other necessary related documents, as approved to form and substance by the County Attorney.

* * * * *

This document was prepared by:
Albemarle County Attorney
County of Albemarle
401 McIntire Road
Charlottesville, Virginia 22902

Parcel ID Number 090A1-00-00-001D0

This deed is exempt from taxation under *Virginia Code* § 58.1-811(A)(3) and from Court Clerk's fees under *Virginia Code* § 17.1-266.

THIS TEMPORARY CONSTRUCTION DEED OF EASEMENT made this 8TH
day of APRIL, 20 25, by and between **SOUTHWOOD CHARLOTTESVILLE, LLC**, a Virginia limited liability company (hereinafter, the "Grantor"), and the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (hereinafter, the "Grantee").

WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, the Grantor does hereby GRANT and CONVEY unto the Grantee a temporary construction easement over the following property:

That certain real property shown and designated as "Temporary Construction Easement Area" (hereinafter, the "Property"), shown on the plat of Roudabush, Gale & Assoc., Inc., dated June 24, 2024, entitled "TMP 90A1-1D | Temporary Construction Easement, Southwood Redevelopment | Phase II | Village III" (hereinafter, the "Plat"), a copy of which is attached hereto and recorded herewith. Reference is made to the Plat for a more particular description of the easement conveyed herein.

The conveyance of this temporary construction easement includes the right of ingress and egress for the above-mentioned purpose. This temporary construction easement will expire upon completion of construction of 59 residential dwelling units. Any improvements constructed within the public right-of-way will be the property of the Grantee.

The Grantor covenants that it will perform all construction work in a proper and careful manner. At the conclusion of the construction, the Grantor will restore any disturbed surfaces to their prior condition. This deed conveys to the Grantee the right, but no responsibility or obligation whatsoever, to perform any construction work on the Property.

The Grantee, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts this conveyance

pursuant to *Virginia Code* § 15.2-1803, as evidenced by the County Executive's signature hereto and the recordation of this Deed.


WITNESS the following signatures.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

GRANTOR:

SOUTHWOOD CHARLOTTESVILLE, LLC
a Virginia limited liability company

By:


Daniel H. Rosensweig, Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF CHARLOTTESVILLE:

The foregoing instrument was acknowledged before me this 8th day of APRIL,
2025 by Daniel H. Rosensweig, Manager, on behalf of Southwood Charlottesville, LLC,
Grantor.

My Commission Expires: 1/31/2028

Registration number: 00286883


Notary Public



SIGNATURES CONTINUE ON THE FOLLOWING PAGE

GRANTEE:

COUNTY OF ALBEMARLE, VIRGINIA

By: 

Jeffrey B. Richardson
County Executive

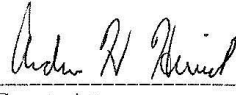
COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE:

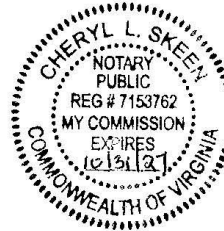
The foregoing instrument was acknowledged before me this 8th day of May, 2025 by Jeffrey B. Richardson, on behalf of the County of Albemarle, Virginia, Grantee.

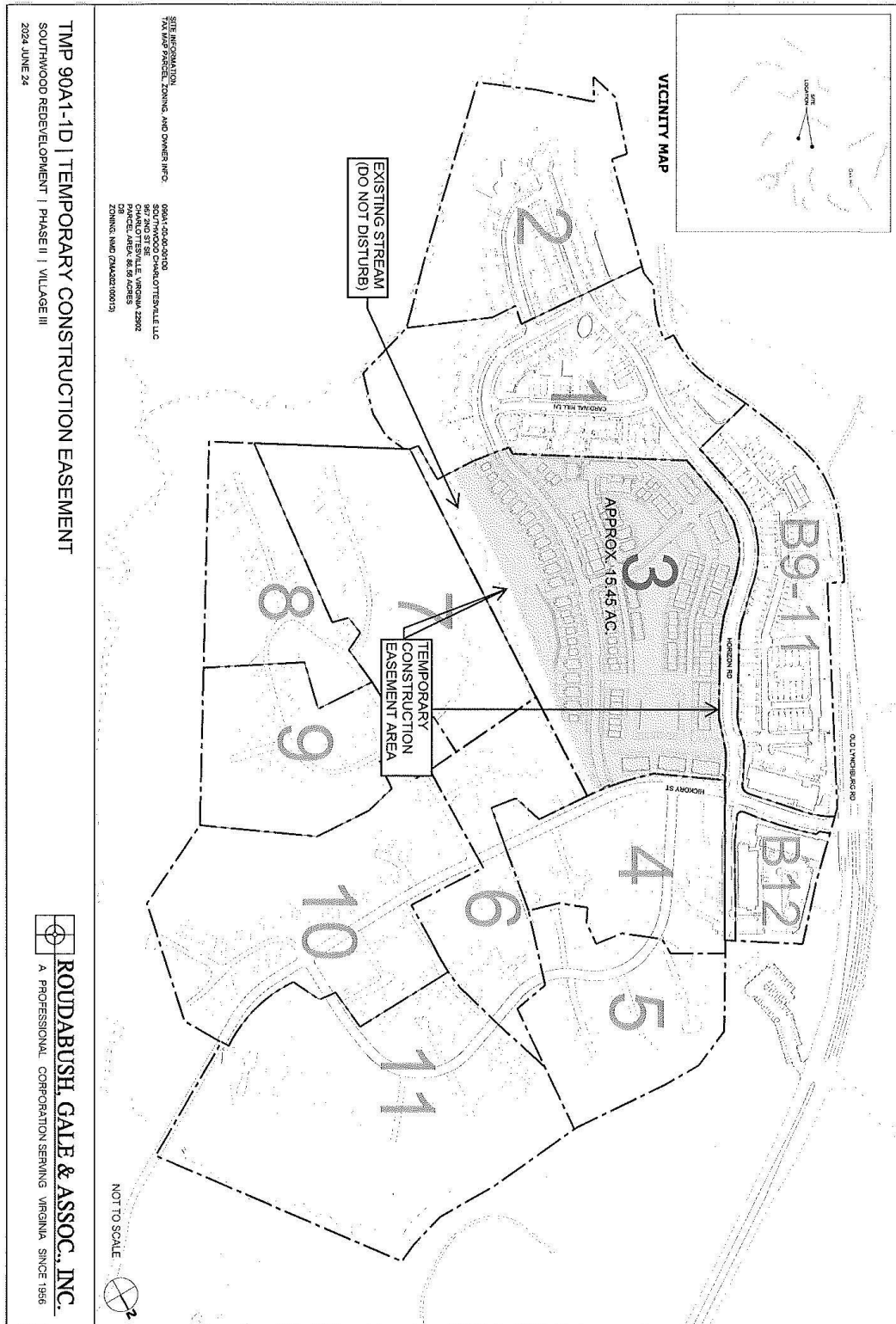

Notary Public

My Commission Expires: Oct. 31, 2027
Notary Registration No. 7153762

Approved as to form:


County Attorney





Item No. 8.5. Resolution Declaring that Local Emergency is Ended (Tropical Storm Debby).

By the above-recorded vote, the Board adopted the Resolution Declaring that Local Emergency is Ended (Tropical Storm Debby):

**RESOLUTION DECLARING THAT LOCAL EMERGENCY IS ENDED
 (Tropical Storm Debby)
 (Virginia Code § 44-146.21)**

WHEREAS, Tropical Storm Debby was forecast to bring flooding, property damage, downed trees, widespread power outages, and hazardous travel conditions to the Commonwealth of Virginia, including Albemarle County, Virginia (the “County”) beginning Thursday, August 8, 2024 (the “Event”); and

WHEREAS, because of the potential adverse impacts of the Event, County Executive Jeffrey B. Richardson, acting in his capacity as the Director of Emergency Management, declared a local emergency on August 8, 2024, pursuant to Virginia Code § 44-146.21; and

WHEREAS, the Board of Supervisors confirmed the declaration of local emergency on August 14, 2024; and

WHEREAS, there is no longer a need for the County to provide aid or assistance pursuant to or to exercise the powers conferred by Virginia Code § 44-146.21.

NOW THEREFORE, BE IT RESOLVED, that there are no further emergency actions related to the Event to be taken; and

BE IT FURTHER RESOLVED, the declared local emergency is ended.

Item No. 8.6. Land Use & Environmental Planning Committee Report - First Half 2024, **was received for information.**

Item No. 8.7. Facilities and Environmental Services (FES) Summer Quarterly Update, **was received for information.**

Agenda Item No. 9. **Discussion:** Ranked Choice Voting.

Mr. Andrews noted that this was a discussion item, and no motion would be taken at today's meeting regarding the item.

Ms. Lauren Eddy, General Registrar and Director of Elections, said that today, they would review the requirements and costs associated with implementing RCV in their office, as presented in November 2022. She said that the technical and logistical requirements included an election system, which included ballot scanners or tabulators, that would scan and record ranked choices on a ballot up to the permitted number of choices, export the ballot data to a cast vote record (CVR), and tabulate the results of multiple rounds and re-allocate votes to the remaining candidates until one gets a majority.

Ms. Eddy said that their current election system only met the first requirement, and that they had plans and a budget to purchase new ballot scanners in January 2025, which would still only meet the first requirement.

Ms. Eddy said that she would now discuss the two requirements that they currently did not meet. She said that the first was exporting the ballot data to a cast vote record. She said that an available upgrade from their current vendor would enable current and new equipment to produce the cast vote record, but it came with an initial purchase and recurring fee. She said that this upgrade was only sufficient for the first round of RCV, and that for further rounds, they would need additional tabulator software.

Ms. Eddy said that the second requirement they did not meet was tabulating the results of multiple rounds and reallocating votes until a majority was achieved. She said that they would need to acquire additional software for this purpose.

Ms. Eddy said that they believed that voter education was the most significant requirement for the success of RCV elections. She said that according to the law, they must initiate a voter education campaign at least 60 days prior to an election in which RCV would be used. She said that her office considered this period to be the minimum time required to adequately educate the voters of Albemarle County. She said that the cost of a voter education campaign largely depended on their ability to utilize internal County communication resources and existing educational materials developed by other jurisdictions.

Ms. Eddy said that regarding the budget, they required an Electionware upgrade to their current voting system and the new voting system they planned to acquire. She said that this upgrade included the necessary software and a dedicated laptop, because the software could not just go on one of the desktop computers they used. She said that the initial cost for this upgrade was \$13,626, followed by an annual fee of \$7,200.

Ms. Eddy said that they would need tabulation software for the extra rounds, which was now provided by the Department of Elections. She said that this was a change from their previous discussions, as they were previously uncertain about the need for a service contract with that vendor. She clarified that they did not need to, that ELECT (Department of Elections) had purchased that software, but they would have to purchase the necessary equipment for that software. She said that the laptop would cost approximately \$3,000.

Ms. Eddy said that the integration, testing, and validation process would require an estimated \$6,000 per election where RCV was utilized.

Ms. Eddy said that training was another significant aspect that could not be easily quantified at this time. She said that an elections staff member would be needed whose primary job function would be to create and conduct training of voters, election officials, and fellow staff members.

Ms. Eddy said that given their current staff of five full-time employees, who were already operating at maximum capacity, they would need to consider hiring additional personnel to manage voter education, including public service announcements, mailings to registered voters, and demonstrations at

various locations. She said that the estimated minimum cost for initiating a voter education program was around \$40,000. She noted that this figure included a basic postcard mailing to every registered voter from her office, which would cost approximately \$34,000.

Mr. Gallaway asked if Ms. Eddy could provide a ballpark figure for the growth in population or voters that would necessitate an increase in staff numbers, regardless of implementing RCV. He said that if they had a certain number of voters, that typically indicated they needed to add a corresponding number of staff members.

Ms. Eddy said that they had not added a staff member in several years, probably since around 2013. She said that they had approximately 87,000 registered voters. She said that in the time since their last hiring, the number of registered voters had likely increased by about 10,000.

Mr. Gallaway said that he was trying to understand, or perhaps seeking clarification, regarding staffing for the current system. He said that if they had not provided enough positions, that was one aspect of the current system. He said that there seemed to be a formula that dictated the need for staff based on the number of voters on the roll. He said that he did not know the exact number, but it was something that dictated the need for staff. He said that this was an outstanding question that may be able to come back at a later date. He also said that he was curious about whether the software for requirement two and three was included in the initial cost of \$13,600.

Ms. Eddy said that yes, the first software was for their current or new election equipment, such as voting scanners or tabulators. She said that the second software was provided by the Department of Elections. She said that therefore, they would not be paying for that software. She said that they would only be paying for a laptop to install that software on, due to certain restrictions on what else could be on a computer with that software.

Mr. Gallaway asked if everything listed here represented a new ongoing cost, and that the \$6,000 mentioned appeared to be a one-time upfront cost.

Ms. Eddy said that they would conduct testing and validation for each election, so that would be ongoing as well.

Ms. LaPisto-Kirtley said that the implementation cost would be just under \$70,000, not including the potential addition of an extra staff member, which was mentioned as being necessary. She said that the cost of longer ballots was still unknown, but that this was a large amount of money. She said that this budget was based on current dollars, as no decisions were being made at this time. She asked if the numbers provided were obtained from other entities.

Ms. Eddy said that the information came from their vendors. She said that the quote for the election software upgrade came from their current election systems vendor. She said that if they were to proceed with this upgrade today, that would be the cost they would incur. She said that this quote represented what their vendors had provided to them.

Ms. Mallek said that this was a good start, and it built upon what they had heard a year or so ago. She asked if a person would be required to vote for more than one candidate in a particular election if they were to adopt RCV.

Ms. Eddy said that they would not be required to.

Ms. Mallek asked if their ballot came with just one person per race, it would be completely acceptable and scanned in as normal.

Ms. Eddy said that was correct.

Ms. Mallek said that she wanted to clarify that people would not be required to vote for multiple people that they did not know or did not want. She said that she understood about the software. She said that she was aware that a year or more ago, there was discussion about finally being able to purchase new machines. She said that as someone who had worked for 25 years trying to get a paper ballot, she was very grateful that they had done so. She said that there was a lot of empty space on that ballot, so she was not sure what that meant when they talked about a longer ballot.

Ms. Mallek said that perhaps for a County with at-large elections and 10 candidates for five spaces, that may be a different situation from what they had where their ballots were by district. She said that she noted that there was already so much partition that happened before the ballots reached the voting polling places. She said that the Board of Supervisors currently only had authority over local elections. She said that there was no connection between party primaries and this process.

Ms. Eddy said that was correct.

Ms. Mallek clarified that there would be no diminishment or taking over of a primary process having to use this. She said that she was interested in what some speakers had said about its use in Virginia. She said that she believed they would need to conduct their own research to determine if there had been a decrease in voter participation.

Ms. McKeel said that she would like to receive information regarding the regulations regarding the

other types of elections.

Ms. Eddy said that she could provide that information to the Board Clerk.

Ms. McKeel said that she was surprised to hear about longer ballots, because there was already a lot of empty space on the current ballots.

Ms. Eddy said that there were specific ballot standards established by the Department of Elections, which necessitated some of that space due to the requirements for ballot printing.

Ms. McKeel asked if they were referring to a longer physical size of the ballot papers.

Ms. Eddy said that a longer ballot was required by the Department of Elections' ballot standards.

Ms. McKeel asked if Ms. Eddy could clarify the information regarding the software required for the multiple rounds of RCV.

Ms. Eddy said that the upgrades they would receive for their new equipment would only be sufficient for one round of RCV. She said that if they needed to do further rounds, they needed software for that as provided by the Department of Elections. She said that this software would take them from round two and up. She said that the software would be provided by the Department of Elections, but their office required a laptop to host the software.

Ms. McKeel asked if Ms. Eddy had information regarding how the financial costs were anticipated to shift over the next couple of years.

Ms. Eddy said that each listed cost had increased by approximately \$1000. She said that the cost of voter education program had gone up by \$20,000. She said that she had not requested a new staff member during her previous presentation to the Board.

Mr. Pruitt said that he believed that understanding the costs was the core issue they needed to address to make an informed decision. He said that he had a few clarifying questions that he thought would help him and anyone in the audience better understand how these costs might unfold.

Mr. Pruitt said that he would revisit the question Ms. McKeel had raised. He said that it concerned the cost delineation for their new software versus the software from the Department of Elections and the additional laptop required. He asked if there were three or fewer candidates, there would not be a need for the additional software, as there would not be multiple rounds of voting after the first round.

Ms. Eddy said that was correct; however, they should have that software in order to be prepared.

Mr. Pruitt said that it was a good point to consider regarding the implementation of (RCV in the context of local elections. He said that the concern raised was that they may not actively experience elections requiring RCV due to a lack of candidates. He said that if they were to hypothetically plan for RCV in the 2025 local elections, they would need to assess the costs and timelines associated with preparing for such a system.

Mr. Pruitt asked if there were no primaries in 2025, but in 2027 there were five candidates vying for the Democratic primary, were there any costs that they would not need to provide for in time for 2025 if they were to decide to approve RCV in this calendar year. He asked whether she would identify things that needed to be done this year and ready in time for 2025, and whether there were other things they could wait on until they knew whether or not there would be this need.

Ms. Eddy said that her preference would be, if the Board were to adopt RCV and implement it, that her office would be prepared with everything necessary to move forward with it. She said that it was challenging to predict the number of candidates who would file for an election. She said that they currently had no way of knowing.

Mr. Pruitt said that he understood her point. He said that he was inquiring about the possibility of schooling up for more capacity in the future. He said that based on her assessment, it would be necessary to have that grace given to be more prepared. He asked if Ms. Eddy could address Mr. Kirtley's suggestion during public comment about the potential need for an additional full-time equivalent (FTE) and the idea of a dual-hatted role for an RCV specialist.

Ms. Eddy said that there was an identified need for an additional staff member.

Mr. Pruitt asked if there would need to be two FTEs or a single person who handled both the existing work of the office as well as the RCV issues.

Ms. Eddy said yes, that could be the same person.

Mr. Andrews said that at one point, there were questions about whether legislative clarity was needed, as they would be examining their legislative priorities and different policies for legislation in the coming months and beyond. He said that he wanted to know if there were any legislative issues that stood out to Ms. Eddy, given that the General Assembly had authorized boards of supervisors to adopt this for their races.

Ms. Eddy said that they were not currently on her radar.

Mr. Andrews asked if they currently sent out mass mailings to citizens.

Ms. Eddy said that they were required to send out mass mailings when there was a change made, such as when a polling place changed or during redistricting.

Mr. Andrews asked if those mailings were sent out to all registered voters or only to those affected by the change.

Ms. Eddy said that they were sent to those affected by the change.

Mr. Andrews asked if candidates were currently listed vertically in two columns on ballots.

Ms. Eddy said that was correct.

Mr. Andrews asked if the change to the ballots would be to put it in one column due to the ranking.

Ms. Eddy said that was correct.

Ms. Mallek said that she had written down to inquire about the cost of their current process for the annual mailings. She said that only in emergencies, such as incorrect advertising, would the cost of \$30,000 be incurred, up from the previous \$15,000. She said that this cost was associated with using a local mailing service, which eliminated the need for manual work.

Ms. Mallek said that there was an extra amount for integration testing and validation. She said that this testing was necessary for the machines in the polling place today, and that they would still have to do that because those were the machines in the polling place. She said that the additional cost was for the testing on the laptop and the new software. She said that she wanted to clarify because this was new. She said that considering that they had seen an influx of 15,000 more people in the last decade, and their last new staff member had been hired in 2013, it was evident that they were way behind in keeping up.

Ms. McKeel asked what the process for public education would look like.

Ms. Eddy said that they had not developed a process yet.

Ms. McKeel asked if there were any other localities who had gone through this process which could be used as a reference.

Ms. Eddy said that currently, Arlington was the only locality in Virginia to have implemented RCV.

Ms. McKeel said that Charlottesville was currently debating whether or not to implement it. She said that it would be helpful to reach out to other localities that had implemented it in order to learn from them.

Ms. LaPisto-Kirtley asked if Arlington had districts or were at large.

Ms. Eddy said that she was not sure.

Ms. Mallek said that they were at large.

Ms. Eddy said that they were in districts.

Ms. LaPisto-Kirtley asked if the required laptop would be sufficient for steps two and three.

Ms. Eddy said that they would require two separate laptops, because both software could not be on the same laptop.

Ms. LaPisto-Kirtley asked if write-in votes would only count if they were put in a ranked order.

Ms. Eddy said that was correct.

Ms. LaPisto-Kirtley said that in Albemarle, there would usually be two people on the ballot, or maybe three if there was an Independent.

Ms. Eddy said typically, yes.

Ms. Sylvia Flood, Chairman of the Albemarle County Electoral Board, said that she was a resident of the Samuel Miller District. She said that the Electoral Board members were unique in that they were appointed by a circuit judge and served three-year terms. She said that they reported to the state election officials. She said that they emphasized the importance of their work being apolitical.

Ms. Flood said that their job, by oath and definition, was to oversee the voting process. She said that they ensured that everything they did was legally approved. She said that lawyers were great at

telling them what needed to be done, but not always how it got done. She said that they had to navigate the fine line between the law and the practicalities of implementation.

Ms. Flood said that her reporting structure with their Registrar was that the Board was the reporting author, and Ms. Eddy reported to them. She said that it was interesting if any of them had experience working on a committee that supervised. She said that Ms. Eddy handled the operational side of things. She said that they were administrative. She said that they got involved in areas such as education, training, and requirements. She said that they approved all election officials, chiefs, and assistant chiefs.

Ms. Flood said that this year, they had added over 140 election officials. She said that they were responsible for training all of these individuals. She said that they were required to train them not only when they joined but also every election, 30 days prior to the election, partly because they only performed their duties once or twice a year. She said that given the unusual circumstances of that year, with multiple elections, including two primaries in March and June, and a presidential election in November, they had a particularly eventful time.

Ms. Flood said that she was proud to report that, for Albemarle, they had no issues during their recount. She said that this experience made those of them who spent 14 hours a day in this process feel very comfortable. She said that she wanted to clarify her role. She said that as the chair and member of the electoral board, her job was administrative and apolitical. She said that she could not personally or in her position cite a position from the podium.

Ms. Flood said that, however, she could express concerns about the implementation process, which she believed would require a lot of work, training, and attention to detail. She said that she wanted to ensure that any pushback or questions were seen as operational concerns for excellence. She said that she asked her colleague, Ms. Clara Belle Wheeler, to take approximately 10 to 15 minutes of their time to discuss some of the issues they had encountered as they implemented this process.

Ms. Clara Belle Wheeler said that she had a brief report that was required by code, as they would see, 24.2-637.1, which states that a decision to conduct an election by RCV must be made in consultation with the local electoral board and general registrar. She commended the Board for taking this step.

Ms. Wheeler said that the Board members were asking a lot of questions about what a ballot looks like. She said that she would try to give them some information on what a ranked choice ballot looks like. She said that displayed on the slide was a ballot for roughly five people. She said that the candidates were listed on one side, and the voter would vote for their first choice, second choice, third choice, and so on, for the number of candidates on the ballot. She said that this was what it would look like on their ballot when they saw it.

Ms. Wheeler said that regarding the use of RCV in Virginia, as they had heard partially, the only election in a municipality in Virginia using RCV, which was the 2023 Democratic primary in Arlington County. She said that to answer their question, they could conduct primary party, primary elections using ranked choice.

Ms. Wheeler said that as many of them knew, there were no write-ins in a primary. She said that it did not matter whether it was ranked choice or a regular ballot, the code said they could not do a write-in in a primary. She said that the exit polling that was done by one completely independent organization showed that 41% of those who took the exit poll after that Democratic primary did not like ranked choice, and they did not want to do it again.

Ms. Wheeler said that it was a simple for question, and it was done by a totally independent organization. She said that another organization essentially did the same thing, and their results showed that 61% of the voters did not like ranked choice. She said that she would send the links to the polls. She said that the question asked whether the voters liked the tabulation, and it appeared that the voters did not fully understand how the ballots were tabulated or counted.

Ms. Wheeler said that the Richmond City Council had voted in 2022 that they would not implement RCV through their City Council elections in November 2024. She said that to her knowledge, they had not conducted a re-vote on this decision.

Ms. Wheeler explained the tabulation process would have the same ballot that they had seen earlier. She said that in the first round of votes, and she clarified that this was a hypothetical election with 1,000 voters and 1,000 ballots, the result of the first round was that the tabulator simply counted all of these ballots.

Ms. Wheeler said that they would see that the highest vote getter received 31% of the 1,000 ballots. She said that under the rules of ranked choice, to be declared the winner in a ranked choice election, they must receive 50% plus 1 vote. She said that in this case, no one reached that threshold. She said that now, the tabulator would proceed to the second round. She said that after the first round was counted, they had 1,000 votes. She said that Wilkie received only 40 votes, placing him last in the race and thereby eliminated.

Ms. Wheeler said that the remaining votes had to be reallocated. She said that 30 second choice votes were for Altman, and 10 were for Sharp, from those who had previously supported Wilkie first. She said that they still did not yet have 50% plus 1 vote, so the process continued to the third round. She said

that in the third round, they had a number of voters who did not have a third-round choice or a fourth-round vote choice. She said that their first and second choices had already been eliminated, so those votes were no longer counted.

Ms. Wheeler said that this resulted in a reduced pool of 680 votes for the final tally. She said that Hovis emerged as the winner with 370 votes, representing 54% of the total votes cast in the final round, which was 680 votes and not the initial 1000 votes. She said that no one would have won if they had to reach 50% plus 1 in the first round of voting. She said that it was important to understand the tabulation process and why it required additional software.

Ms. Wheeler said that the New York City mayoral election took over three weeks to tabulate the results. She said that the ultimate winner was determined after nine rounds of votes, with the first-round winner winning by 10 points. She said that this process was necessary due to the large number of candidates. She said that the candidate who only won by two points benefited from the redistribution of votes. She said that there were several disadvantages to this system.

Ms. Wheeler said that there was a cost associated with purchasing and maintaining ballot software, which had to be maintained and updated regularly. She said that if a voter did not vote for all the choices, their ballot would be eliminated, and they would no longer be part of the election. She said that the second and third round choices became first place votes for the candidate. She said that in order for someone to vote in all rounds, they must rank all candidates.

Ms. Wheeler said that this requirement could be challenging for less informed or less educated voters, who may struggle to understand how to mark a ranked choice ballot. She said that there were concerns that this voting method could disenfranchise less educated voters.

Ms. Wheeler said that election night results only reported the first round of voting, which may not reflect the ultimate winner. She said that according to Virginia law, all results must be reported by precincts, allowing voters to see how the voting took place in their local area. She said that all ballots in a ranked choice election must be tabulated and counted together because it was the accumulation of all the ballots, not just in one precinct or magisterial district.

Ms. Wheeler said that mail-in and provisional ballots may be delayed by more than a week. She said that this was due to the fact that mailed out absentee ballots did not have to be returned to the registrar's office until noon on Friday. She said that if Friday was a federal holiday and there was no mail distribution, the deadline would extend to Monday according to Virginia law. She said that, consequently, ballots were still arriving. She said that they would be aware of the initial round of votes, but there would be no way to tabulate all rounds. She said that provisional ballots would not be adjudicated by the electoral board until all ballots had been received, so there would be a delay of more than a week for results.

Ms. Wheeler said that this information comes from a report by the Department of Elections (ELECT). She said that the report indicates that under current election law, RCV cannot be used when reporting by precinct. She said that something that was brought to her attention by the chief officer of election was that there were numerous elderly voters who may know a lot about one candidate they prefer. She said that they may struggle with a ranked choice ballot.

Ms. Wheeler said that the less informed or less educated voters would face the same issue. She said that this could potentially lead to disenfranchisement, a term they all wish to avoid. She said that it was true. She said that if a voter could not understand how to mark the ballot, their vote would not be counted.

Ms. Wheeler said that polling places had been mentioned earlier. She said that attempting to mark a brand new, unseen system, even after multiple elections of using RCV, one would have to physically visit the polling place to mark their ballot. She said that this process might require more attention than simply circling in or filling in a bubble. She said that many ballots might become spoiled, and the registrar and the electoral board would need to determine how many ballots to provide. She said that they did not want to run out of ballots. She said that this would be an interesting question to consider.

Ms. Wheeler said that another issue arose with mailed out ballots. She said that the purpose of a mailed out ballot was to allow voting in the privacy of one's home. She said that this could be done by dropping it off at the registrar's office or mailing it. She said that if a mistake was made, the voter would have to either mail the spoiled ballot back to the registrar, receive a new ballot, visit the registrar's office for a replacement ballot, or surrender the mailed out ballot at in-person absentee voting to receive a new ballot. She said that the problem was that there was no one at home to assist with these tasks. She said that if a mistake was made on the ballot, there was nothing to mail back. She said that this could lead to confusion.

Ms. Wheeler said that the consensus opinion from the electoral board and others, as well as those who had run unopposed, was that RCV was unnecessary. She said that Albemarle County typically had no more than two candidates, with three at most, and a clear winner could be declared with three candidates. She said that having RCV would be expensive and confusing, and there was no real need for it.

Mr. Gallaway said that he had no questions, as today's discussion was purely for receiving information. He said that he appreciated the information provided. He said that in future discussions about

whether or not they should pursue certain actions, he anticipated delving into the reasons and rationale behind each. He said that as it pertained to the logistics of these actions, he appreciated the conversation.

Mr. Gallaway said that he appreciated Ms. Flood, that he had not had the opportunity to meet her previously. He said that he also appreciated the work that all members of the Electoral Board did. However, that this comment was not intended to be counterpoint or argumentative. He said that he simply wanted to clarify the process of appointing electoral board members. He said that they were appointed by a judge.

Mr. Gallaway said that unless state code had changed, his understanding was that two members were appointed because their current governor was Republican. He said that one member was Democrat because the governor was not a Democrat. He said that if the political parties were reversed, the appointments would be different. He said that if they had a governor who was not affiliated with a political party, the appointments would be based on the majority and minority parties in the General Assembly.

Mr. Gallaway said that to go to the judge, it was his understanding that the local political parties made recommendations so that the members were affiliated with the correct party to comply with state code, and then the judge made the final decision. He said that he had faith that those in these positions acted without political bias. He said that he also recognized that the process of obtaining these positions was inherently political.

Ms. Mallek asked how the slide that discussed the problem with RCV differed from someone who voted today for a particular candidate, only to be eliminated if their candidate did not win. She said that in such a scenario, the individual was out. She said that it appeared she did not fully grasp how one progressed to phase two, three, or four. She said that once eliminated, one could not return.

Ms. Wheeler said that was correct. She said that it was only if a voter did not rank a candidate for the subsequent rounds that their ballot was exhausted.

Ms. Mallek asked if it was correct that the results were not official until the Friday canvass.

Ms. Wheeler said that was correct.

Ms. Mallek clarified that this was true for their current elections, so she did not understand the perceived change between how the results were canvassed.

Ms. Wheeler said that the delayed results would come because they had to wait until all of the votes, all the ballots, the in-person absentee, the mailed out, and the precinct first round were counted. She said that any ballots that came in after the deadline could not be added. She said that traditionally, there were fewer ballots that came in after election day. She said that they were mailed out ballots and had to be received by either Friday or Monday. She said that provisional ballots were also considered.

Ms. Wheeler said that they could still provide the voters with the results from election night because the majority of the votes and ballots were cast either in-person absentee or mailed out absentee. She said that on election day, they could also receive results. She said that with RCV, they only had the initial round and could not add any of the subsequent rounds. She said that as they observed, the first round could suddenly become the second round, and may even become the third round. She said that it might take a week or two weeks to determine the winner. She said that usually, they were done by Tuesday.

Mr. Pruitt said that he would like to briefly provide two comments. He said that the first concerned the selection and exclusion of information in the Electoral Board's presentation. He said that they heard a data point about disapproval in Arlington of their own electoral process, which was based on exit polls.

Mr. Pruitt said that the Electoral Board had offered to provide this survey data, but from his research, the only survey he found that addressed this issue was a patch survey, which was conducted online with an end size of 250. He said that in contrast, a non-profit organization called Fair Vote had conducted a scientific quality exit poll study in person across 54 different precincts and early voting, with an end size in the thousands, and found a favorability of over 65%.

Mr. Pruitt said that the County of Arlington's own survey, conducted through their Office of Public Engagement with an end size of 780, had a 75% favorability. He said that this data was not presented to them, nor was the discussion of how this survey was chosen for presentation. He said that his second point was his disappointment in the Electoral Board's presentation. He said that as previously discussed, this body, despite being partisanly appointed, had a duty to act in a nonpartisan manner.

Mr. Pruitt said that this presentation was made in response to an invitation from the Board of Supervisors to provide requested input on the concrete demands of RCV, explicitly excluding normative policy or political considerations. He said that the Board of Supervisors and the Board of Elections were independent bodies, and neither he nor his colleagues had any influence over how the Electoral Board carried out their responsibilities.

Mr. Pruitt said that he could only express his regret and disappointment that instead of presenting a thoughtful and neutral presentation, a partisan screed was chosen. He said that this choice involved making normative arguments that differentiated between helpful and harmful data and arguments. He

said that he found this use of the opportunity sincerely disappointing and somewhat embarrassing.

Ms. Wheeler clarified that polling data varied greatly across different polls. She said that she merely presented polling data that had not yet been presented and was not involved in any of the polls. She said that she took great exception to the accusation that she was acting in a partisan way. She said that she presented data and pictures of ballots to show them how the counting process works, the law as written, a study from the Department of Elections, and the disadvantages of RCV for various segments of their community. She said that she assured them with every ounce of her being that she was not speaking in a partisan manner. She said that they would have to take her word on this matter.

Mr. Andrews said that he would like to add a point to the discussion about the differences between election night reporting and later reporting when provisional and mail-in ballots were received. He said that there was a comment made about the necessity of voting for all choices. He said that if one voted for all but one, it was mathematically equivalent to voting for all. He said that it did not require marking the least favorite choice. He said that there was no mathematical difference between leaving that one blank and marking a number. He said that he invited Mr. Heilman as the third Electoral Board member to speak, as they had heard from the other two.

Mr. Jim Heilman, Secretary of the Electoral Board, said that they were aware that part of this meeting was mandated by the code, which, as Ms. Wheeler's slide indicated, required that decisions be made in consultation with the Electoral Board and the Registrar. He said that there was a difference of opinion among the Electoral Board regarding the interpretation of "in consultation." He said that in his perspective, it did not imply that they should advise the Board of Supervisors whether it was a good or bad idea.

Ms. LaPisto-Kirtley said that she was, frankly, very pleased with what Ms. Flood and Ms. Eddy addressed to the Board. She said that she was not as impressed with the latest presentation, as it did not align with what the Board had requested. She said that she found a couple of things in the presentation that she felt were insulting, particularly regarding the less educated and the elderly. She said that she had many elderly constituents in her district, and she assured them that they were very intelligent.

Ms. LaPisto-Kirtley said that she felt that the presentation was partisan and did not fulfill what was requested. She said that she felt that the explanation was not clear and factual, which made it difficult for people to understand. She said that perhaps it was intentional to make it appear more confusing than it actually was. She said that they were still considering whether to proceed with RCV, and they were seeking factual information. She said that they did not want skewed information or a particular side influencing their decision. She emphasized that she was disappointed with the last presentation.

Mr. Pruitt said that he understood that they would spend a significant amount of time discussing the substantive merits and their respective opinions on RCV, so he would refrain from discussing that. He said that he would like to take a moment to note that although he expressed his sincere displeasure and disappointment with the closing presentation, he did not extend that sentiment to the presentation they received from the Registrar, which he found to be deeply informative.

Mr. Andrews said that he appreciated how well the recent election had been run and how well the recount went, which he was sure was arduous. He thanked everyone for their service and for being present to discuss these matters.

Agenda Item No. 10. **Presentation:** Zoning Modernization Phase 1 Article Review.

The Executive Summary forwarded to the Board states that Community Development staff is engaged in a multi-year effort to modernize the County's zoning ordinance, in coordination with the update of the County's Comprehensive Plan (AC44). The Zoning Modernization project is intended to establish more efficient administrative procedures, provide a clear and user-friendly format, and create an adaptive, modern ordinance that meets the current and projected future needs of Albemarle County. With assistance from a local consulting firm, The Berkley Group, staff has completed the draft ordinance for Phase 1, consisting of the administrative sections of the ordinance.

The Zoning Modernization project has been divided into five phases (Attachment A6), with the first phase encompassing the following draft articles:

- Article 1 - General Provisions (Attachment A2)
- Article 2 - Administration (Attachment A3)
- Article 3 - Permits and Applications (Attachment A4)
- Article 10 - Nonconformities (Attachment A5)

The draft articles follow guidelines that provide a foundation for a clear, user-friendly zoning ordinance, with a consistent, hierarchical organization scheme and best practices for modern zoning ordinances. The proposed articles have been reviewed and edited according to best practice, internal procedure, public input, and Planning Commission direction (Attachments A and A1). The County Attorney has conducted a review of the proposed articles and will comprehensively review articles prior to adoption.

Though the proposed articles are intended to be adopted as a total package following the completion of all five proposed project phases, the articles are being presented to the Board for general review and discussion in phases, as they are completed. Following an overview of the new articles, with

emphasis on notable changes in each draft article, staff will ask for the Board's general feedback on the articles presented.

The Zoning Modernization project is fully funded through the end of Phase I and no additional funding is requested currently.

Staff recommends the Board provide general feedback on the draft Zoning Ordinance articles presented.

Ms. Lea Brumfield, Senior Planner II, said that she was accompanied by Francis McCall, the Deputy Zoning Administrator. She said that Rebecca Cobb from the Berkley Group was also in the audience, who could answer questions as needed. She said that this presentation would cover the articles drafted in Phase 1 of the Zoning Modernization Project. She said that these articles had been reviewed by the Planning Commission (PC) and were now presented for the Board's consideration.

Ms. Brumfield said that she would start with an overview of the project goals and discuss the work completed in this phase. She said that she would describe some of the significant changes proposed for each article, review stakeholder input, and outline the next steps, including a brief overview of Phase 2. She said that staff would also be prepared to address any questions the Board might have.

Ms. Brumfield said that at their previous presentation to the Board in October of the previous year, they had discussed the progress of the project at this midpoint and delved into the strategies employed to achieve the project's goals. She said that these strategies aimed to create streamlined and user-friendly regulations, incorporate best practices, and align with the goals and strategies of the Comprehensive Plan, which reflected the community's needs and feedback.

Ms. Brumfield said that this updated process graphic illustrated the timeline for Phase 1, starting with the kickoff in August 2022, followed by stakeholder interviews, and three PC work sessions focused on individual articles. She said that Phase 1 also included a general open house for the public in January 2023, where they had discussed the project's overall approach, the relationship between the Comprehensive Plan and the Zoning Ordinance, and the direction of their work.

Ms. Brumfield said that they had met twice with the Charlottesville Area Development Roundtable (CADRe) and the Blue Ridge Home Builders Association (BRHBA) to discuss the application process and the overall clarity of the administrative ordinance drafts. After presenting all four articles in June to the PC in a wrap-up session, they now had the wrap-up session for the Board. She said that their goals today were for the Board to provide feedback on whether the framework or the articles was logical and comprehensible, and to identify any particular regulations that were unclear and needed to be addressed.

Ms. Brumfield said that with those two questions in mind, she would go over the articles included in Phase 1 of the project in more detail. She said that the overall general edits that they had covered for these four articles looked at the foundational and procedural ordinance sections. She said that these four articles had included work sessions that had incorporated the specific feedback they had received, and the overall general guidelines that they had developed for this project.

Ms. Brumfield said that the guidelines were a 13-point guideline section that staff had presented to the Board previously, but in very brief, avoid jargon, make it more brief, and remove unnecessary state code. She said that she had talked with staff subject matter experts and the County Attorney's Office on all of these drafts to ensure accuracy, user-friendliness, and Virginia Code compliance. She said that she believed that they had succeeded in those.

Ms. Brumfield said that they were using the new article numbers, not the old ones. She said that for example, Article 2 in their current Zoning Ordinance was the basic regulations article, but Article 2 of the proposed ordinance was the administration section. She said that when they were using an article number, it was going to be the new ones, not the old ones. She said that all of the four proposed or draft articles were included in attachments 2 through 5.

Ms. Brumfield said that a crosswalk had been provided in Attachment 6. She said that this crosswalk illustrated how each section of the existing ordinance was incorporated into the new proposed location. She said that different sections of the current ordinance were being organized in a more logical and orderly manner. She said that previously, regulations were added as needs arose, resulting in a somewhat haphazard organization. She said that now, they were consolidating these sections into an article or section that was more comprehensible and logical. She said that this crosswalk was available in Attachment 6 of the Board's packet.

Ms. Brumfield said that Article 1 served as the legal foundation for the ordinance, referencing enabling legislation for the creation of the ordinance and the zoning map, as well as providing authority to enforce the ordinance. She said that the overall goals of the Zoning Ordinance were previously included in Section 1 of their current ordinance, and there were no changes there.

Ms. Brumfield said that the majority of the changes in this document involved revising and clarifying old language that was too legalistic and opaque, shortening it, and replacing direct quotations from the Virginia Code with references to the Virginia Code to avoid repetition of state code. She said that those references were linked to Virginia Code so it would allow for easy access to the actual state code if needed. She said that the Zoning Ordinance's purpose statement had been revised to briefly summarize the purpose in promoting public health, safety, convenience, and welfare, with a reference to state law.

She said that this revision resulted in a significantly shorter section.

Ms. Brumfield said that Article 2 was foundational, as it provided instructions for interpreting the ordinance, the enabling legislation for the zoning administrator, the Board of Zoning Appeals, a reference to Chapter 2 of the County Code, which covered the PC, and the clarification of the authority of the Architecture Review Board (ARB). She said that the majority of these changes involved removing quoted state code and instead providing direct links to the state code for easy reference.

Ms. Brumfield said that they also clarified the agent's powers and duties, and they had delved into the ARB's powers and duties with staff. She said that the current text for the powers and duties of the ARB included language about promulgating design guidelines, which could be confusing and not entirely accurate. She said that in plain English, the ARB's role in the creation of design guidelines was to recommend them to the Board for adoption. She said that this was clearer and more understandable than the current language.

Ms. Brumfield said that staff had worked closely with ARB staff on these descriptions and had also developed the language describing a role that the ARB had taken for many years, which was not previously included in the ordinance. She said that this role involved reviewing and making recommendations on proposals or applications, including those within the entrance corridor, regardless of whether the certificate of appropriateness was required.

Ms. Brumfield said that, as is standard and enabled by state legislation, the zoning administrator's role was to administer and enforce the Zoning Ordinance. She said that they were clarifying that anywhere it said "agent," it referred to the zoning administrator, unless otherwise specified. She said that this removed some of the current confusion, where different agents were mentioned for different sections without explicit identification at the beginning of each section. She said that in this section, they asserted that unless specified otherwise, the zoning administrator acted as the agent.

Ms. Brumfield said that moving forward to Article 3, they went beyond the foundational aspects. She said that here, they discussed the application processes and types of applications they were currently accepting and processing. She said that their goal was to create a more user-friendly, descriptive picture of the applications and processes handled by staff.

Ms. Brumfield said that presently, the ordinance language for various processes, application types, and permits was dispersed throughout the ordinance, sometimes appearing wherever regulations were listed, rather than being organized in a clear list. She said that this proposed ordinance aimed to consolidate all application types into one list, making it significantly easier to reference. She said that they proposed renaming zoning clearances, which were currently referred to as use applications, something that one was applying to do a use was a clearance, and they had the term 'zoning permits' for building applications that did not require a building permit, such as farm buildings or large sheds and large accessory structures. She said those did not require a building permit, but they wanted to make sure they were in the right place; they needed setbacks, so that was a 'zoning permit.'

Ms. Brumfield said that under the new ordinance, they were proposing that all zoning permits were called zoning permits, and they described the different types of zoning permits based on what they actually permitted. For instance, if they were permitting setbacks, that would be that type of application. She said that if they were permitting a use zoning clearance, that would be that type of application. She said that commercial zoning clearances, home occupations, and homestays would all fall under this category.

Ms. Brumfield said that they were also removing unnecessary language regarding certificates of appropriateness. She said that surprisingly, staff discovered that there was a default approval of certificates of appropriateness after a set period of inaction. She said that the standard procedure for a certificate of appropriateness was that either staff or the ARB conducted a full review of the application within 30 to 60 days after submission, and they would send the applicant either an approval or a request for changes to meet the regulations or standards required. She said that currently, if the application was not reviewed and no action was sent to the applicant, the applicant could request a final decision on their application.

Ms. Brumfield said that if no action was taken within 21 days, the certificate of appropriateness was automatically approved. She said that however, after discussions with ARB staff, they found that this had not been used and was not required by Virginia Code. She said that based on the advice of the County Attorney's Office, staff recommended removing that provision.

Ms. Brumfield said that in another section, staff proposed codifying the practice of declaring inactive applications withdrawn. She said that currently, there was no provision for this, and it was based on an ad hoc administrative basis. She said that the proposed auto or voluntary withdrawal of applications would occur after six months of complete inactivity, at which point staff would reach out to an applicant for additional clarifications or request an outside agency approval, for example, an ABC (Alcohol Beverage Control) permit, or VDACS (Virginia Department of Agriculture and Consumer Services), or VDOT approval.

Ms. Brumfield said that if no response was received within six months, the application would automatically be withdrawn. She said that however, if the applicant actively communicated and demonstrated progress towards compliance, the application would not be withdrawn. She said that this current stale application process hindered applications that were merely submitted as placeholders, as

they were not actually ready to move forward. She said that eliminating this requirement would alleviate staff frustration and expedite the review process, making it more responsive.

Ms. Brumfield said that the current ordinance included a complex table of requirements for legislative applications. She said that, for items that were not mandatory for each application, or which were likely to change over time, it was best practice for these lists to exist outside of the ordinance. She said that these application lists would be accessible through the County website with application forms and application process software.

Ms. Brumfield said that by removing these lists from the ordinance, updates would no longer require a text amendment, and the information could be made clearer and more accessible to applicants. She said that a checklist of all these requirements was provided after mandatory pre-application meetings. She said that she wanted to assure both the public and the Board that these types of requirements were not changing and were not going away; the location was just being updated to make them more accessible.

Ms. Brumfield said that additionally, they were looking forward to moving to their new community development system, Enterprise Permitting and Licensing, EPL, where they would streamline application processes by incorporating the lists of application requirements into the specific application form. She said that the EPL system would replace County View as their Applications Manager and provide an Applicant Portal, which would guide the applicant through the process of submitting an application step by step.

Ms. Brumfield said that each question must be answered, and the applicant must upload the required item for each list. She said that after the application was received, it would be reviewed for quality control. She said that if the items were uploaded incorrectly or not uploaded at all, the application would be rejected. She said that they still had humans at the end of this process.

Ms. Brumfield said that as part of their review of Article 3, she wanted to highlight the process diagrams included in the applications process. She said that these diagrams guided the applicant through a basic, high-level process of applying for and following the review of each application type. She said that for certificate of appropriateness and special use permits, it created a visual language that was easy and fast to digest.

Ms. Brumfield said that the different colors indicated different actions taken by different groups. She said that the gold-colored actions were the applicant's actions, the navy-blue actions were staff, the maroon indicated the ARB, purple represented the PC, and teal indicated Board of Supervisor actions. She said that this allowed, at a glance, a basic understanding of the process, beyond just having to wade through a wall of text.

Ms. Brumfield said that their last section that they were looking at was Article 10, which covered nonconformities. She said that they were replacing language that quoted Virginia Code with references to the Virginia Code sections, complete with links to that code. She said that there were a few additional changes, including language regarding the expansion of nonconforming quarries and cemeteries.

Ms. Brumfield said that the expansion of nonconforming quarries and cemeteries in the previous ordinance was frozen to the date that the ordinance was adopted, but because this would be the adoption of a new ordinance, they were saying that they were freezing it back on the date of the previous ordinance's adoption, June 14, year 2000. She said that this prevented it from rolling forward for additional expansions on that ordinance.

Ms. Brumfield said that after completing all drafts, they met with the CADRe and BRHBA. She said that their feedback had been very positive. She said that they primarily expressed interest in even more simplification of language, if possible, and they expressed interest in particular regulation-specific topics that they would be considering when working through the topics. She said that their feedback had been great, and they had pointed them in some directions that they followed to make the ordinance better for the users who would be using it the most often.

Ms. Brumfield said that finally, circling back to the beginning, staff welcomed feedback on the two questions mentioned at the beginning of the presentation: one being was the framework and organization's logical and comprehensible, and two being whether there were any ordinance points or requirements that were unclear.

Mr. Gallaway said that the framework of the articles appeared logical, and he understood most of it. He said that however, he was unsure about the minimum submission standards in Article 3. He said that it seemed to imply that an application could be incomplete but at least had to meet these standards. He said that he wanted to call attention to this to ensure that the minimum submission standards aligned with the expectations for a fully complete application.

Mr. Gallaway said that under Article 3.17 for application completeness, an application was submitted, staff would review it within 14 days, and if they found it incomplete, that the applicant had 90 days after the initial 14 days to resubmit or correct it. He said that this resulted in a total of 104 days before any issues were addressed. He said that this realization led him to understand why they thought things took so long, as there was a significant delay before any missing elements were addressed.

Mr. Gallaway said that he wanted to call attention to the philosophy behind the 90-day timeframe

for a complete project or application. He said that when he submitted materials, such as taxes, he could make corrections. He said that for instance, when he ordered Bojangles for his family last night, he had to select sauces to complete his order. He said that technology allows them to require that certain things had to be completed, and they could utilize AI to scrutinize content.

Mr. Gallaway said that if they had such technology, they could potentially reduce the timeframe and workload for both the applicant and the reviewing body. He said that if that AI piece were not yet there, he believed that they should match the 14-day review period, rather than holding onto materials for 90 days. He said that if an applicant returned a completed application within 14 days, it should be reviewed promptly. He said that he was not suggesting that applicants were intentionally missing information, but rather that they could improve their processes.

Mr. Gallaway said that a 14-day period seemed reasonable to allow a complete application to come back in from the applicants who criticize how much time it takes the County to get things done. He said that otherwise, the application would be out the door and would have to be resubmitted. He said that this could improve the situation on the front end and help reconcile the perception of time with the reality of actions. He was eager to find a solution to this issue.

Mr. Gallaway said that in the section 3.33, regarding the diagrams that illustrated the process, which were located on the right side of the slide. He said that he questioned whether community meetings should occur before staff had completed a thorough review. He said that typically, during these meetings, staff and applicants presented information that was still under review. He said that he proposed that the Board consider whether it was sensible to hold community meetings before the review process was complete. He said that this was because information that had not been finalized might be shared with the public, leading to reactions based on things that may not even make it through review.

Mr. Gallaway said that this could create problems, as he had observed that sometimes when it reached the PC and the Board, there was a perception that the information presented in a community meeting, which had not yet been reviewed, was now active. He said that he wondered if the community meeting piece should be after staff review, where they could inform the applicant that their application had been reviewed, and whatever happened, they would address it. He said that he was not trying to be flippant about it.

Mr. Gallaway said that, however, he believed that this approach was better for the community. He said that for instance, during CAC (Community Advisory Committee) meetings, he had heard responses to questions being phrased as things were still under review. He said that he questioned whether this was the message they wanted to convey to citizens who had taken the time to attend a meeting and ask questions. He said that this was a point of consideration for both supervisors and staff.

Mr. Gallaway said regarding 3.4.3, he noticed a discrepancy in the use of "calendar days" versus "working days." He said that he believed they needed to maintain consistency in their terminology. He said that after reading the section that mentioned "business days," he had to re-read it to understand that it referred to a different timeframe. He said that to him, this inconsistency was a matter of ensuring uniformity in their language. He said that he proposed that they choose one term, either business days or calendar days, and stick with it throughout their discussions and documentation. He said that it would help avoid confusion and ensure clarity.

Mr. Gallaway said that regarding 3.5.3, he would like to know if it captured the state change that allowed certain special use permits to cease with the applicant and not run with the land. He said that he wanted to confirm that this was accurately reflected. He said that he was interested in understanding whether this applied to specific situations, such as a homestay, where they could cease certain things with the current applicant and not the land.

Mr. Gallaway said that regarding the cross-reference piece, under manufactured homes, there was reference to anticipated removal of use. He asked if they were not allowing manufactured homes.

Ms. Brumfield said that they were removing the manufactured homes subdivision, not the use of manufactured homes.

Mr. Gallaway asked what that would mean.

Ms. Brumfield said that it was a recommendation. She said that if it needed to be addressed in their uses discussion, they would address it when they discussed the uses.

Mr. Gallaway said that manufactured homes were an important aspect of providing affordable home ownership. He said that he was unsure of how it related to a subdivision. He said that his concern was that their actions aligned with their affordable housing goals. He said that a manufactured home, being less expensive than a site-built home, could potentially lower the overall cost of ownership.

Ms. Brumfield said that the proposal did not recommend removing the use of manufactured homes in the County. She said that the subdivision regulations for manufactured home subdivisions were distinct from those for a normal subdivision. She said that they included certain reduced standards, smaller lots, and a higher density.

Ms. Brumfield said that the treatment for manufactured home subdivisions differed from that of any other subdivision. She said that in the proposal, one could carry out a normal subdivision and then

place a manufactured home on most of those lots, given the allowance of permitting manufactured homes in the Rural Area where single-family homes were permitted.

Mr. Gallaway asked if they were preventing subdivisions of manufactured homes.

Ms. Brumfield said that this would be a consideration when they discussed districting and uses. She said that the current crosswalk was not set in stone, and these were just suggestions.

Mr. Bart Svoboda, Deputy Director of Community Development, clarified that manufactured homes would still be permitted. He said that this was due to state requirements that mandated their allowance in certain districts. He said that this topic was expected to be part of future affordable housing discussions. He said that manufactured homes were permitted in Rural Areas zoning districts and Village Residential by right, as well as mobile home parks and mobile home subdivisions.

Mr. Svoboda said that the distinction between a mobile home park and a subdivision was that in a park, one rented a lot and placed their mobile home on it, whereas in a subdivision, one sold a lot. He said that it was necessary to review these regulations when considering affordable housing to ensure that manufactured homes were not further restricted than they already were or even expanded, if possible. He said that they were still allowing manufactured homes. He said that if it was unclear about what they were doing, they would make corrections to ensure it was understood.

Mr. Gallaway said that he would revisit the topic and do some additional research. He said that he suggested flagging this for the committee to consider addressing it in their response. He said that regarding item 32.1.3, this particular rationale seemed to indicate that it was a current consideration in the process, as it used the word "maybe" in reference to item 32.1.3. He said that he would like to clarify that he did not know if the proposed location meant that they might place it there.

Mr. Gallaway said that it seemed to be in a state of uncertainty as to why it was being moved according to the rules of construction. He said that he was sure it would be resolved and properly documented. He said that there should not be any uncertainty; it should be a definitive decision. He said that it would either be placed there or not, and it would either be somewhere else or not removed.

Ms. LaPisto-Kirtley asked if manufactured homes included mobile homes and tiny homes.

Mr. Svoboda said that those were all distinct types of housing structures. He said that the older term was mobile home, which was also called a manufactured home. He said that this type of housing had a federal label and carried a HUD standard. He said that all of the other types, which were industrialized buildings, were modulars, prefabricated homes built whole or in halves. He said that those were built to state standards under the statewide building code. He said that a tiny home was the same as a modular and was built to a state standard. He said that they were all permitted as they were currently.

Ms. LaPisto-Kirtley asked if mobile homes could be located in a mobile home park either as rentals or purchased lots.

Mr. Svoboda said yes. He said that they were allowed on individual lots in the Rural Areas zoning and Village Residential. He said that modular homes, tiny homes, or stick-built homes were permitted wherever a single-family house was permitted, and they had to comply with the Uniform Statewide Building Code.

Ms. LaPisto-Kirtley said that in reference to the community meetings, people were expressing their desire for input before the staff presented a Comprehensive Plan in a specific section. She said that this seemed to contradict Mr. Gallaway's suggestion that staff should review the plan before public input was received. She said that she was not opposed to the staff reviewing the plan first, but it was essential to have the entire process open to community input and changes. She asked which would make it more difficult for the staff, before or after, and whether this would even apply in the Comprehensive Plan process.

Ms. Brumfield said that the community meetings described in this application process were specifically for applications, such as special use permits or rezoning. She said that these meetings would primarily address issues like rezoning a property, holding a community meeting at a specific location, and then allowing the community to weigh in on the application.

Mr. Francis McCall, Deputy Zoning Administrator, said that regarding Mr. Gallaway's point, not all aspects of the Comprehensive Plan review had been completed yet. He said that if the review was finished and then the community meeting took place, the questions raised and the interpretation of their planning staff, guided by the Comprehensive Plan, would be included in their analysis of the special use plan or the zoning map amendment. He said that this would be part of the Comprehensive Plan review process.

Ms. LaPisto-Kirtley asked if they took out the Comprehensive Plan, if staff was comfortable reviewing the plan first and then proceeding with the community meeting.

Mr. Svoboda said that which was more difficult for staff depended, but that it was essential for staff to gather community feedback to ensure that they were on the right track. He said that some things would need to happen beforehand, so they had a clear idea of what they were aiming for based on

feedback from the Board and the community. He said that after that, staff may need to revisit certain aspects, depending on the application. He said that for instance, if it was a site plan issue, they may address it later during the CAC (Community Advisory Committee) meeting.

Mr. Svoboda said that there was a certain level of complexity involved, as sometimes the community may feel that certain issues could have been addressed if they had been identified earlier. He said that however, on other matters, the level of difficulty was subject-related, and it depended on the product they were aiming for, such as an open house for the Comprehensive Plan or a Zoning Ordinance revision. He said that as they refined the language, they would involve the public to meet the Board's and the community's expectations.

Ms. LaPisto-Kirtley asked if it was possible to rearrange the order of meetings with staff, the Board, and the community if necessary.

Ms. Brumfield said that this was the current process and would remain unchanged. She said that the graphics provided were meant to illustrate the general process. She said that the community meeting was not required to happen before or after the review.

Ms. LaPisto-Kirtley said that she was supportive of the various simplifications in the proposed ordinance. She said that she believed it would be prudent to ensure that applications online could not be submitted until every section was filled out.

Ms. Brumfield said that was part of the EPL system that was set to go into effect in December or January. She said that they were currently practicing with it on the backend, but it was not yet live to the public. She said that they also had the CAMINO system, which was similar to the EPL system, but it was not applicable to all of their applications.

Ms. LaPisto-Kirtley asked if it would speed up the process.

Mr. Svoboda said that he did not wish to divert this discussion from their current focus on the ordinance. He said that the EPL timetable was still pending. He believed that Ms. Filardo, their director, may wish to provide her insights on this matter. He said that they were collaborating with their consultants and determining the progress of implementing this timetable. He said that some parts of the process were not page-sensitive but were field-sensitive or topic-sensitive.

Mr. Svoboda said that for example, a permit would not be fully submitted if he did not pay correctly. He said that therefore, if he did not complete the payment process online, it would not process. He said that these steps were not part of the Zoning Ordinance modernization process. He said that they were part of a separate process.

Mr. Gallaway left the meeting at 4:04 p.m.

Ms. Jodie Filardo, Community Development Director, said that they had already implemented the CAMINO front end, and she believed that was what was being recalled. She said that they had five different sets of applications, and an automated system was already in place that took all those things into account.

Ms. Filardo said that it would not allow them to proceed unless they completed all the necessary steps beforehand and made the payment. She said that once the payment was made, it went through to the application services team for review. She said that they were working on a new system that would be implemented towards the end of the year. She said that they had a variety of tools that they were working with and integrating.

Ms. Mallek said that there was a significant improvement in comprehension. She said that she heard that the link to the state code would be readily accessible, which was very important for those who struggled with navigating the state website. She said that she appreciated their efforts in this regard. She said that regarding the codification of the withdrawal of inactive applications, she agreed that it was indeed a positive step.

Ms. Mallek said that she would like to know if there was a way to require that DEQ (Department of Environmental Quality) permits and ABC permits be on hand before they were forwarded to staff. She said that she believed this would save staff time and energy, as they would not have to chase after people to obtain these documents.

Ms. Mallek said that she understood the need for simplification, but she believed it was essential to retain all necessary details to hold people accountable. She said that broad brush oversimplification may leave them without a solid foundation for enforcement.

Ms. Mallek said that she appreciated the shorter timeline than 90 days, as it encouraged applicants to do their work beforehand. She said that she hoped it was better than the previous system, where applicants would often submit incomplete applications. She said that she strongly believed in holding people accountable for completing their applications accurately and thoroughly.

Ms. Mallek said that Ms. Ragsdale had previously explained that the purpose of community meetings was to provide basic information about an application while also exposing residents and neighbors to the process and how they could participate and obtain more information. She said that if this

was evolving into a more detailed application, it was essential to clarify exactly what was desired. She said that it would be beneficial to repeat this information as the application progressed, so that people were aware of the goals.

Ms. Mallek said that she would like to know how the ZMA (Zoning Map Amendment) maps were required to be updated. She said that over the years, there had been ground truth and staff went out to look at the site, but information such as streams or steep slopes had never been entered into the database. She said that this led to issues when the PC was told they could not protect certain areas because they were not on the map. She said that this concern should be addressed and added to the to-do list to ensure that if such areas were to be described in the ordinance, they were included.

Ms. Mallek said that there was a reference to violations under Article 2, specifically 2.5.2, which pertains to failure to comply. She said that what came to her mind was intentional omissions. She said that in an application, or things that the board and the community might not find out about until often after the approval process had happened.

Ms. Mallek questioned what the penalties would be if it was determined that someone, whether it was an applicant or their engineer, had not provided the necessary information that should have been included. She said that she believed this would save every staff member and the neighbors a lot of time and frustration.

Ms. Mallek said that the chart she copied into her notes was beneficial because it helped people understand what was coming. She said that she had a question under revocation. She said that they should consider creating a documentation file that was created daily and shared with the applicant and the staff file. She said that this could be used if there was a need for revocation of a special permit.

Ms. Mallek said that regarding 32.3.3, amendments to a site plan, streamlined amendments to a site plan may be approved at the discretion requirements set by the planning director. She said that she believed this was supposed to replace the site review meeting, which she really missed since COVID and they stopped happening. She said that she believed there was no comparison between doing things through email exchanges, which were impossible for people in the community to hear or see or have access to, and going to a meeting where there was someone from all 15 departments around the table and everyone shared their concerns and come to resolutions. She urged them to reconsider this matter.

Ms. Mallek said that the example she wrote in her notes was the Old Trail buffer along Route 250. She said that recently, an amendment was made fairly recently, possibly within the last year, allowing housing on the lot to the west of Old Trail Drive. She said that it was stipulated to the community and the Board that the tree buffer along 250 was required by the ARB and would remain. She said that, however, that it had been removed. She said that the community was upset.

Ms. Mallek said that this situation made her think about the ease with which a site plan could be amended without a more rigorous process. She said that site plans were very important. She said that in many Board meetings, staff had suggested that certain issues could be addressed at the site plan level, avoiding the need for conditions. She said that however, if they had included the preservation of trees on 250 as a condition, it would not have been permitted. She said that the fact that it was stipulated during the public hearing did not ensure its protection. She said that this was a longstanding concern of hers, which she would leave with them for consideration.

Ms. Mallek said that she would also like to draw their attention to the removal of detailed site plan procedure and requirements from the ordinance, specifically section 32, page 9. She said that these requirements had been removed and would now be managed through staff and enterprise permitting and licensing.

Ms. Mallek said that this change was a second step related to her previous concern. She said that she would like them to consider the importance of transparency in this process. She said that in the 1980s, there was a general belief among many residents that County staff processes were primarily tools for facilitating development, with little regard for the neighbors who also had property rights and the broader community. She asked them to keep this in mind as they deliberated on this matter.

Ms. McKeel said that the answer to the first question was affirmative. She said that they had done an excellent job. She said that she appreciated the inclusion of hot links for further reference. She said that for her, this was not her area of expertise. She said that this was staff's domain, and she relied on their judgment regarding what worked best. She said that some aspects were beyond her understanding.

Ms. McKeel said that she was open to learning more. She expressed her desire to have a discussion at some point about the differences between manufactured homes and stick homes, as Amy Laufer had raised this question recently. She commended them for responding to her inquiry. She said that however, they needed to streamline their processes.

Ms. McKeel said that while they were currently providing extensive support and reminders, they were not utilizing their time and resources efficiently. She said that they should aim to expedite the approval process for projects. She said that time was a valuable resource for both them and the developers. She said that they must ensure that they were not wasting it on unnecessary procedures. She expressed her desire to discuss the decision-making process regarding deadlines.

Ms. McKeel said that she believed everyone should be held accountable for meeting their

deadlines. She said that she had to submit her taxes on time, and she did not receive any assistance in that matter. She said that she was simply stating her opinion. She said that she had observed that certain developers had expressed frustration with the length of time it took to approve projects. She said that it was possible that they were seeking more direct involvement in the process. She said that she believed it was time for them to move past this and utilize technology to streamline their procedures.

Ms. McKeel said that she found the diagrams provided to be very helpful. She said that she had some questions about the process with the ARB. She said that she had discussed this with her Planning Commissioner. She said that multiple Commissioners had questioned the timing of when the ARB addressed proposals.

Ms. McKeel said that it appeared to them that the ARB was addressing issues before they were officially approved. She said that she was not sure if this was accurate, but she was aware from her CAC meetings that staff often informed them that the ARB had already reviewed and approved a proposal. She said that this led to confusion, as they were unsure of the exact requirements for the ARB. She said that she would appreciate any clarification on this matter.

Ms. Brumfield said that the ARB was involved in the process of reviewing certificates of appropriateness. She said that it was important to note that the ARB was a separate entity and the certificate of appropriateness was a specific type of application. She said that the certificate of appropriateness pertained to the design aspects of a project. She said that often, the ARB determined that a building was not visible from a particular location, and therefore, no action was required. She said that they specified certain design elements, such as the color of a building, regardless of the number of people it would accommodate. She said that it was important to understand that the ARB's approval was regarding the visible aspects of the project and did not equate to approval of the entire project.

Ms. McKeel said that there was a misconception among CAC meeting attendees that because the ARB had approved the design of an application, it had already been approved by a board. She asked if staff could contemplate how to clarify that to the public so people were not confused about the process.

Ms. McKeel said that also there was a change with the General Assembly, which now allowed them to revisit and reconsider approvals for things like Airbnb's if there was a change in land ownership or other circumstances.

Ms. Brumfield said that she would defer to their legal department for this matter, but she believed that it was something that they could approve or include in the application at the time of the approval. She said that she did not believe that retroactive approval was possible.

Ms. McKeel said that she was not referring to retroactive changes. She said that she thought there had been some change, and she wanted to know more about that. She said that her understanding was that they would have more flexibility in the future rather than it always following the land. She said that she wanted to know more about this, and they could address it at a later time.

Mr. Pruitt said that for his own understanding and to assist the audience, he sought clarification on how today's presentation fit into the broader zoning application workflow from the staff's perspective. He said that he was also interested in knowing if there would be opportunities for the Board to formally adopt any suggested changes and to hear more explicit feedback from the industry.

Ms. Brumfield said that in Phase 1, which was primarily administrative and process-oriented, staff met with the BRHBA and the CADRe. She said that these groups were the primary users of the ordinance, aside from staff. She said that the feedback they received from them was largely general, except for sections that did not pertain to this phase.

Ms. Brumfield said that as they progressed to other phases, they anticipated engaging with different stakeholder groups, although she expected that the BRHBA and the CADRe would be involved in most phases. She said that at these points, staff anticipated receiving more nuanced feedback and addressing sections that were of particular interest to these stakeholders. She said that they planned to have individual feedback sessions with these stakeholders, focusing on the sections of the ordinance that they used.

Ms. Brumfield said that due to the complexity of different sections, they would be seeking adoption at the end of the process. She said that as they had seen on the illustration of the crosswalk, pulling some sections out and then adding them to another section, the chaos of trying to adopt this ad hoc would be more than it would be worth. She said that what they were suggesting was that they review the different sections as they drafted them and then adopt them at the very end after they had made additional changes. She said that if they had not realized that they were going to change the district name, it would need to be reflected in every single section of the ordinance. She said that the entirety of the end of phase five was the final review and adoption of the ordinance.

Mr. Pruitt said that he found the work that the staff had done in streamlining and improving the text before them to be very helpful. He said that he recognized that the changes they were discussing that day and the chapters they had been given mostly addressed the introductory material, administrative material, and the wide lens. He said that they did not delve into some of the more controversial issues that they might debate in the future. He said that he did not have much left out to him, but he was curious about something.

Mr. Pruitt said that when he spoke with individuals who worked in development and tried to build successful homes and commercial enterprises in their County, they often expressed frustration. He said that they felt that insufficiencies or incomplete applications were identified iteratively, trapping them in a loop as they went around and around with each subsequent presentation. He said that he was curious if, when they were discussing the nature of this area in their overall Zoning Ordinance, they could address and potentially resolve some of this issue of how and the order in which deficiencies were identified in the application, or if this was more of an item for later substantive chapters.

Ms. Brumfield said that this was more of a staff procedural question, and it would be addressed in their workflow. She said that it would not necessarily be addressed in the ordinance. She said that the recommendation of requiring complete submittals and then rejecting incomplete submittals and making it clear that a change to a site plan or a change to a narrative was a new submittal, was intended to prompt a second look on the developer's side. She said that this ensured that staff received the best applications for review.

Ms. Brumfield said that they could then review the submittals and identify any deficiencies, so instead of having numerous changes throughout, every time a change was made was treated as a completely new submittal. She said that this approach impressed upon developers that their submittals should be taken seriously. She said that this was a change that was currently being implemented. She said that they currently had an iterative process, but Ms. Jodie Filardo wanted to address this.

Ms. Jodie Filardo, Director of the Community Development Department, said that staff was currently addressing the specific concern that Mr. Pruitt had mentioned. She said that currently, their review process was quite serial, with changes made in one step causing everything to be reconsidered again. She said that, however, with the new software and their new Bluebeam application, all reviewers would be able to make changes to the individual plans that everyone sees at the same time. She said that this would eliminate the need to push and shove applications back and forth. She said that they would be accessible to both them and the applicant when their reviewers noted something as deficient, and that they were trying to address that very thing.

Mr. Andrews said that he believed this framework was a significant step forward. He said that there were certain aspects that he found a bit unclear, but he said that he could clarify those in writing. He said that he supported the idea that 90 days seemed like a long time, especially if it was used to imply that they were taking too long on an application when, in fact, it was due to the time they spent correcting things that should have been correct initially.

Ms. Brumfield said that their next steps for this project involved addressing the questions that had arisen today and implementing a few changes to the drafts based on those questions and comments. She said that they would not be adopting the ordinance until the very end of the process due to potential changes in sections. She said that their future phases would heavily rely on community feedback from the Comprehensive Plan. She said that they were collaborating closely with the AC44 team to incorporate community input, craft goals, and action steps that aligned with this project.

Ms. Brumfield said that they were currently updating these based on feedback from the Comprehensive Plan team for phase two. She said that they did not have a complete outline yet, but they were likely addressing the districts topics of the ordinance, translating the Comprehensive Plan framework into districts that met those goals and addressed community changes and needs. She said that they planned to start this process with a rough draft on districts around spring 2025. She said that they would schedule work sessions with the Board and PC to discuss the direction of these phases in the upcoming months.

Recess. The Board recessed its meeting at 4:34 p.m. and reconvened at 4:43 p.m.

Agenda Item No. 11. **Presentation:** Strategic Plan Execution Analysis and Reporting.

The Executive Summary forwarded to the Board states that the Board of Supervisors adopted the FY24-28 Strategic Plan in October 2022. Since the adoption of this plan, staff have been working to track and report on the County's efforts, challenges, and successes related to the Strategic Plan goals through a performance measurement program titled SPEAR: Strategic Plan Execution Analysis & Reporting. Many similar high-performance organizations (UVA, Richmond, Harrisonburg) do this kind of analysis and reporting as part of their long-range planning, and the Board of Supervisors and staff determined that it is important for Albemarle County to do the same. In June 2024, The Board received a brief overview presentation of SPEAR, to introduce the concept and prepare the board for future presentations on SPEAR.

SPEAR operates on a revolving yearly cycle, culminating in an annual status report at the end of every fiscal year. Staff created targets and metrics that align with each goal and objective for FY24. This presentation informs the Board about the County's first full yearly cycle of the SPEAR (Strategic Plan Execution Analysis & Reporting) program, with three main areas of focus:

- 1) Demonstrating the work effort: how the organization is building a new performance measurement function and mindset.
- 2) Reviewing first-year results: look at each goal to understand successes and challenges.
- 3) Adjusting for year two: what revisions do staff recommend? What questions and input do

Board members have?

SPEAR's FY24 annual report highlights the intention, transparency, triumphs, and challenges of the organization, and above all, shows County staff's dedication to service. For each of our Strategic Plan goals, there are areas where we have hit our targets, and there are areas where we have fallen short of our targets. We feel that this represents a transparent approach to SPEAR reporting, and we would stress that overall, the County has done very well with its work towards achieving the Strategic Plan goals in FY24.

There is no budget impact associated with this item.

Staff recommends that each Board member share feedback and ask questions about the SPEAR FY24 report.

Ms. Kristy Shifflett, Chief Operating Officer, said that today, they would discuss the Strategic Plan Execution and Analysis Reporting (SPEAR). She said that they would cover three main topics: the program, the report, and the future. She said that this report was not just about data; it represented the hard work and dedication of their staff. She said that they would discuss the goals and the work that had been accomplished so far.

Ms. Shifflett said that the goal for the afternoon was to gain insight from the Board on whether they were on the right track. She said that today was not to dig into each data point. She said that it was an opportunity for them to align their efforts with the Board's expectations and ensure that they were moving in the right direction. She said that the program was the foundation of their work, and it had begun with the adoption of the FY24-28 Strategic Plan.

Ms. Shifflett said that she had requested that they focus on goals and objectives, and they had extended the plan from two to five years to accommodate the time needed for planning, execution, and completion. She said that she truly appreciated that the Board had adhered to the guide and supported the Strategic Plan with its goals and objectives. She said that SPEAR focused on delving deeper and examining the annual action plans associated with each objective. She said that they would walk through how they connected the measurements and metrics they had built to the project of each objective. She said that they had begun by consulting with their staff from every department, as each department was essential to this process.

Ms. Shifflett said that as soon as the Strategic Plan was adopted, they had initiated discussions on the actions and steps necessary for each department to advance and progress each objective. She said that she recognized that several departments had been involved in performance measurement for an extended period, with state reporting, mandates, and calls for service. She said that this experience differed from their current approach, where they aimed to align all local government functions towards a common direction.

Ms. Shifflett said that they embarked on a journey of coaching, training, and educating their staff on metrics, goal development, and action planning. She said that they initiated a series of questions to guide them, such as defining a good metric, setting appropriate goals, and measuring work effort. She said that they also addressed the challenges of adapting to changes and the limitations of controlling certain aspects of their work. She said that they emphasized the importance of focusing on controllable factors while acknowledging external influences.

Ms. Shifflett said that for her team, the Performance and Strategic Planning team, they engaged in discussions with each department to establish the rules of the road for metrics. She said that they aimed to ensure that their approach to measurables was consistent and aligned with their strategic objectives. She said that they wanted to inquire about their successes. She said that they aimed to ensure that their work reflected where they were succeeding and where they were facing challenges.

Ms. Shifflett said that they were interested in understanding where they had paused or were not making progress. She said that they were also concerned about whether they were in trouble somewhere. She said that this data would begin to inform them before they were too far down a path that required them to consider a different approach; perhaps their targets were too ambitious. She said that they would see instances where the metrics were either too low or too high. She said that they were committed to refining their approach and improving their performance measurements.

Ms. Shifflett said that the staff had been diligent in this work, conducting it every quarter. She said that she would like to acknowledge the significant team effort that had contributed to the organization's success. She said that they were undertaking this initiative for several reasons, but it originated from their discussions about their business operating principles. She said that they aimed to not only claim high performance but also to provide evidence of it.

Ms. Shifflett said that this led to the creation of an operating principle focused on collecting and building performance measurements. She said that this vision was in place, and staff was looking to improve accountability and decision-making. She said that they would continue to ask more questions, recognizing that data alone did not provide answers but rather raised further inquiries. She said that by uncovering the underlying issues, they could increase transparency and build trust within the community.

Ms. Shifflett said that trust was very important, as it often hinged on setting the right and fair

expectations. She said that they wanted to improve their communication by being more transparent about the timeframes and processes involved in achieving their goals. She said that staff was dedicated to making a difference as public servants and improving community outcomes. She said that this work was a labor of love, and staff was committed to continuing this journey. She said that there were 60 hours of metric development and follow-up sessions.

Ms. Shifflett said that she asked the people behind her to join because they all shared ownership of this, including the Board. She said that they would not be here today if decisions were not being made, if they were not bringing the right issues to the Board, and if they were not focusing their staff and performance on those items. She said that 40 staff members were involved, and she was aware that they reached out to their colleagues and asked for assistance as well. She said that this was just the group that they worked closely with.

Ms. Shifflett said that at the end of the day, they had developed 220 metrics. She said that these metrics were not before the Board today because they created a report that was both readable and engaging. She said that everyone in the community, whoever was interested, could now access the metrics online, as well as the detail and data behind these metrics. She said that it was important that they took their time and focused on the right metrics.

Ms. Shifflett said that she wanted to ensure that this program built trust and transparency. She said that they wanted to avoid releasing data that they could not support or explain. With that, she introduced Gabe Giacalone, who had been instrumental in building the metrics and would now speak about the next part of the presentation.

Mr. Gabriel Giacalone, Senior Performance Management Analyst, said that the displayed slide introduced some of the terms they used, starting with goals. He said that their Strategic Plan included six goals, each with specific objectives. He said that these objectives were areas of focus or critical tasks related to the goal. He said that they were not an exhaustive list of actions under each goal. He said that that they were a list of highlighted items to give the goal more identity and ensure that they met the critical expectations underneath that goal.

Mr. Giacalone said that they had developed metrics for each objective. He said that for Goal 3.1, one metric was the percent of the County covered by broadband programming. He said that they had established a target for FY24 and tracked the value at the end of FY24. He said that they had also assigned a rating based on subject matter expertise. He said that the ratings, which were subjective ratings based on what the subject matter expertise told them about the specific metric, included "on track," "slightly behind," and "needs attention." He said that they had also accepted "completed," which was like "on track," but was something they had rounded out and would not be continued. He said that they had also accepted "on hold" as a value for ratings, which was when something was placed on hold by an authority that they may not have control over.

Mr. Giacalone said that the second part of this presentation was an overview of the FY24 report itself. He said that before he delved into that, he would like to note that the County had undertaken a significant amount of work in pursuit of the Strategic Plan, and attempting to capture and adequately represent all the work done in pursuit of their Strategic Plan was an enormous task. He said that he would take a moment to discuss that.

Mr. Giacalone said that he believed that it was also an important acknowledgment. He said that they had, as they had observed before, over 220 metrics. He said that they were highlighting some here, but each metric told a unique story, and collectively the metrics provided them with a toolbox that could help improve their decision-making in the future. He said that they would discuss goal by goal, starting with Goal 1.

Mr. Giacalone said that Goal 1 represented the work of Police, Fire Rescue, and Social Services. He said that in FY24, the County maintained its commitment to enhancing the safety and well-being of its residents. He said that efforts from these three departments enabled the County to achieve a majority of its FY24 performance targets for this goal.

Mr. Giacalone said that in areas where they faced challenges, the County had allocated resources in the FY25 budget to address those, such as funding for additional ambulances. He said that for example, that the Police aimed to achieve a 3% reduction in priority one police response times. He said that they certainly achieved that, reducing their priority one response times by 4.5% compared to the previous fiscal year.

Mr. Gallaway returned to the meeting at 4:59 p.m.

Mr. Giacalone said that moving onto Goal 2, which focused on creating a resilient, equitable, and engaged community, in FY24, Albemarle County introduced a new system that aimed to make their community more resilient, equitable, and engaged. He said that this included the Community Climate Action Grant Program and the Climate Resilience Cohort.

Mr. Giacalone said that there were pictures of the Let's Talk Albemarle van, which was part of this initiative. He said that there were many achievements under this goal, and he highlighted an environmental metric, for which the goal was to initiate 68 actions and complete 18 as outlined in their Climate Action Plan. He said that they exceeded their target by initiating 76 actions and completing 23.

Mr. Giacalone said that moving on to Goal 3, which was about infrastructure and placemaking, FY24 was a year of flourishing connections within Albemarle County. He said that they improved access to affordable broadband internet, cleared new sidewalks, and introduced an on-demand public transportation system. He said that these improvements enhanced the connections within their community and 100% of those goals were met.

Mr. Giacalone said that Goal 4 emphasized quality of life. He said that Albemarle County made significant progress in FY24 towards improving the quality of life for residents. He said that this included community planning, engaging with businesses, and developing parks and multimodal transportation. He said that they achieved their target of creating over 3,250 new affordable housing units, reaching 94% of their goal with 3,051 units. He said that they were proud of this work and confident that they were on track to meet their target.

Ms. Shifflett said that Goal 5 was a unique goal focused primarily on the County's partnerships and support of organizational partners. She said that therefore, peer reporting on Goal 5 would be timeline-based for the year, as they had only recently begun this work. She said that they prioritized connecting with the School Division, as evidenced by the funding they provided to the Public School System and the capital plan, including the design of High School Center 2 and the Southern Feeder Pattern Elementary School.

Ms. Shifflett said that they launched an employee health care clinic project, which staff was excited about because it aimed to provide a great service to their staff while controlling health care costs. She said that they had an active threat training collaboration with the School Division, the Office of Emergency Management, the Fire Department, and the Police Department. She said that they were involved in the transit governance study and their partnership with UVA.

Ms. Shifflett said that Goal 6 focused on workforce and customer service, where they had targets that were mostly on track, with a few slightly behind. She said that this goal was added to focus on the organizational health and its ability to meet the customer service needs of the growing community. She said that this goal was carried over from the old Strategic Plan to the current one.

Ms. Shifflett said that they took steps to reduce their vacancies, recruit and retain their staff, and empower their workforce. She said that they would build on the success of these efforts through continued focus on professional development, as well as modernizing their systems. She said that this initiative was absolutely focused on improving their customer service. She said that by providing better systems, they hoped to provide better customer service and also improve their internal processes. She said that these investments were realized in FY24.

Ms. Shifflett said that however, it was also important to work with staff to focus not just on the new things that were funded, but also on the 900 staff members who worked every day. She said that they needed to understand what they did, what they worked on, and whether they saw progress on those things. She said that they also needed to ensure that they were delivering results. She said that this was not only to acknowledge the things that were often discussed most in their budget, but also to acknowledge the work that they did every day across the board.

Ms. Shifflett said that what was next was that they were going to take this data, the first time they had built those quarterly data points, refine them, improve them, and now they were going to be able to look at them and start asking some questions. She said that they were going to celebrate the amazing progress that had been made and the tremendous effort that had been done.

Ms. Shifflett said that they were going to try to understand, and that departments understood, and that they knew exactly where they were. She said that it was looking at this collectively and asking themselves, was it that they needed more time, were they going to see these things completed in early FY25, or if they need to think about their resources differently. She said that it was something that they might see through their budget process as something that in order to increase this or speed this up, they might need to look at this differently. She said that it may be about building knowledge and determining whether their metrics were too low or too high, or they could have challenged themselves more.

Ms. Shifflett said that there was funding, and that it was not solely about human resources; contract support and other resources were also vital for progress. She said that change management was a significant component. She said that it required considerable effort and initiative to fully scope out what it would take. She said that sometimes, despite their best efforts, they may not always know.

Ms. Shifflett said that changes at the federal and state levels necessitated decisions that needed to be made. She said that therefore, they must concentrate on enhancing their skills and improving their ability to predict the duration of initiatives. She said that as they collaborated across departments, they gained a better understanding of each other's business processes. She said that for instance, if procurement was involved, they understood the procurement process and ensured proper scoping.

Ms. Shifflett said that similarly, understanding their budget process and the timing of different results was important. She said that their state and federal partnerships sometimes required finding time to meet and have conversations. She said that they would delve into this topic, and more would follow. She said that they welcomed any questions the Board members may have. She said that if they needed further clarification, they could reach out to her, and she would connect them with the appropriate staff or herself to address their queries.

Ms. Shifflett said that as they transitioned to FY25, they would examine the data they had collected and scrutinize it. She said that they would ask themselves if it was done, if it was satisfactory, and if it could be considered completed. She said that they would also consider whether this was something they would carry forward. She said that this was especially important considering the multi-year efforts involved, where they needed to coach everyone on the project's timeline. She said that they should discuss what could be accomplished within the current year. She said that this transparency was crucial for building trust.

Ms. Shifflett said that additionally, they should focus on narrowing and refining their metrics to improve each year. She said that setting clear expectations was also vital. She said that they needed to understand the pace at which they could work and what was realistically achievable with their resources. She said that sometimes, it was necessary to slow down if they could not meet their goals at the moment. She said that they must be flexible and adapt to these changes.

Ms. Shifflett said that furthermore, they should pay attention to areas that required more attention. She said that if they were not meeting their expectations, whether due to retention or recruitment challenges, they needed to address these issues promptly. She said that these concerns had been raised at different times, and they would tackle them accordingly.

Ms. Shifflett said that nothing would be complete without a promotional campaign. She said that she was excited about it and proud of their County and the work they had done together. She said that while acknowledging that they were not perfect and still had work to do, she wanted to make sure that they were promoting this work and making sure that the community saw it, and that they were doing it in an interesting way.

Ms. Abby Stumpf, Interim Director of Communications and Public Engagement (CAPE), said that she wanted to explain how they planned to tell their story. She said that one common question they received was, "How are we communicating with the community about what we do?" She said that given that they had over 200 metrics, it was clear that there was much more to their organization than met the eye. She said that therefore, they aimed to increase the visibility of this report over the next two to three months. She said that it would not be a one-time press release or a single website update. She said that instead, they would launch an initial campaign in the coming days, which would include some of these elements.

Ms. Stumpf said that after that, they would delve deeper into all the goals and metrics, starting to piece together some of the stories, especially those that the community was particularly interested in. She said that affordable housing, broadband, and transportation improvements were the topics that interacted daily and were of interest to the community.

Ms. Stumpf said that they were adopting an approach of presenting easy-to-digest, bite-sized information pieces. She said that for instance, they were considering using social media platforms like reels, which may be just 15 seconds long, to quickly inform about the contents of a report and direct traffic back to the website for more information. She said that they understood that the community had high expectations for performance and the speed at which they received information.

Mr. Gallaway said that he apologized for not being present at the beginning, but he appreciated hearing what they said about metrics and whether or not the target was too high or too low. He said that overall, he agreed that this was exactly what they were looking for. He said that he would now make his final comment. He said that he believed they were not just promoting but also informing and educating.

Mr. Gallaway said that this was precisely the type of thing they should be doing. He said that it was not just about what they had done or what they had achieved. He said that it was about how their actions connected to the tax bill that residents received and the people they elected to try to drive policy. He said that drawing the connections between the Strategic Plan and budget was critical, and they could not do it without a good report. He said that he was excited to see this continue to evolve and grow.

Mr. Gallaway said that when he was reviewing it, he found himself getting caught up in the details of each metric and questioning why they had not met certain targets. He said that he realized that this should not be the focus. He said that he pulled back and focused on the bigger picture. He said that he was thrilled to see this progress. He said that he believed they had mentioned two points. He said that they were about staff retention or being challenged. He said that they should not be afraid to say that they were Board challenged.

Mr. Gallaway suggested that they should not shy away from discussing instances where they were the reason for not meeting performance targets or not filling positions due to their decisions. He said that he thought it was important for the public, the Board, and their team to understand that while they may have achieved incredible work, it might have been influenced by the Board's choices that could have hindered their progress towards their strategic goals.

Mr. Gallaway said that this aspect should be integrated into their budget discussions, community interactions, and other relevant conversations. He said that he noted that this report was included in their budget calendar, emphasizing its connection to their budget process. He said that he would share additional comments with Mr. Jeff Richardson, County Executive, or bring them up at another meeting.

Ms. LaPisto-Kirtley said that the report demonstrated the transparency of their actions and how they aligned with their Strategic Plan. She said that she was eager to share this with her CACs and the

community to inform them about their proposals, actions, and success metrics.

Ms. Mallek said that they should compile this information and apply for the Achievement Awards for NACo (National Association of Counties) and VACo (Virginia Association of Counties). She said that the report was fantastic, and she greatly appreciated staff's work on this project.

Ms. McKeel said that she believed this was excellent work that many communities did not undertake, and it was commendable. She said that as she went through the material, she found herself expressing her enthusiasm at many topics. She said that she wanted to extend her gratitude to everyone in the room. She said that she wanted to acknowledge the excellent work.

Ms. McKeel said that she hoped all the CACs would have the opportunity to review it when it was ready. She said that she believed it would be beneficial for them to do so. She said that she agreed with Mr. Gallaway's suggestion of having a longer conversation at some point. She said that it would be a very long work session, as they were all deeply committed to this work.

Mr. Pruitt said that he was thrilled by the report and excited to see the final articulation of, not just the highlights but the full list of all 220 metrics and how they would be presented to the public. He said that one of the best opportunities this presented was as a way to get the public more engaged in the policymaking process. He said that sometimes he found it frustrating that their community was not as politically engaged and involved in the policy process, especially with the more important but also more technical and less exciting elements, such as where they allocated their funds.

Mr. Pruitt said that this provided a straightforward way in the future for members of the public to see what was being accomplished. He said that he recalled a citizen who had come to a public comment earlier that year, asking very simply, "What are you all doing?" and expressing a desire to know. He said that this would be an excellent way to address that and equip the public to make concrete requests.

Mr. Pruitt said that his only thought, question, or feedback was that as they achieved metrics, they should not sunset tracking. He said that he hoped that whatever the final presentation model for all of the metrics was, it would continue to capture and allow members of the public to see change over time and understand the specific areas of improvement.

Mr. Andrews said that he was impressed with the work presented. He said that his only comment on the package and presentation was that there were instances where he felt the metrics were numerical without much context or comparison. He said that he would appreciate seeing more detailed explanations in the future.

Mr. Jeff Richardson, County Executive, said that staff appreciated the feedback so they could improve comprehension of the data presented. He said that employee engagement surveys, which consisted of around 90 questions, helped them understand how their staff perceived their impact on the organization's mission. He said that one of the questions asked if they saw a clear connection between their job and the organization's goals.

Mr. Richardson said that this feedback was essential for them to tell their story effectively. He said that as a people-centric organization that provided services to the community, they had to consider how their actions affected the community's quality of life, customer service, and economic vibrancy. He said that these were the three lenses through which they were evaluated.

Mr. Richardson said that by understanding their staff's perspective, they could better serve their community and ensure that they were making a difference. He said that this was one of many things that they produced each year. He said that the Department of Social Services (DSS) and other departments produced an annual report. He said that all of that mattered, but as he looked at their Strategic Plan, it was five years, and it was a guiding document.

Mr. Richardson said that their budget team worked hard to connect financial resources to these goals, where they could make a difference in their community in the areas that they identified as their biggest opportunities and problems. He said that every year, they heard him say that they would run out of money before they ran out of opportunities and problems, because that was just how local government was. He said that this was evidence that they were working toward high performance.

Mr. Richardson said that this really was a guiding document that the Board would use in about four to six weeks as they prepared for his annual performance review. He said that every year, he thought the Board did a really good job of giving him feedback on how he was doing and where he needed to focus to do a better job. He said that there was no better guide for them to take a look at, and as they began to work through, how they were doing as an organization, and what they needed to emphasize in the next year.

Mr. Richardson said that all of the feedback was helpful, but he thought it was appropriate that they were delivering this to the Board now as they would begin to work not just on FY26, but also how was their CEO performing, how was the executive team performing, and how were their departments performing. He said that they really did want to meet the expectations of the Board, and more importantly, of the community. He said that he was very proud of the staff who were undertaking these large tasks.

Ms. Shifflett said that the website was now live and contained this data. She said that by clicking on it, they could access all the details they needed. She said that if this did not answer their questions,

they were encouraged to reach out to staff. She said that they aimed to make this comprehensible and wanted to enhance any areas that might not be clear.

Agenda Item No. 12. Closed Meeting.

At 5:24 p.m., Mr. Pruitt **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- under subsection (3), to discuss or consider the acquisition of real property for transportation improvements, a public purpose, in the Rio Magisterial District, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County;
- under subsection (5), to discuss the expansion of an existing business in the southern part of the County in the Scottsville Magisterial District, where no previous announcement has been made of the business's interest in expanding its facilities in the community; and
- under subsection (39), to discuss or consider information subject to the exclusion in subsection (3) of § 2.2-3705.6 related to business development in the Rio Magisterial District.

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 Mr. Pruitt.
NAYS: None.

Agenda Item No. 13. Certify Closed Meeting.

At 6:01 p.m., Mr. Pruitt **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 Mr. Pruitt.
NAYS: None.

Non-Agenda Item. Resolution Approving a Development Grant Agreement with the County, EDA, and Home Depot, Inc.

Ms. Emily Kilroy, Interim Director of Economic Development, said that in front of the Board were two documents related to this action item. She said that one was a draft of an agreement, and the other was a resolution to consider authorizing the County Executive to sign that agreement with Home Depot, Inc. She said that she would take a couple of minutes, along with JT Newberry, the Deputy Director of Economic Development, to go through the contents of that agreement.

Ms. Kilroy said that many of them were aware the Home Depot had purchased portions of the property at Fashion Square Mall in the previous year. They were discussing that property that evening, located at Rio and Route 29.

Ms. Kilroy said that as a community member, one might think of the Fashion Square Mall property as one contiguous property. She said that, however, it was actually comprised of several different parcels owned by different parties. She said that the Belk store was owned by Belk, the former Sears store was owned by Home Depot, as was the indoor mall and the out parcel where the former Red Lobster was located. She said that Fashion Square Assets owned the former JCPenney site. She said that what they were discussing that evening was the orange outlined area on the slide, which was comprised of two parcels owned by Home Depot.

Ms. Kilroy said that Home Depot was approved for a new retail store and garden center, roughly replacing where the former Sears store was located. She showed photos from earlier that summer of the former Sears store, showing how the property had become overgrown and was showing signs of disuse. She described what one sees from the Rio Road frontage and along Route 29, encompassing the entirety of the property.

Ms. Kilroy said that she wished to discuss this project within the context of its location. She said that the former Sears at Fashion Square Mall was now the site for the new Home Depot. She said that a few years ago, the County had adopted the Rio-29 Small Area Plan and a Form-Based Code Overlay Zoning District. She said that the plan identified the Rio-29 intersection as the heart of urban Albemarle County. She said that the plan designated the four quadrants as critical for the commercial corridor's future.

Ms. Kilroy said that the plan envisioned a dense, walkable, bikeable, transit-connected environment. She said that the Fashion Square Mall property was seen as a critically important piece of the plans coming to fruition due to its relative size and the relatively streamlined ownership compared to

other properties and parcels on the west side. She said that the plan identified the need for creative interventions to bring the plan to life, listing 25 transformative projects for the study area.

Ms. Kilroy said that the implementation section discussed the need for the County to pursue partnerships and incentives that advance County priorities and improve the financial viability of strategic projects and undertake transformative projects to catalyze the desired development and make the area a popular place to live and work. She said that the Board recognized the opportunity to revitalize the Rio-29 area shortly after the construction of the Rio grade separated intersection.

Ms. Kilroy said that they saw the potential for redeveloping much of the development that occurred in the 1980s, acknowledging that the current environment and market were quite different. She said that this plan effort was designed to create a vision for the future. She said that it was important for the County's vibrancy. She said that the assessed value of the Fashion Square Mall property, which was the largest parcel on that site, served as an example of why supporting redevelopment was a sound investment for the County.

Ms. Kilroy said that redevelopment of this parcel would correct what had been a stark decline in property value for this area, which began back in 2016, well before the COVID-19 pandemic impacted the retail environment. She said that the Home Depot was a first catalyst project for the redevelopment of what could be the majority of this quadrant, and that it was the first catalyst project for the redevelopment of scale within the area.

Ms. Kilroy said that although this redevelopment did not achieve all of the desired elements in the plan, the first major private sector reinvestment in this area was critical because it brought the highest risk. She said that development that would happen afterwards would benefit from the initial investment undertaken by the Home Depot. She said that this led them to discussing a potential public-private partnership with Home Depot at that location.

Mr. JT Newberry, Deputy Director of Economic Development, said that he would continue the discussion on the associated risks by addressing them in terms of cost. He said that as the company progressed through the entitlement process with the County, the Board acted on the special use permit for outdoor storage and display and going through the site plan process, they learned of increased costs associated with this particular site, with estimates ranging from \$850,000 to \$1 million.

Mr. Newberry said that these costs were mainly due to the demolition of the former Sears and Sears Auto site, which required asbestos abatement and brownfield remediation. He said that the totality of these increased costs began to jeopardize the feasibility of the project for the company. He said that this led to engagement with the County, resulting in an agreement to terms. He said that if approved that night, the County would provide a rebate of up to \$750,000 in real property tax to the company over a period of 10 years. He said that in return, the company would expedite their investment in the site.

Mr. Newberry said that they would complete the retail store and garden center by Christmas Eve of the following year. He said that they would reserve and dedicate up to 50 feet of right of way for the Hillsdale Drive realignment, an important transportation project that would be discussed further. He said that additionally, they would actively market the vacant Red Lobster site and provide documentation of the increased costs of at least \$750,000.

Mr. Newberry said that he believed it would be beneficial to briefly discuss tax increment financing (TIF) as a tool. He said that if approved that night, they would commence at the point indicated on the graph where TIF begins. He said that currently, the County collects property taxes as shown in Section A. He said that as investment into the site occurred, the property value would increase. He said that the company would then pay these tax increases, which would be rebated back to the company to support the additional investment and help cover the increased costs.

Mr. Newberry said that once they reached \$750,000, or 10 years, the TIF payments would cease, and the area represented by the orange area in the graph would be the full tax value of the property that the County would collect indefinitely. He said that this tool had been successfully utilized in several public-private partnerships and had been found attractive by the company.

Mr. Newberry said that to further discuss the realignment of Hillsdale Drive in relation to the current site, it was important to note that Hillsdale Drive was part of their parallel transportation system. He said that to the west of Route 29, Berkmar Drive was located, and to the east, Hillsdale Drive. He said that currently, Hillsdale Drive traveled north, as depicted in the orange and blue areas on the screen, where it curved off to the east to its intersection with Rio Road. He said that the Rio 29 Small Area Plan and transportation planning proposed a new alignment for Hillsdale Drive that would break off where highlighted on the screen. He said that the green line north would create a new intersection with Rio Road, approximately one-third of a mile.

Mr. Newberry said that several County plans had discussed the value of this transportation infrastructure. He said that they anticipated that it would become the dominant traffic movement following the realignment. He said that the existing alignment would remain, but it would provide a new way for people using the parallel transportation system and accessing this valuable commercial site. He said that this project was transformative in the Rio 29 Small Area Plan and was also mentioned in the more recent Rio Road Corridor Plan.

Mr. Newberry said that although it was technically outside the scope, it was considered so

important by the consulting engineer that he wanted to acknowledge the ripple effects of the transportation improvements included throughout that corridor by completing the Hillsdale Drive realignment.

Mr. Newberry said that he would next discuss the return on investment. He said that in 2018, the estimated cost of the right-of-way was \$3.3 million. He said that the company, as part of this agreement, would provide at least \$26.2 million in capital investment into the retail store and garden center. He said that based on the performance of similar stores nationwide, they expected annual local sales tax revenue of \$400,000 to \$500,000, separate from the property tax included in the TIF. He said that the company anticipated creating more than 100 new jobs as part of this project.

Mr. Gallaway said that the recovery, in terms of sales tax alone, would not take them 10 years. He said that it was more likely to take about two years. He said that they had not yet examined the numbers related to property tax. He said that to him, this project was a good example of securing a business, setting a timeline for its operation, and making a low-risk investment for them. He said that they would see a return on this investment in a very short time.

Ms. LaPisto-Kirtley said that she was very familiar with the project and fully supported the efforts that had been made. She said that she believed the project would change the mall and mark the beginning of a comprehensive redesign. She said that she was hopeful that it would really change the face of Albemarle.

Ms. Mallek said that she appreciated the information presented. She noted that the right-of-way alone made the math work without the need for additional considerations.

Ms. McKeel said that she was supportive and appreciated all of staff's work.

Mr. Pruitt said that he looked forward to the redevelopment of this area and the potential increase in property values at this critical location. He said that, however, he was also frustrated by the situation. He said that while he acknowledged that the proposal they were voting on was the best decision given their circumstances, it was still a frustrating position that they found themselves in.

Mr. Pruitt said that patient capital was being utilized at a scale they could afford to lose money by not developing their own property, which they then used to extract certain concessions from them as the community. He said that these concessions were reasonable for the County because they would expedite the development, but it was beyond the point because the development would occur regardless due to their purchase.

Mr. Pruitt said that he was frustrated that they lacked the tools granted to them by the state or federal government to impose more severe penalties to prevent more predatory uses of patient capital in extracting concessions from local governments. He said that this issue was not as prevalent in Albemarle County, but it could be used quite predatorily in other contexts. He said that despite this, he found the project made sense on paper and he was excited to support it.

Mr. Andrews said that he would support this motion because he believed it would expedite construction and provide good value. He said that he was very grateful to the staff for putting this together.

Mr. Andrews asked for a motion.

Mr. Gallaway **moved** that the Board of Supervisors adopt the Resolution Approving a Development Grant Agreement among the County of Albemarle, Virginia, the Economic Development Authority of Albemarle County, Virginia, and Home Depot USA, Inc.

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 Mr. Pruitt.

NAYS: None.

RESOLUTION APPROVING A DEVELOPMENT GRANT AGREEMENT AMONG THE COUNTY OF ALBEMARLE, VIRGINIA, THE ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA, AND HOME DEPOT U.S.A., INC.

WHEREAS, the Board of Supervisors of Albemarle County, Virginia ("Board") finds it is in the best interest of Albemarle County, Virginia ("County") to enter into a Development Grant Agreement with the Economic Development Authority of Albemarle County, Virginia ("EDA") and Home Depot U.S.A., Inc. ("Home Depot"), to support the redevelopment and improvement of the former Sears department store and the former Sears Auto Center and the marketing of the former Red Lobster site both located at Fashion Square Mall.

WHEREAS, Home Depot purchased a majority of the improvements and land constituting Fashion Square Mall and the former Red Lobster site and plans to invest \$26 million in their redevelopment and marketing.

WHEREAS, the project presents increased development costs estimated to total at least \$750,000.00 because of the need for demolition of the former Sears department store and remediation of brownfield conditions related to the former Sears Auto Center.

WHEREAS, Home Depot is willing to commit to an accelerated demolition and construction schedule and to dedicate land to public use for a future Hillsdale Road realignment with the County's and EDA's financial support through a development grant gauged to the incremental increase in real property taxes that will be paid to the County as a direct result of Home Depot's project.

WHEREAS, the project and this grant promote the economic development, improvement, and increased vitality of the Rio29 corridor and are consistent with several County plans and policies, including Project ENABLE, the Comprehensive Plan, the Places29 Master Plan, and the Rio29 Small Area Plan.

WHEREAS, the Development Grant Agreement will promote the welfare, convenience, and prosperity of the inhabitants of the County.

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

1. Approves the Development Grant Agreement among the County, the EDA, and Home Depot, in the form presented to the Board at its meeting on this date, to support the redevelopment and improvement of the former Sears department store and Sears Auto Center and the marketing of the former Red Lobster site.
2. Authorizes the County Executive to execute the Development Grant Agreement in substantially such form, with such completions, omissions, insertions and changes that are not inconsistent with this resolution as may be approved by the County Executive and the County Attorney, which approval shall be evidenced conclusively by their execution and delivery of the Development Grant Agreement.
3. Authorizes the County Executive or his designee to execute on behalf of the County such other requisite documents in connection with the transaction contemplated by the Development Grant Agreement. Such officer or his designee is authorized to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate in connection with the transaction authorized by this Resolution or contemplated by the Development Grant Agreement; and all of the foregoing, previously done or performed by such officer or agents of the County are in all respects approved, ratified and confirmed.

DEVELOPMENT GRANT AGREEMENT

THIS DEVELOPMENT GRANT AGREEMENT ("Agreement") is made as of August 20, 2024 (the "Effective Date"), by and among the COUNTY OF ALBEMARLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County"), the ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA (the "EDA"), a political subdivision of the Commonwealth of Virginia, and HOME DEPOT U.S.A., INC., a stock corporation registered to and authorized to transact business in Virginia (the "Company"). The EDA, the County, and the Company are each individually referred to herein as a "Party" and collectively as the "Parties."

PURPOSE OF THE GRANT AGREEMENT

A. The Company is the owner of certain property located in Albemarle County, Virginia, and described as Albemarle County Tax Map Parcels Nos. 61-131, 61-131A, 61-132, and 61-133 and shown on Exhibit 1 attached hereto and incorporated herein by this reference (together with the improvements on such parcels, referred to herein as the "Property"). The Property includes approximately 37.28 acres of land and approximately 364,000 square feet of improvements thereon. Of those improvements, approximately 357,000 square feet are part of the Fashion Square Mall shopping center and approximately 7,000 square feet are located on an outparcel (Tax Map Parcel No. 61-133). The Property is located adjacent to the intersection of U.S. Route 29 and Rio Road.

B. The Company intends to develop the Property for commercial and retail uses, including the development which is the subject of the Proposal Summary shown in Exhibit 2 attached hereto and incorporated herein by this reference ("Phase 1").

C. The County seeks to promote the economic development, improvement, and increased vitality of the area which is the subject of its Rio29 Small Area Plan; catalyze the redevelopment of the Fashion Square Mall property; and ensure certainty concerning the occurrence and timing of the Phase 1 redevelopment.

D. Phase 1 is consistent with, promotes, and implements several policies, objectives, and strategies of the Albemarle County Comprehensive Plan (the "Comprehensive Plan"), including the following sections of the Places29 Master Plan and the Rio29 Small Area Plan:

1. Growth Management Chapter. The Growth Management chapter of the Comprehensive Plan includes Strategy 1b: "To help promote the Development Areas as the most desirable place for growth, continue to fund capital improvements and infrastructure and provide a higher level of service to the Development Areas."

2. Community Facilities Chapter. The Community Facilities chapter of the Comprehensive Plan includes Objective 1: “Continue to provide public facilities and services in a fiscally responsible and equitable manner.”

3. Economic Development Chapter. The Economic Development chapter of the Comprehensive Plan includes Objective 1: “Promote economic development activities that help build on the County’s assets while recognizing distinctions between expectations for the Development Areas and the Rural Area” and Strategy 4c: “Explore opportunities to assist with redevelopment of underutilized commercial and industrial zoned properties.”

4. Economic Development Strategic Plan. The Economic Development Strategic Plan includes: “Goal 4 – Seek private investment to further the public good” and its three objectives: “Objective 1 – Partner with others to develop projects that result in a public good or enhance natural resources,” “Objective 2 – Support development projects that capitalize on our assets, inspiration, and potential to create unique and community-based public spaces,” and “Objective 3 – Lead the development of public-private partnerships that increase direct private investment.”

E. **The Phase 1 Investment**. The amount of funding and private investment by the Company in Phase 1 is estimated to be approximately \$26 million.

F. **The Animating Public Purposes of this Agreement**. The animating public purposes for the County to enter into this Agreement include:

1. Promoting Economic Development. Promoting the economic development, the redevelopment, and reuse of existing improvements, increasing the vitality of the County’s economy, and promoting vibrancy in the Route 29 and Rio Road area.

2. Enhancing the County’s Tax Base and Jobs Base. Enhancing the County’s tax base and jobs base by facilitating the redevelopment of a distressed and underutilized commercial center that, when fully developed, will reinvigorate retail uses, include public spaces, provide new employment opportunities, and establish a diversified, mixed use community environment.

3. Brownfield Remediation. Remediating an identified brownfield on and around the former Sears Auto Center facility.

4. Development Area Investment. Catalyzing additional investment, productive economic activity, and positive social and recreational development in the County’s Development Areas.

5. Advancement of Community’s Vision. Advancing the County’s community vision as expressed through the Comprehensive Plan.

G. The Incentives to Enable the County to Achieve the Animating Public Purposes. To induce and incentivize the Company to complete Phase 1 and, in accordance with the terms of this Agreement, to dedicate and convey land to be used as a right of way to accommodate the realignment of Hillsdale Drive, the County will, subject to the terms and conditions of this Agreement, pay the Company up to \$750,000.00 through funds transferred to the EDA as Development Grants (the "Grant" or "Grants") originating from the incremental increases in the real estate tax paid to the County on TMP 61-132 and TMP 61-133.

H. Company's Acceptance of the Incentives and Related Obligations. The Company accepts these Grants as an incentive for the Company (i) to redevelop TMP 61-132 to remediate an identified brownfield and construct an approximately 137,747 square foot Home Depot retail establishment that includes an approximately 28,116 square foot garden center; (ii) to market TMP 61-133 for redevelopment; and (iii) in accordance with the terms of this Agreement, to dedicate and convey land to be used as a right of way to accommodate the realignment of Hillsdale Drive.

I. Enabling Authority. The County and the EDA are authorized to enter into this Agreement and to pay the Company as provided in this Agreement to the Company pursuant to the following:

1. Virginia Code § 15.2-940. Virginia Code § 15.2-940 enables the County to expend funds from its locally derived revenues of the locality for the purpose of promoting the resources and advantages of the locality.
2. Virginia Code § 15.2-953(B). Virginia Code § 15.2-953(B) enables the County to give funds to the EDA for the purposes of promoting economic development.
3. Virginia Code § 15.2-1205. Virginia Code § 15.2-1205 enables the County Board of Supervisors to give, lend, or advance in any manner that it deems proper funds, not otherwise specifically allocated or obligated, to the EDA.
4. Virginia Code § 15.2-4905(13). Virginia Code § 15.2-4905(13) enables the EDA to make loans or grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of the Industrial Development and Revenue Bond Act (Virginia Code § 15.2-4900 et seq.), including for the purposes of promoting economic development, provided that any loans or grants are made only from revenues of the EDA which have not been pledged or assigned for the payment of any of the EDA's bonds.

AGREEMENT

NOW, THEREFORE, in consideration of the purposes stated above and the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Interpretation.

- a. **Purpose of the Grant Agreement.** The foregoing statements of the Purpose of the Grant Agreement are, by this reference, incorporated into the body of this Agreement as if the same had been set forth in the body of this Agreement in their entirety.
- b. **Captions.** Captions in this Agreement are for convenience of reference only and shall not be used to interpret this Agreement.
- c. **Gender; Number; Including.** The use of any gender in this Agreement shall refer to all genders, and the use of the singular shall refer to the plural, as the context may require. The term "including" and variants thereof shall mean "including without limitation."
- d. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall constitute an original and all of which shall constitute one and the same instrument.
- e. **Exhibits.** Any Exhibit referenced and attached to this Agreement shall not be interpreted as a site plan, application, or other submission to the County for planning purposes, but is intended to illustrate the proposed redevelopment and show the general locations of items referenced in this Agreement.

2. Company's Obligations.

- a. **Phase 1 Redevelopment of TMP 61-132.** The Company will demolish and remove the existing structures located on TMP 61-132 (the former Sears department store facility and Auto Center facility located at 1531 Rio Road East), remediate brownfield conditions related to the former Sears Auto Center and other such conditions as they may be discovered in accordance with federal and state laws and regulations (to include receipt of a certification of satisfactory completion of remediation from the Virginia Department of Environmental Quality), and construct a stand-alone home improvement retail store building and accompanying garden center. The Company must complete Phase 1, on or before December 24, 2025, the date which is eighteen (18) months after the date of issuance of the requisite demolition permit. Phase 1 shall only be considered complete when the Company receives a final Certificate of Occupancy from the County.
- b. **Active Marketing of TMP 61-133.** The Company must actively market TMP 61-133 for redevelopment.
- c. **Documentation.** The Company must provide documentation satisfactory to the County Executive that the costs associated with completing Phase 1 total at least \$750,000.
- d. **Governmental Approval and Permitting.** The Company must use due diligence in applying for and obtaining all governmental approvals and permits necessary to complete Phase 1.
- e. **Progress Reporting.** The Company, or its designee, at the Company's expense must provide the County Executive with written reports on June

1, 2025, and thereafter on each anniversary of the Effective Date until completion of Phase 1, verifying and describing Phase 1 progress, delays, challenges, milestone schedule, and development plan. The report must be in a form and contain content reasonably satisfactory to the County Executive or his designee. Upon the County's reasonable request for additional information, the Company will provide such additional information related to Phase 1 to the County before disbursement of Grant funds. No Grant payment shall be made until the County receives a timely and reasonably satisfactory report.

f. **Good Standing.** At all times during the Term (as hereinafter defined) of this Agreement, the Company must remain in good standing with the County and Commonwealth of Virginia, including, without limitation, County regulations related to Phase 1 redevelopment activities, permits, zoning and building code regulations, and County taxes and fees.

g. **Dedication and Conveyance of Right of Way.** Upon the written request of the County or the Commonwealth of Virginia (and regardless of the status of completion of Phase 1 or this Agreement), the Company shall dedicate to public use and convey, by instrument in a form mutually acceptable to the Company and the County or the Commonwealth of Virginia, as the case may be, a right of way of no less than 50 feet in width to accommodate a realignment and extension of Hillsdale Drive in material conformity with Exhibit 3 attached hereto and incorporated herein by this reference, provided that (i) the location of the right of way and the plans and specifications for the right of way shall be subject to the approval of the Company, which it shall not unreasonably withhold, condition, or delay, and (ii) the Company shall have no obligation to complete any work or incur any costs in connection with any such reservation, realignment, extension, dedication and conveyance. Additionally, upon request of the County at any time subsequent to execution and delivery of this Agreement, the County, EDA and the Company agree to execute and record among the land records of the Clerk's Office of the Circuit Court of Albemarle County, Virginia, a memorandum of agreement, evidencing as a matter of record the obligations of the Company, its successors and assigns, under this Section 2(g). The Parties expressly acknowledge and agree that, subject to the Section 16 dispute resolution obligations set forth below, the provisions of this Section 2(g) are enforceable by a suit for specific performance.

3. County's Obligations.

a. The County, through its Economic Development Office, will support the Company's requests for expedited development and governmental agency review of Phase 1 if it is deemed eligible under County development and review guidelines.

- b. During the Term of this Agreement, the County will disburse funds to the EDA for a Grant, subject to the County's Board of Supervisors annual appropriation and the following terms and conditions:
- i. The term of this Agreement (the "Term") commences on the date on which upon all Parties have executed and delivered this Agreement and continues until the date which is ten (10) years after the Company obtains a final Certificate of Occupancy for the improvements comprising Phase 1 redevelopment of TMP 61-132 in accordance with this Agreement.
 - ii. The Grant funding throughout the Term will total no more than \$750,000.00;
 - iii. The County will fund the Grant annually. The obligation to fund the Grant begins after the County issues the first real estate tax bill after the Term commences and where the real estate assessments for TMP 61-132 (2024 assessed value of \$6,993,400.00) and TMP 61-133 (2024 assessed value of \$3,617,400.00), in the aggregate, exceed the "Base Assessment" (herein so called), which is \$10,610,800.00;
 - iv. The "Tax Increment" (herein so called) will be calculated by subtracting the Base Assessment from the total aggregate assessed value of TMP 61-132 and TMP 61-133, as determined by the County's Real Estate Assessor, Department of Finance, for the year in which taxes assessed by the County are due;
 - v. The Grant funding obligation will be based on and equal to 100% of real estate taxes paid to the County on the Tax Increment for TMP 61-132 and TMP 61-133;
 - vi. The County will disburse the required Grant funding to the EDA annually within thirty (30) days after the annual second-half real estate tax due date;
 - vii. The County's obligation to fund the Grant will continue until the earlier of (1) the County having disbursed \$750,000.00 to the EDA, and the EDA having disbursed \$750,000.00 to the Company, or (2) the expiration of the Term;
 - viii. The County's and the EDA's obligation to disburse an annual Grant payment due under this Agreement shall be tolled whenever the Parties are engaged in litigation commenced by the Company where the litigation is related to this Agreement, the Phase 1 redevelopment, or the correction of an erroneous local tax assessment; and
 - ix. The Base Assessment will be adjusted to account for any boundary line adjustment initiated by the Company and approved by the County, to reflect the addition of acreage to, or the withdrawal of acreage from, TMP 61-132 or TMP 61-133, using 2024 property assessments.

4. **EDA's Obligations.**

- a. So long as the Company complies with this Agreement and the County has disbursed the Grant funds to the EDA, the EDA will disburse annually the Grant funds to the Company within thirty (30) days of receipt; and
- b. The EDA shall not be obligated to pay the Company if the County does not first provide the EDA with the funds. The EDA's only obligation to the Company is to pay the Company the Grant funds that the County provides to the EDA.

5. **Default.** The following constitute default and allow the non-defaulting Party to seek a remedy:

- a. A Party fails to make a payment when the payment becomes due and payable, and such failure continues uncured for at least 30 days after receipt of written Notice (as hereinafter defined) of failure from the non-defaulting Party; or
- b. A Party fails to perform any other obligation this Agreement requires as such performance is required, and such failure continues uncured for at least 60 days after receipt of written Notice of failure from the non-defaulting Party. If the failure is not reasonably susceptible of being cured within the 60-day period, then the 60-day period to cure will be extended so long as the defaulting Party starts making efforts to cure within the 60-day period and thereafter diligently pursues completion of the cure.

6. **Remedies.** Upon a default that is not cured pursuant to Section 5, the non-defaulting Party shall have the option, subject to Section 16, to:

- a. Terminate this Agreement by written Notice to the defaulting Party; or
- b. Pursue such other rights and remedies as may be available under law.

If the Company is in default, then any Grant funds remaining in escrow with the EDA and not paid to the Company shall be returned to the County upon the County's written demand of the EDA, with a copy to the Company.

Notwithstanding anything to the contrary herein, in the event the Company fails to complete Phase 1 by the deadline set forth herein or by any extension to which the Parties agree and/or the Company does not receive any Grant funds from the EDA, the sole remedy of the County and the EDA shall be to terminate this Agreement by written Notice to the Company, in which event the Parties shall have no further rights or obligations hereunder.

TO THE EXTENT PERMITTED BY LAW, IN NO EVENT SHALL ANY PARTY OR ITS RESPECTIVE REPRESENTATIVES BE LIABLE FOR CONSEQUENTIAL, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, PUNITIVE OR ENHANCED DAMAGES, LOST PROFITS OR REVENUES OR DIMINUTION IN VALUE, ARISING OUT OF OR RELATING TO ANY BREACH OF THIS

AGREEMENT, REGARDLESS OF (I) WHETHER SUCH DAMAGES WERE FORESEEABLE, (II) WHETHER OR NOT THE OTHER PARTY WAS ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, AND (III) THE LEGAL OR EQUITABLE THEORY (CONTRACT, TORT, OR OTHERWISE) UPON WHICH THE CLAIM IS BASED.

7. **Effect of Termination.** The termination of this Agreement for any reason shall not affect any right, obligation, or liability which has accrued under this Agreement on or before the effective date of such termination.
8. **Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns. Notwithstanding the foregoing, the following limitations on assignment shall apply:
 - a. The Company shall not assign its rights or obligations under this Agreement to any party other than a Related Entity (as hereinafter defined) without the prior written approval of the County and the EDA.
 - b. The Company shall provide the County and EDA advance written notice prior to assigning its rights or obligations under this Agreement to any Related Entity.
 - c. As used in this Agreement, "Related Entity" means an entity which controls, is controlled by, or is under common control with Company; an entity will be deemed to control Company if it has the power to direct or cause the direction of the management or policies of Company, whether through ownership or voting securities, by contract, or otherwise.
 - d. Neither the County nor the EDA shall assign its rights or obligations under this Agreement to any entity other than the EDA or the County without the prior written approval of the Company.
9. **Notice.** All notices and other communications given or made pursuant to this Agreement ("Notice") shall be in writing and shall be deemed effectively given upon the earlier of actual receipt or: (a) personal delivery to the Party to be notified, (b) when sent, if sent by electronic mail, during normal business hours of the recipient, and if not sent during normal business hours, then on the recipient's next business day, (c) five (5) days after having been sent by registered or certified mail, return receipt requested, postage prepaid, or (d) one (1) business day after deposit with a nationally recognized overnight courier, freight prepaid, specifying next business day delivery, with written verification of receipt. Any Notices sent by email shall only be valid with a read receipt and if a copy of the Notice is also sent by regular mail. All Notices shall be sent to the addresses set forth below. A Party may designate other or additional addresses in writing according to this section.

County: Albemarle County Executive's Office
401 McIntire Road, Second Floor
Charlottesville, Virginia 22902
20 ATTN: Jeffrey B. Richardson, County Executive
jrichardson3@albemarle.org

with a copy (which does not constitute Notice) to:

Albemarle County Attorney
401 McIntire Road, Suite 325
Charlottesville, Virginia 22902
aherrick@albemarle.org

EDA: Albemarle Economic Development Authority
401 McIntire Road, First Floor
Charlottesville, Virginia 22902
ATTN: Chair
dlong@albemarle.org

with a copy (which does not constitute Notice) to:

Economic Development Office
401 McIntire Road, First Floor
Charlottesville, Virginia 22902
economicdevelopment@albemarle.org

Company: Home Depot U.S.A., Inc.

2455 Paces Ferry Road, N.W.
Atlanta, Georgia 30339
ATTN: Tax

with a copy (which does not constitute Notice) to:

2455 Paces Ferry Road, N.W.
Atlanta, Georgia 30339
ATTN: Real Estate Legal, C-20

10. **Amendments.** Modification or amendment of this Agreement and waiver of any of its provisions must be done only in a writing executed by the Party against whom such modification, amendment, or waiver is sought to be enforced.
11. **Non-appropriation.** The obligation of the County to disburse the Grant as provided in this Agreement is subject to and dependent upon appropriations being made from time to time by the Albemarle County Board of Supervisors. Therefore:

- a. **Obligations in the Event of Non-appropriation.** If the Albemarle County Board of Supervisors does not appropriate funds for the Grant, then this Agreement terminates, and the Company shall have no further obligation under this Agreement.
 - b. **This Agreement does not Establish an Irrevocable Obligation.** Under no circumstances shall this Agreement be construed to establish an irrevocable obligation of the County to fund the Grant as provided in this Agreement.
12. **No Goods or Services Received by the County or EDA.** The Grant funds transferred by the EDA to the Company pursuant to this Agreement are solely to enable the Company to develop and construct all improvements associated with Phase 1 and to secure the Company's commitment to the dedication and conveyance of land to be used as a right of way to accommodate the realignment of Hillsdale Drive. The descriptions of the services and commitments that the Company will provide support the Grant's public and economic development purposes and are not a description of goods or services being procured by the EDA or the County.
13. **Severability.** If any provision of this Agreement is determined by a court having competent jurisdiction to be invalid, illegal or unenforceable to any extent, the Parties shall negotiate in good faith to modify this Agreement to effect the original intent of the Parties as closely as possible in order that the transactions contemplated hereby be consummated as originally contemplated to the greatest extent possible. In the event the Parties are unable to reach an agreement with respect to such modification, this Agreement shall terminate and be of no further force or effect.
14. **Governing Law and Venue.** This Agreement is to be governed by and construed in accordance with the laws of the Commonwealth of Virginia, without reference to conflict of laws principles, and the Albemarle County Code. Venue for any litigation arising out of or involving this Agreement shall lie in the Albemarle County Circuit Court or in the United States District Court for the Western District of Virginia - Charlottesville Division. An action shall not be brought in any other court.
15. **Interpretation of this Agreement.** This Agreement shall be interpreted in accord with how any terms are defined in this Agreement and otherwise by applying the plain and natural meaning of the words used, and not for or against any Party by reason of authorship.
16. **Dispute Resolution.** If there is a dispute of any kind between any Parties arising under this Agreement, upon the written request of a Party:
 - a. **Designation of a Senior Representative; Negotiation.** Each Party to whom the dispute pertains will designate at least one senior representative to

negotiate with the other Parties' senior representative in good faith and as necessary to attempt to resolve the dispute without any formal proceedings.

- b. **Corrective Action.** If the negotiated resolution of the dispute requires any Party to take, cause to be taken, or cease taking some action or practice, that Party shall do so within a reasonable period of time, not to exceed 90 days, or as otherwise agreed by the Parties.
 - c. **Dispute Resolution Process a Prerequisite to Starting Court Proceedings.** No Party may initiate court proceedings by filing an action in a court of competent jurisdiction to resolve a dispute until the earlier of: (i) a good faith mutual conclusion by the senior representatives that amicable resolution through continued negotiation of the dispute does not appear likely; or (ii) 90 days after the initial request to negotiate the dispute. After either condition has occurred, a Party may file an action in the jurisdiction and venue provided in this Agreement and may pursue any other remedy available at law or in equity. Each Party shall pay its own attorneys' fees.
 - d. **When the Dispute Resolution Process is Not Required.** Nothing in this Section 16 will, however, prevent or delay a Party from instituting court proceedings to: (i) avoid the expiration of any applicable limitations period; or (ii) seek declaratory and injunctive relief.
17. **Relationship of Parties.** This Agreement is intended solely to establish the relative rights and obligations of the Parties and does not create any type of partnership, joint venture, purchaser-vendor, or employer-employee relationship.
 18. **No Third-Party Beneficiaries.** This Agreement does not confer any rights on any person or entity who is not a Party, whether as a third-party beneficiary or otherwise.
 19. **No Waiver of Sovereign Immunity or Other Immunities.** This Agreement and any action taken by the County, the EDA, or their respective Boards pursuant to this Agreement is not and shall not be construed to be a waiver of either sovereign immunity or any other governmental immunity that applies to the County, the County's Board of Supervisors, the EDA, or the EDA's Board of Directors.
 20. **Non-liability of County and EDA Officers and Employees; Non-liability of Company Officers and Employees.**
 - a. No County Supervisor or other County officer or employee, and no EDA Director or other EDA officer or employee, shall be personally liable to the Company if there is any default or breach by the County, the County's Board

of Supervisors, the EDA, or the EDA's Board of Directors pursuant to this Agreement.

- b. No Company officer or employee shall be personally liable to the County or the EDA if there is any default or breach by the Company pursuant to this Agreement.

21. **Indemnification and Hold Harmless.** The Company agrees to indemnify, hold harmless, and defend the County, the EDA, and their supervisors, officers, directors, agents, and employees from any and all liability, loss, damage, claims, causes of action, and expenses (including without limitation reasonable attorneys' fees), caused or asserted to have been caused, directly or indirectly, by the Company in connection with the performance of this Agreement. This includes any act or omission of an officer, director, agent, employee, or representative of the Company, its successors and assigns, to the extent that such liability, loss, damage, claims, causes of action, and expenses are caused in whole or in part by such Party's default or breach, negligence, or intentional misconduct.

22. **Surviving Provisions.** The following provisions of this Agreement shall survive the termination of this Agreement for any reason including the expiration of the Term: Sections 2(g), 14, and 16. The provisions of Section 21 shall survive as provided in this section only as to acts or omissions occurring prior to the effective date of termination.

23. **Force Majeure.** If any Party's timely performance of any obligation in this Agreement is interrupted or delayed by any occurrence that is not caused by the conduct of such Party's officers or employees, whether the occurrence is an "Act of God" such as lightning, earthquakes, floods, or other similar causes; a common enemy; the result of war, riot, strike, lockout, civil commotion, sovereign conduct, explosion, fire, or the act or conduct of any person or persons not under the direction or control of such Party, then performance is excused for a period of time that is reasonably necessary after the occurrence to remedy the effects thereof.

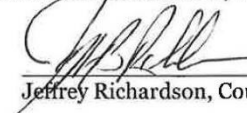
24. **Entirety of Agreement.** This Agreement constitutes the entire agreement among the Parties with respect to the subject matter hereof and supersedes any and all oral discussions, agreement, or understanding.

[SIGNATURE PAGE FOLLOWS]

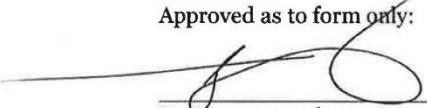
DocuSign Envelope ID: 0BCBDB3A-8E4C-4911-A9C7-ECF9746A17D4

IN WITNESS WHEREOF, the Parties have caused this Development Grant Agreement to be executed by their duly authorized representatives as of the date first written above.


COUNTY OF ALBEMARLE, VIRGINIA

By:  [SEAL]
Jeffrey Richardson, County Executive


Approved as to form only:


Steven L. Rosenberg, County Attorney

ECONOMIC DEVELOPMENT
AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA

By:  [SEAL]
Jeff Morrill, Vice Chair 9/25/2024

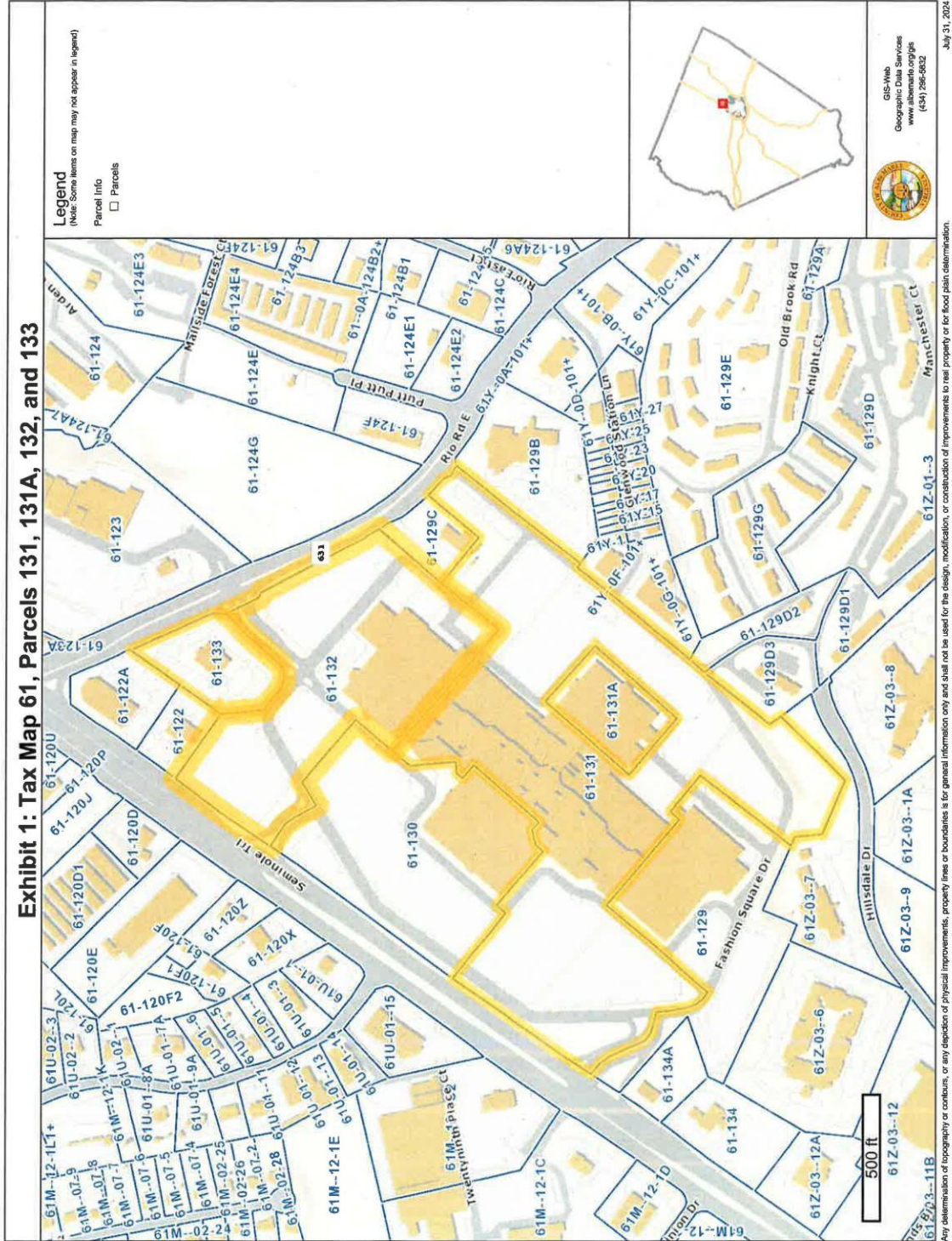
ATTEST:


Andrea Johnson 10/10/2024
Secretary/Treasurer

HOME DEPOT U.S.A., INC.

By:  [SEAL]
Jessica Borgert
Assistant General Counsel

Docusign Envelope ID: 0BCBDB3A-8E4C-4911-A9C7-ECF9746A17D4





Docusign Envelope ID: 0BCBDB3A-8E4C-4911-A9C7-ECF9746A17D4

Richard DeLoria

From: Trevor W Hamilton <Trevor.W.Hamilton@ey.com>
Sent: Wednesday, August 28, 2024 11:06 AM
To: Richard DeLoria
Cc: Rosarita Burden; Emily Kilroy
Subject: RE: Project Julius - Development Grant Agreement
Attachments: Page 3 Update re Square Footage as per New Ex 2 20240827.pdf; Charlottesville Development Grant Agreement for Execution 20240821 -signed-.pdf

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Hi Richie,

Per our client, you have our agreement to substitute the updated page 3 (to be consistent with the square footage in the updated site plan) as attached.

Best regards,
Trevor

Trevor Hamilton, CECD | Senior Manager | Global Location Investment, Credits and Incentives Services
Ernst & Young LLP
Office: +1 404 817 5733 | Mobile: +1 513 680 4380 | Trevor.W.Hamilton@ey.com

From: Richard DeLoria <rdeloria@albemarle.org>
Sent: Tuesday, August 27, 2024 2:21 PM
To: Trevor W Hamilton <Trevor.W.Hamilton@ey.com>
Cc: Rosarita Burden <Rose.Burden@ey.com>; Emily Kilroy <ekilroy@albemarle.org>
Subject: RE: Project Julius - Development Grant Agreement

Trevor:

Would your client object to me replacing the endorsed Page 3 with the attached Page 3, which I updated to account for the May 2024 Concept Plan attached as Exhibit 2 (increased total square footage including enlarged Garde Center).

With Home Depot's agreement, I will slip the updated Page 3 into the agreement and have Steve Rosenberg approve as to form.

I'm including the signed pdf for reference.

Thanks,

Richie

Richard A. DeLoria

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Agenda Item No. 14. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said that the monthly report provided the Board with an opportunity to review the organization's work and connect it back to their Strategic Plan in a meaningful way.

Mr. Richardson said that the first slide of his presentation discussed their ongoing partnership with Rivanna Futures. He said that their staff continued to work with Rivanna Futures, with the support of Rivanna Station. He showed a recent photograph of several staff members who traveled to Rivanna from the County Executive's Office to meet with the new installation commander of Fort Belvoir, Colonel Stewart, who had been sworn in, and Colonel Messina, who was stepping away for his new assignment.

Mr. Richardson said that this demonstrated the support and interest from Fort Belvoir as they continued to work with their leadership at Rivanna Station. He said that Ms. Kilroy's team regularly visited Rivanna Station and most recently provided a tour to the Virginia Economic Development Partnership business manager, Aisha Johnson, who had recently explored opportunities and the importance of Rivanna Futures for the Commonwealth and the long-term vibrancy of their community.

Mr. Richardson said that he also wanted to highlight recent developments at Biscuit Run Park, where their staff was preparing the park for a late fall opening. He said that during the project, staff had identified opportunities to provide cost savings while keeping the project on track. He said that Steve

Hoffman, a senior project manager, identified an opportunity to move excavated soil from one phase of the project around the trailhead and parking lot to the location of the future maintenance facility. He said that they repurposed the soil, roughly 19,000 cubic yards of material were used to develop the new building and the pad, which avoided haul-off fees and related work costing approximately \$200,000.

Mr. Richardson said that regarding rock excavation cost savings, at the trailhead and parking lot project, the contractor encountered rock just three feet above the planned excavation depth of the drainage basin. He said that the project had allowed for 300 cubic yards of rock, but the actual amount was much higher. He said that to avoid the extra cost of \$500,000, the project team redesigned the basin to fit the existing conditions, eliminating the need for rock excavation and resulting in about \$700,000 in cost savings, which were necessary to complete the project.

Mr. Richardson said that their IT Department, led by Roderick Burton, recently attended the National Association of Counties (NACo) conference in July, where they received the Top 10 Digital County Award by the Center of Digital Government and NACo. He said that Ms. Mallek, the current state NACo president and one of their Board of Supervisors, was also present at the conference. He said that they went from 10th to 7th in their ranking and were recognized for their efforts in IT modernization, including a new enterprise permitting and licensing system with a robust payment module and mobile access to inspection staff, work cleaning and validating Countywide data, and establishing secure data sharing policies, as well as innovative efforts such as piloting drones with the Police Department for better situational awareness and an upgrade to the two-way communication system between police command centers and responders.

Mr. Richardson said that the Procurement Division of their Finance Department recently received the 2024 Achievement in Excellence in Procurement Award from the National Procurement Institute. He said that this prestigious award measures innovation, professionalism, productivity, e-procurement, and leadership. He said that it was considered the premier recognition in the public procurement profession. He said that the procurement unit's dedication and excellence had placed the County among one of the top-performing procurement organizations nationwide.

Mr. Richardson said that their efforts included launching e-signatures for the County, maintaining a continuous improvement program, launching technology solutions that improve customer service and reduce risk, revisions to their outdated purchasing manual, and enhancing their purchasing card program. He said that they were proud to recognize these County employees.

Mr. Richardson said that they emphasized the importance of their partnerships with the Public School System. He said that they continued to do so every day. He said that County staff from multiple departments, including Parks and Recreation, Fire and Rescue, Police, and Communications and Public Engagement attended back-to-school events during the weeks leading up to the first day of school, sharing information on how to get engaged with Local Government and upcoming programs. He said that they shared fun stickers and buttons and engaged with over 800 students and their families at these events.

Mr. Richardson said that Mr. Andrews served on the Solid Waste Board with him. He said that he wanted to share some data with the Board that caught his attention at a recent Rivanna Solid Waste Authority (RSWA) Board meeting. He said that there were upcoming amnesty days for e-waste. He said that RSWA was funded jointly by the City of Charlottesville and the County of Albemarle and provided services according to the City and County budget allocations. He said that during their spring special collection days, which were held in April and May, 287 County customers dropped off e-waste, 603 County residents dropped off household hazardous waste, 34,800 pounds of bulky waste from the County was collected, and 145 residents dropped off tires.

Mr. Richardson said that he was aware that without this level of participation in these days and this elevated attention on proper disposal, this waste could end up on vacant lots, in their streams, or on properties in their rural areas. He said that they were trying to avoid that. He said that these special waste collection days, which started in the late 90s, were greatly appreciated by their residents. He said that they helped their community to be cleaner.

Mr. Richardson said that since tracking began in 2014, County residents had dropped off 2.5 million pounds of furniture, appliances, tires, and e-waste over an 11-year period. He said that he appreciated Bill Mawyer and his staff, who did wonderful work at Rivanna, and it was a great partnership.

Mr. Richardson said that they had enjoyed a Triple-AAA credit rating. That was the highest in the United States given to a local government. He said that one of their rating agencies, Fitch, recently conducted a visit back to the County for an annual surveillance check. He said that they had affirmed them as Triple-AAA. He said that they had taken a look at their budget flexibility and expectations of the reserve to be maintained at a bottom-line 10% level. He said that they scored extremely well in their assessments for its demographic and economic level metrics, and their long-term liability burden in terms of management.

Mr. Richardson said that during the 12-hour period that Tropical Storm Debby was in their area, their public safety departments had experienced a significant increase in calls for service. He said that Fire Rescue had responded to a 150% increase in calls compared to an average Thursday and Friday. He said that the majority of these calls were related to downed trees, power lines, transformers, and fires.

Mr. Richardson said that the Police Department had also seen a 77% increase in calls compared

to an average Thursday and Friday morning. He said that the top calls for service were alarms, downed trees, traffic hazards, and wrecks. He said that they had prepared both departments for this event.

Mr. Richardson said that they had strategically placed swift water rescue teams throughout the County in case of local flooding. He said that both departments, along with volunteer rescue crews, had responded to a water rescue at Misty Mountain Campground just before 3:00 a.m. on August 9. He said that several feet of water had impacted the campground, threatening vehicles and campers. He said that first responders had been able to safely rescue 12 people that had been trapped. He said that five pets had also been with them at the campground. He said that no injuries had been reported from the incident from any of the rescue personnel, the victims who had been trapped, or the animals.

Mr. Richardson said that as the storm had approached, the Office of Emergency Management had coordinated departments to prepare for the storm's impact on the community. He said that they had gathered resources internally and evaluated the County's ability to continue operations throughout the storm. He said that non-public safety departments had also been prepared and assisted in the event.

Mr. Richardson said that Facilities and Environmental Services (FES) had ensured all work sites were properly secured for wind and rain, allowing them to remain open and continue providing operational services to citizens. He said that Blue Ridge Health District had reached out to staff for indoor space for their mobile van, which had received roof damage the day before. He said that they had been able to accommodate them and ensure the van was safe.

Mr. Richardson said that Parks and Rec had surveyed the parks after the storm. He said that Mint Springs had a failed culvert that had broken through the pavement, but repairs had been made quickly, and the park had been reopened promptly.

Mr. Richardson said that the Parks and Recreation Director, Bob Crickenberger, was celebrating his 50th anniversary with Albemarle County. He said that the staff, including many Parks and Rec staff, had recognized Mr. Crickenberger with a surprise cake in celebration. He said that he and other people in the organization would be formally recognized at the annual Employee Awards Ceremony in September. He said that if schedules allowed, they always enjoyed the presence of Board members at the annual Employee Awards Ceremony in September, where they would recognize Mr. Crickenberger and other employees who had reached milestones.

Agenda Item No. 15. 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. Jim Farmar, Rivanna District, said that he would like to speak about RCV. He said that he had been a scientist for 40 years, which had equipped him with skills in designing experiments and developing processes. He said that he was an officer of election, having served since 2023.

Mr. Farmar said that this was his rookie year, and he had been fortunate to receive thorough training from Lauren Eddy, the Registrar. He said that he had been present in Brownsville from 5:00 a.m. to 9:30 p.m. He said that what he witnessed was an open, welcoming, well-performing, transparent, and effective process. He said that he had not understood the voting process in Virginia before, but now he did.

Mr. Farmar said that he believed it to be successful. He said that he did not wish to lose this with the introduction of a new process that, in his opinion, had not been fully vetted. He said that if they considered a worst-case scenario, they all recalled the 2000 presidential election, where a newly designed ballot, the Butterfly Ballot, in Palm Beach County, Florida, led to a month-long delay in determining the president. He said that good intentions were commendable, but it had not been tested.

Mr. Farmar said that the result was a loss of trust in the voting process, particularly in that county, and it was a widespread issue across Florida. He said that as they considered RCV, he believed they should not rush into this decision. He said that he found the system to be opaque, confusing, and it had a history of failure. He said that even in Arlington County, where voters were typically well-informed, they struggled to understand it.

Mr. Farmar said that from his perspective, it was unconstitutional. He said that therefore, they should table this discussion and continue with the voting system they knew worked. He said that he urged the Board to reject RCV to preserve the trust they had built with the Board of Supervisors and the Registrar. He said that they had worked hard to ensure their current election process was fair and accurate. He said that he believed they should not risk that now.

Mr. Doug Earle, Scottsville District, said that today's session on RCV was necessary and productive. He said that it provided valuable insights into RCV costs and implementations. He said that they heard the argument that RCV was unnecessary in Albemarle due to the low number of candidates for County supervisors. He said that this critique of RCV was a valid point and deserved consideration.

Mr. Earle said that it raised the question of whether the democratic value of RCV was actually valued by a majority of Albemarle citizens. He said that they currently did not know if it was supported by them or not. He said that there was an online petition with about 150 signatures in support of RCV. He said that while this was a positive step, he would argue that a third-party petition, which he had signed,

was fundamentally inadequate to judge whether taxpayer citizens supported the cost-to-value proposition of RCV and the decision that the Board may have to make.

Mr. Earle said that with the wealth of information gained today on the costs and implementation of RCV, he suggested that it was the perfect time for the County staff to compile the information, make it available on the internet, and conduct an internet survey asking County voters whether they wanted RCV or not. He said that some individuals did not favor RCV, and they may never change their minds. He said that however, there were others who were in favor of it; they just didn't know the numbers.

Mr. Earle said that in a representative democracy like theirs, policy decisions and government spending were determined by the majority's will. He said that if a significant majority of County voters, such as more than 60% and thousands of respondents, were not willing to fund RCV, then they should not accept it. He said that they could not know this until they asked. He said that they had a very talented and capable communications staff in their County who could ask this question. He said that they were at a point now where they should be conducting professional online polling to determine whether it was actually supported by citizens.

Mr. Earle said that RCV had been adopted in most places through voter referendum or ballot initiative, not by a decision of a representative Board like theirs. He said that the next best option to figure out whether it was actually supported by citizens was to conduct professional online polling, which could be done by their staff.

Mr. Randy Zackrisson, Samuel Miller District, said that he had been a resident of Albemarle County for the past 40 years. He said that he was happy with the decision to open a Home Depot and he looked forward to for it. He said that he congratulated them on the Triple-AAA award, which was great. He said that he was there that night to discuss RCV. He said that although he might be considered old-fashioned, he believed in the one-person, one-vote system that had been the standard for electing officials in their country for over 248 years.

Mr. Zackrisson said that he considered this system simple, straightforward, and easily understood by voters, who generally accepted the results. He said that he was surprised that they were now considering a new, unproven idea of a proportional vote that was complex and controversial. He said that he questioned why they were doing this. He said that RCV was expensive, confusing, and had significant opposition.

Mr. Zackrisson said that he questioned whether they were aiming to increase voter confidence and security in their elections. He said that it was subject to manipulation and was not transparent. He said that people could not witness the calculation of the votes. He asked if they were trying to solve an issue of voter participation in elections. He said that RCV had a proven track record of discouraging people from voting because they did not understand it or trust it.

Mr. Zackrisson said that the other issue that they may be trying to solve was that too many candidates were running for office, but he had never seen that in Albemarle County. He said that the real issue was finding any candidate for a local office, not too many candidates. He asked them not to interfere with his vote. He said that he took the time to research and choose the candidate he believed in. He said that forcing him to vote for a candidate he would never support was not acceptable.

Ms. Judy Schlusel, Rio District resident and Rio 29 CAC member, said that development was occurring all around Dunlora, Dunlora Park, Belvedere, Dunlora Village, also known as Dunlora Farm, and would continue for several years.

Ms. Schlusel said that when Belvedere was first being developed, a collaborative effort between Rio District Supervisor Ned Gallaway, a representative from Albemarle County Planning, as well as representatives from VDOT, worked together to install no-through truck signs to keep Dunlora roads safe, one on Dunlora Drive and the other on Loring Run.

Ms. Schlusel said that there had been a great deal of evaluation prior to having these signs installed with the anticipated hope that the roads in Dunlora would be safe from truck traffic generated by the construction in Belvedere. She said that as Belvedere continued to be developed, there had been an increase in truck traffic and could somewhat be compared to "Follow the yellow brick road" from the Wizard of Oz. She said that the construction people and developers have failed to abide by the signs.

Ms. Schlusel said that when Belvedere was a concept, the developers should have thought outside the box, looking to the future as to how the construction trucks would navigate the roads. She said that the Albemarle County Police had been informed about the situation, but due to staffing constraints, they could not patrol the area continuously. She said that on August 20, she observed a large red flatbed truck traveling up Dunlora Drive from Belvedere. She said that this truck was one of many she had seen traveling through Dunlora. She said that she had videos from a resident in the Loring area documenting the trucks on the roads.

Ms. Schlusel said that with Albemarle County Schools starting on August 21, she was concerned about the safety of the children in Dunlora. She said that there were no sidewalks for the children to walk on or wait for the bus. She said that if the children ran around while waiting for the bus, there was a significant risk that a truck driver might not be able to stop in time to avoid hitting a child. She

said that the safety of all residents was of utmost importance.

Ms. Schlusel said that Belvedere was still under construction, and the residents of Dunlora should not have to endure the truck traffic for many years to come. She said that she was inquiring about the enforcement of no-through truck signs to ensure the safety of their roads in Dunlora. She said that she kindly requested assistance in keeping their roads safe.

Mr. Kent Schlusel said that on July 22, 2022, he presented much of what he was presenting now to the Board. He said that despite this, he had seen no action on limited clear-cutting. He said that to refresh their memory, on July 5, 2022, the Daily Progress had an article from the Richmond Times-Dispatch titled, "Urban Heat Islands Are Dangerous." He said that the article emphasized that neighborhoods without trees become heat islands.

Mr. Schlusel said that trees were the most crucial asset in improving their environment. He said that it was not electric cars that used electricity. He said that it was not solar panels that did not provide electricity at night or wind power without wind. He said that it was trees. He said that he wanted to go through a couple of slides to refresh some of their memories.

Mr. Schlusel said that the benefits of trees, according to the Department of Agriculture, included producing oxygen and filtering carbon dioxide and all pollutants. He said that there was enough oxygen for a year for 18 people from a single tree. He said that the Amazon forest actually supplied about 20% of the world's trees. He said that Albemarle County's clearcutting was a very common practice. He said that on just 15 acres, which marked the beginning of the new Belvedere development, they had deprived 270 people of oxygen. He said that recently, over 60 acres had been cleared.

Mr. Schlusel said that multiplying this by four, they were significantly reducing the oxygen available to residents. He said that the carbon dioxide filtering capacity was being compromised. He said that when they went up Route 29 north, the situation worsened, with even fewer oxygen levels available. He said that this was evident in the recent clearcut in Belvedere, which he wished to highlight.

Mr. Schlusel said that the image displayed was of a tree, likely between 50 and 75 years old, that was recently removed from the Dunlora property line. He said that this tree served as an example of the impact of clearcutting. He said that it was larger than the proposed development by Home Depot. He said that the area used to have rolling hills, which had been leveled and filled in, resulting in a flat landscape. He said that the real danger lay in the potential harm to trails and streams.

Mr. Schlusel said that the next image was the Rivanna Trail, and the property line where the tree was. He said that the recent rain had caused mud to overflow into the stream, which was located right there. He said so much for the buffers that they were supposed to have between the wetlands and streams, and that he was perplexed as to why they could not impose restrictions on developers to prevent clearcutting. He said that trees played a crucial role in lowering temperatures and providing shade.

Agenda Item No. 16. Public Hearing: Fiscal Year 2025 Budget Amendment and Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The cumulative total of the Fiscal Year 2025 (FY 25) appropriations itemized below is \$14,303,282. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 25 Budget Amendment totals \$14,303,282. The estimated expenses and revenues included in the proposed amendment are shown below:

PROPOSED FY 2024-25 BUDGET AMENDMENT

ESTIMATED REVENUES

Local Revenues	\$	39,392
State Revenues	\$	1,861,045
Federal Revenues	\$	6,037,362
Other Fund Balances	\$	6,365,482
TOTAL ESTIMATED REVENUES	\$	14,303,282

ESTIMATED EXPENDITURES

General Fund	\$	1,618,061
Special Revenue Funds	\$	12,675,926
Capital Funds	\$	9,294
TOTAL ESTIMATED EXPENDITURES	\$	14,303,282

The budget amendment is comprised of a total of 8 separate appropriations, two of which have already been approved by the Board of Supervisors.

- One appropriation approved 6/12/2024
- One appropriation approved 8/7/2024
- Six appropriation requests for approval on August 21, 2024 as described in Attachment A.

After the public hearing, staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriation for local government projects and programs, as described in Attachment A.

Appropriation #2025003

Sources:	Housing Fund's Fund Balance	\$3,908,016
	General Fund's Fund Balance	\$1,603,485
Uses:	Housing Fund	\$3,908,016
	Business Process Optimization Reserve	\$1,603,485
Net Change to Appropriated Budget:		\$5,511,501

Description:

This request is to re-appropriate Special Revenue Funds, Other Funds, and Reserves as outlined below.

- This request is to re-appropriate \$3,908,016 in Housing Fund's fund balance for a Housing Fund Reserve intended to support housing initiatives that are one-time costs and will support the County's strategic and housing goals. \$3,725,000 of this amount is obligated to projects and programs that are continued from FY24, the remaining \$183,016 will be placed in the FY25 Housing Fund Reserve.
- This request is to re-appropriate \$1,603,485 in the Business Process Optimization reserve to the Office of Performance and Strategic Planning for continued support of organizational efforts, including the Core Systems Modernization project. Funding for these efforts was not included in the FY 25 Adopted budget with the understanding that balances remaining at the end of FY 24 would be re-appropriated.

Appropriation #2025004

Sources:	Local Revenue	\$9,294
Uses:	Capital Project:	\$9,294
Net Change to Appropriated Budget:		\$9,294

Description:

This request is to appropriate \$9,294 in local revenue collected as part of a bond default to support work required to meet obligations related to a Water Protection Performance Bond for the development of Pantops Corner.

Appropriation #2025005

Sources:	Federal Revenue	\$5,574,827
	State Revenue	\$76
	Special Revenue Funds' Fund Balances	\$853,981
Uses:	American Rescue Plan Act (ARPA) broadband projects	\$5,976,874
	Virginia Department of Forestry (VDOF) Forest Sustainability Fund	\$416
	Opioid Direct Settlement Fund	\$451,594
Net Change to Appropriated Budget:		\$6,428,884

Description:

This request is to re-appropriate the following funds:

- \$5,574,827, a portion of the American Rescue Plan Act (ARPA) funds' fund balance, for the continuation of programming in human services economic vitality projects, broadband, and ARPA eligible uses. Of this amount:
 - \$3,487,827 to the Albemarle Broadband Authority (ABBA) for the continued work on the Virginia Telecommunication Initiative (VATI) 2022 grant.
 - \$2,087,000 for the Broadband Accessibility and Affordability Office's continued work on ARPA eligible broadband uses which may include, but not be limited to grants, installing fiber for development areas where fiber is not currently planned.
- An additional \$402,047 in Special Revenue Funds' Fund balance will support the completion of the project.
- \$340 in Special Revenue Funds' Fund Balance and \$76 in State Revenue received from the Virginia Department of Forestry (VDOP) Forest Sustainability Fund to continue to fund projects supporting conservation efforts including invasive species control.
- \$451,594 for the Opioid Direct Settlement Fund, comprised of the fund's fund balance from the prior year. Funds will be released based on programming proposals approved by the County Executive, consistent with prior appropriations of these revenues

Appropriation #2025006

Sources:	Reserve for Contingencies (currently appropriated)	\$24,000
Uses:	General Fund – Magistrate	\$9,000
	General Fund – Parks and Recreation	\$15,000
Net Change to Appropriated Budget:		\$0

Description:

This request is to appropriate previously appropriated funds from the FY 25 Reserve for Contingencies for uses outlined below.

- This request is to appropriate \$9,000 to the Magistrate's Office for required accessibility improvements and security upgrades to the Magistrate's Office facility. The costs of these upgrades are split 50/50 between the City of Charlottesville and Albemarle County, this amount represents the County's share of the cost for these improvements.
- This request is to appropriate \$15,000 to Parks and Recreation for signage and gates related to the Free Bridge Lane Promenade Pilot.

Appropriation # 2025007

Sources:	Federal Revenue	\$460,459
	State Revenue	\$1,848,545
	Local Revenue	\$30,022
	Local Revenue (currently appropriated)	\$30,000
Uses:	Environmental Justice Government to Government Grant	\$460,459
	Virginia Opioid Abatement Authority Grants for Cooperative Partnerships	\$1,892,185
	Help Eliminate Auto Theft Financial Aid (HEAT) Grant	\$12,360
	Virginia Rules Camp Grant Program	\$4,000
	Virginia Department of Forestry (VDOP) Forest Sustainability Fund	\$22
Net Change to Appropriated Budget:		\$2,339,026

Description:

This request is to appropriate the following in grant and special revenue funding:

- \$460,459 in federal revenue for the Environmental Protection Agency (EPA) Environmental Justice Government to Government Grant to support developing and implementing a Climate Adaptation and Resilience Plan in conjunction with the City of Charlottesville through a process of competitive grants to local community-based organizations.
- \$639,225 in state revenue and \$30,000 in matching local money from the County and Region Ten Community Services board as a pass-through grant for cooperative partnerships to expand the Blue Ridge Center Community Response and Community Drop In. This grant is in partnership among Albemarle County, Region Ten, Nelson County, Louisa County, Greene County, Fluvanna County, and the City of Charlottesville. Albemarle County is acting as fiscal agent. Programming of this grant will commence upon a signed memorandum of agreement by all parties.
- \$1,192,960 in state revenue and \$30,000 in matching local money from the County and Region Ten Community Services board as a pass-through grant to Region Ten Community Service Board to expand their Crisis Intervention Team Assessment Center (CITAC). This grant is in partnership among Albemarle County, Region Ten, Nelson County, Louisa County, Greene County, Fluvanna County, and the City of Charlottesville. Albemarle County is acting as fiscal agent. Programming of

- this grant will commence upon a signed memorandum of agreement by all parties.
- \$22 in local interest revenue in the Virginia Department of Forestry (VDOP) Forest Sustainability Fund to continue to fund projects supporting conservation efforts including invasive species control.
 - \$12,360 in state revenue for the Help Eliminate Auto Theft Financial Aid (HEAT) Grant. This grant supports the acquisition of Automatic License Plate Recognition (ALPR) systems.
 - \$4,000 in state revenue for the 2024 Virginia Rules Camp Grant. This grant supports the local Virginia Rules Summer Camp where at risk middle schoolers are educated on the dangers of joining gangs as well as the dangers associated with drug and alcohol abuse while having a positive interaction with law enforcement.

Appropriation #2025008

Sources:	State Revenue	\$2,076
	Federal Revenue	\$12,500
Uses:	General Fund – Department of Social Services	\$14,576
Net Change to Appropriated Budget:		\$14,576

Description:

This request is to appropriate \$14,576 in combined State and Federal revenue to the Department of Social Services. This funding is for programs in Housing Support and Fatherhood Engagement & Support.

Mr. Ryan Davidson, Deputy Chief of the Office of Management and Budget, said that the agenda item was a public hearing and action item to amend the FY25 budget. He said that he had just one slide with some details, which he would present now. He said that afterward, he would hand over the presentation to the Chair and the Board for any questions and to hold the public hearing.

Mr. Davidson said that according to the Virginia Code, a public hearing was required before amending the budget when the amendment exceeded 1% of the currently appropriated budget. He said that this situation applied tonight. He said that the budget amendment was approximately \$14.3 million and was composed of the items listed on the slide.

Mr. Davidson said that Attachment A, included in today's packet, included more details on these appropriations. He said that they had \$8.7 million in grant funds, including broadband projects through ARPA (American Rescue Plan Act), opioid funding, opioid abatement funds, smaller EPA (Environmental Protection Agency) grants, and smaller public safety grants. He said that there was approximately \$3.9 million in special revenue funds, which were mainly reappropriations, including the housing fund.

Mr. Davidson said that there was approximately \$1.6 million for the general fund, which included business process optimization funding and some state and local and federal funding for Social Services. He said that additionally, there was approximately \$9,000 in capital fund revenue related to a water performance protection fund. He said that to conclude the presentation, staff recommended that, after the public hearing, the Board approve Attachment B.

Mr. Andrews, hearing no questions from the Board, opened the public hearing. Seeing no speakers, he closed the public hearing, and the matter rested with the Board. With no comments from the Board, he asked for a motion.

Ms. Mallek **moved** that the Board of Supervisors adopt the budget amendments (Attachment B).

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 Mr. Pruitt.
NAYS: None.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2025 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 25 Budget is amended to increase it by \$14,303,282;
- 2) That Appropriations #2025003; #2025004; #2025005; #2025006; #2025007 and #2025008 are approved;
- 3) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2025.

APP#	Account String	Description	Amount
2025003	4-5801-59100-481000-560000-0058	SA2025003 Remaining PHA contribution	\$2,025,000.00
2025003	4-5801-59100-481000-560000-0057	SA2025003 Remaining Habitat contribution	\$1,000,000.00
2025003	4-5801-59100-481000-560000-0083	SA2025003 Remaining VA Supportive Housing contribution	\$700,000.00
2025003	4-5801-94000-499000-999999-9999	SA2025003 Remaining contingency funding	\$183,016.19
2025003	3-5801-99000-352000-510100-9999	SA2025003 End of FY24 Housing Fund Balance Reappropriation	\$3,908,016.19
2025004	4-9028-91000-491000-940070-9999	SA2025004 SA2025004 Pantops Corner Bond	\$9,294.40
2025004	3-9028-99000-352000-510100-9999	SA2025004 SA2025004 Pantops Corner Bond	\$9,294.40
2025005	3-5464-71012-315000-150101-9999	SA2025005 Opioid Distributor	\$85,828.12
2025005	3-5811-99000-352000-510100-9736	SA2025005 Opioid Janssen	\$152,251.59
2025005	3-5811-99000-352000-510100-9737	SA2025005 Opioid Mallinckrodt	\$19,657.90
2025005	3-5811-99000-318001-189945-9999	SA2025005 Opioid Allergan	\$13,482.57
2025005	3-5811-99000-318001-189946-9999	SA2025005 Opioid Walmart	\$118,743.24
2025005	3-5811-99000-318001-189947-9999	SA2025005 Opioid Walgreens	\$32,450.87
2025005	3-5811-99000-318001-189948-9999	SA2025005 Opioid Teva	\$12,184.93
2025005	3-5811-99000-318001-189949-9999	SA2025005 Opioid CVS	\$16,994.87
2025005	4-5811-99000-499000-999999-9999	SA2025005 Opioid Contingency Fund	\$451,594.09
2025005	3-5126-51700-351000-512104-9999	SA2025005 BAAO ARPA	\$2,489,047.00
2025005	3-4301-91097-351000-512104-9999	SA2025005 ABBA ARPA	\$3,487,827.16
2025005	4-5126-51700-412000-950030-9999	SA2025005 BAAO ARPA	\$2,489,047.00
2025005	4-4301-91097-491097-345700-9999	SA2025005 ABBA ARPA	\$3,487,827.16
2025005	3-5121-99000-352000-510100-9999	SA2025005 ARPA Main Fund	\$5,574,827.16
2025005	4-5121-99000-493000-934002-9999	SA2025005 ARPA ABBA	\$3,487,827.16
2025005	4-5121-12600-412000-950030-1616	SA2025005 ARPA BAAO	\$2,087,000.00
2025006	4-1000-94000-499000-999990-9999	SA2025006 Reduce contingency	-\$24,000.00
2025006	4-1000-71200-471000-331300-9999	SA2025006 Parks & Recreation - Signs	\$15,000.00
2025006	4-1000-21300-421000-700003-9999	SA2025006 Magistrate - ADA	\$9,000.00
2025007	3-5111-41200-333000-330001-9999	SA2025007 Environmental Justice Government to Government Grant	\$460,459.00
2025007	3-5330-51100-324000-240500-9999	SA2025007 OAA CITAC Expansion	\$1,192,960.00
2025007	3-5330-51100-318120-189913-9999	SA2025007 OAA CITAC Expansion Region 10 Match	\$15,000.00
2025007	3-5330-51100-318120-180180-9999	SA2025007 OAA CITAC Expansion County Match	\$15,000.00
2025007	3-5331-51100-324000-240500-9999	SA2025007 OAA Community Outreach	\$639,225.00
2025007	3-5331-51100-318120-189913-9999	SA2025007 OAA Community Outreach Region 10 Match	\$15,000.00
2025007	3-5331-51100-318120-180180-9999	SA2025007 OAA Community Outreach County Match	\$15,000.00
2025007	3-5464-71012-315000-150101-9999	SA2025007 Forest Sustainability Fund	\$21.60
2025007	3-5464-99000-352000-510100-9999	SA2025007 Forest Sustainability Fund	\$415.16
2025007	3-5110-31100-324000-240500-9999	SA2025007 HEAT Grant	\$12,360.00
2025007	3-5441-31100-324000-240500-9999	SA2025007 Virginia Rules Camp Grant	\$4,000.00
2025007	4-5330-51100-452000-593000-9999	SA2025007 OAA CITAC Expansion	\$1,222,960.00
2025007	4-5331-51100-452000-593000-9999	SA2025007 OAA Community Outreach	\$669,225.00
2025007	4-5464-71012-471010-331300-9999	SA2025007 Forest Sustainability Fund	\$436.76
2025007	4-5110-31100-431000-601000-9999	SA2025007 HEAT Grant	\$12,360.00
2025007	4-5111-41200-333000-330001-9999	SA2025007 Environmental Justice Government to Government Grant	\$460,459.00
2025007	4-5441-31100-431000-379000-9999	SA2025007 Virginia Rules Camp Grant	\$750.00
2025007	4-5441-31100-431000-552100-9999	SA2025007 Virginia Rules Camp Grant	\$2,500.00
2025007	4-5441-31100-431000-600000-9999	SA2025007 Virginia Rules Camp Grant	\$750.00
2025008	3-1000-51001-324000-240111-9999	SA2025008 Assistance - Social Services	\$2,076.00
2025008	3-1000-51001-333000-330022-9999	SA2025008 Services - Social Services	\$12,500.00
2025008	4-1000-51200-453000-571135-9999	SA2025008 Housing Support-Non-Fostering	\$2,076.00
2025008	4-1000-51200-453000-570660-9999	SA2025008 Fatherhood Engagement & Support	\$12,500.00
2025007	3-5331-51100-318120-180180-9999	APP2025007 OAA Community Outreach County Match	\$15,000.00
2025007	3-5464-71012-315000-150101-9999	APP2025007 Forest Sustainability Fund	\$21.60
2025007	3-5464-99000-352000-510100-9999	APP2025007 Forest Sustainability Fund	\$415.16
2025007	3-5110-31100-324000-240500-9999	APP2025007 HEAT Grant	\$12,360.00

2025007	3-5441-31100-324000-240500-9999	APP2025007 Virginia Rules Camp Grant	\$4,000.00
2025007	4-5330-51100-452000-593000-9999	APP2025007 OAA CITAC Expansion	\$1,222,960.00
2025007	4-5331-51100-452000-593000-9999	APP2025007 OAA Community Outreach	\$669,225.00
2025007	4-5464-71012-471010-331300-9999	SA2025005 APP2025007 Forest Sustainability Fund	436.76
2025007	4-5110-31100-431000-601000-9999	SA2025005 APP2025007 HEAT Grant	12360.00
2025007	4-5111-41200-333000-330001-9999	SA2025005 APP2025007 Environmental Justice Government to Government Grant	460459.00
2025007	4-5441-31100-431000-379000-9999	SA2025005 APP2025007 Virginia Rules Camp Grant	750.00
2025007	4-5441-31100-431000-552100-9999	SA2025005 APP2025007 Virginia Rules Camp Grant	2500.00
2025007	4-5441-31100-431000-600000-9999	SA2025005 APP2025007 Virginia Rules Camp Grant	750.00

Agenda Item No. 17. **Public Hearing: SP202300018 Kappa Sigma International Headquarters**

PROJECT: SP202300018 Kappa Sigma International Headquarters
 MAGISTERIAL DISTRICT: Scottsville
 TAX MAP/PARCELS: 09100-00-00-016A1 and 09100-00-00-016A2
 LOCATION: 1610 Scottsville Road
 PROPOSAL: Request to amend existing special use permit (SP200600021) for a fraternal club. The proposal includes the relocation of an approved future building site from the middle of the property adjacent to the parking lot to be northwest of the existing building, parallel with the northwestern property line. In addition, a new landscape area is proposed between the existing building and the proposed building.
 ENTRANCE CORRIDOR: Yes
 ZONING: R-1 Residential - 1 unit/acre
 OVERLAY DISTRICT: Steep Slopes – Managed and Steep Slopes – Preserved
 COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses. Secondary use is for Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams. In Neighborhood 4 of the Southern and Western Neighborhoods Master Plan.

The Executive Summary forwarded to the Board states that, at its meeting on April 23, 2024, the Planning Commission (PC) voted 5:1 to recommend approval of SP202300018 Kappa Sigma International Headquarters with both the conditions stated in the staff report as well as an additional condition to require a base floor elevation of 527 feet for the relocated building, and a recommendation to update the Concept Plan to provide pedestrian improvements along Route 20.

During the PC’s public hearing, three speakers expressed concerns about noise, impacts to their viewshed, and the stability of the landscaping conditions between Avinity Estates and the Kappa Sigma Fraternity site.

Attachments A, B, and C are the PC staff report, action letter, and meeting minutes.

At its public hearing, the PC discussed the location of the proposed building and potential effects on the existing viewshed, noise, landscaping conditions, and stormwater management on the site. The PC was specifically concerned about the feasibility of the grading and details of the proposed cross-section, including retaining walls.

The PC recommended approval with an additional condition to require a base floor elevation of 527 feet for the proposed building. Following the meeting, staff and the applicant engaged in further discussion to respond to PC and public hearing comments. The applicant provided a revised conceptual plan (Attachment D) which revised the cross-section from a finished floor elevation of 527 feet to 527.5 feet to provide a positive drainage around the loading area of the proposed building. Additionally, the conceptual plan was updated to illustrate that the rear wall of the proposed building has a retaining wall to avoid impacting the existing trees and natural landscaping buffer. Lastly, the conceptual plan now illustrates the proposed path along Route 20.

The PC recommended a condition for the base elevation to be at 527 feet. However, staff recommends revising this condition to a base elevation of no more than 528 feet. Staff believes that this condition would still preserve the viewshed of nearby residents while also improving drainage and allowing flexibility for the applicant during construction. The County Attorney’s Office has also recommended non-substantive revisions to the proposed conditions.

Furthermore, following the PC meeting, the applicant requested for Condition #4 to be removed from the recommended conditions. The applicant cited that since the Kappa Sigma International Headquarters site is private, a pedestrian connection from the future path along Route 20 was not needed. Staff believes that the condition may be removed since the future path along Route 20 will still be constructed and future pedestrian or bicycle traffic may still enter the Kappa Sigma International Headquarters site through the existing driveway.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve SP202300018 Kappa Sigma International Headquarters with the proposed revised conditions.

Mr. Syd Shoaf, Senior Planner II, said that he would be presenting the staff's report for Special Use Permit SP 202300018, concerning the Kappa Sigma International Headquarters. He said that this special use permit sought to amend an existing special use permit to relocate and enlarge a previously approved building.

Mr. Shoaf said that the subject property spanned approximately 6.14 acres and was located south of the City of Charlottesville at 1610 Scottsville Road. He said that it was situated in R-1 Residential zoning and had been the site of the Kappa Sigma International Headquarters since 2004. He said that the Comprehensive Plan designated this area as Urban Density Residential. He said that this site had been home to the Kappa Sigma International Headquarters for the past 20 years. He said that the existing building on the site measured approximately 22,977 square feet and consisted of three stories. He said that it served various purposes, including administration, meetings, a museum, and other associated uses.

Mr. Shoaf said that the initial special use permit for the construction of the existing building was granted in 2004. He said that another special use permit was approved in 2006 to expand the existing building and construct an additional building on the site. He said that currently, a major site plan was under review to construct the approved building expansion. He said that the surrounding properties were zoned as residential or rural.

Mr. Shoaf said that to the north, the property was owned by Scottsville Road Holdings, LLC, and was zoned R-1 Residential. He said that it included a pavilion and overflow parking for the Kappa Sigma International Headquarters. He said that to the northwest was the Galaxie Farms subdivision, zoned Planned Residential Development (PRD). He said that to the west and southwest was Avinity Estate subdivision, also zoned PRD. He said that lastly, to the south, across Route 20, lay Somerset Farm, zoned Rural Areas.

Mr. Shoaf said that the applicant proposed to relocate the building from the parking lot to be adjacent to the property line with the Avinity Estates townhomes. He said that the proposed building was a one-story structure, approximately 8,790 square feet in size, with a maximum height of 27.5 feet to the center peak of the roofline. He said that it was to be used to display archives and memorabilia associated with Kappa Sigma. He said that in addition, the building may be used for meetings and support facilities such as classrooms, research, storage, and guest suites.

Mr. Shoaf said that the previously approved building from SP200600021 was approved to be roughly 1200 square feet with the same uses. He said that additionally, the applicant was proposing a new delivery area and accessway to the rear of the proposed building as well as a new landscaped area between the existing building and the proposed building.

Mr. Shoaf said that a cross-section profile view of the proposed building was provided if approval was granted. He said that to the left, the Avinity Estates townhomes were situated. He said that between the townhomes, there was an existing six-foot privacy fence and a roughly 12-foot open space parcel owned by the Avinity Estates HOA, which contained existing vegetation.

Mr. Shoaf said that on the Kappa Sigma property, there was a 20-foot use buffer consisting of existing vegetation and the proposed building, which was set back 50 feet, complying with County setback requirements. He said that the finished floor elevation of the proposed building would be between 8 feet to 27 feet below the finished floor elevation of the townhomes and Avinity Estates. He said that the dashed gray lines over the proposed building, shown in the middle of the top photo, corresponded to the proposed cupola heights in the images below.

Mr. Shoaf said that these proposed renderings depicted what the one-story building could look like. He said that if approved, it would be subject to Architectural Review Board (ARB) review to ensure compliance with entrance corridor guidelines. He said that the red dashed line in the image represented the average height of eyesight of an individual who is 5 foot 7 from their backyard. He said that above the proposed building, the dashed gray lines corresponded to the maximum height of 27.5 feet of the cupola on the building.

Mr. Shoaf said that the special use permit application had been reviewed under the factors for consideration as outlined in the Zoning Ordinance. He said that staff believed that the proposed special use permit would not be detrimental to adjacent parcels, would not change the character of the nearby area, would continue to be in harmony with the R-1 Residential zoning district, and was consistent with the Comprehensive Plan.

Mr. Shoaf said that there were nine conditions drafted for this special use permit. He said that most of these conditions were carryovers from the previously approved special use permit, with condition one being modernized with new language. He said that conditions 1C, 1D, and 1E were added to address the new building. He said that since the PC public hearing, condition number nine was added, stating that the base elevation must not exceed 528 feet.

Mr. Shoaf said that at the public hearing, the PC recommended adding a condition that the base elevation be at 527 feet for the proposed building. He said that however, staff assessed that a base

elevation of no more than 528 feet would still preserve the viewshed of nearby residents of Avinity Estates while also improving drainage and allowing flexibility for the applicant during construction. He said that a condition was removed for a pedestrian bike connection from the future Route 20 path to the Kappa Sigma site.

Mr. Shoaf said that there were two factors favorable for this application. He said that it was found to be consistent with the review criteria for special use permits contained in the Zoning Ordinance and the use was consistent with the Southern and Western Neighborhoods Master Plan. He said that there were no identified factors unfavorable. He said that staff recommended that the Board adopt the attached resolution to approve Special Use Permit SP202300018 for the Kappa Sigma International Headquarters with the proposed revised conditions.

Ms. Mallek said that there was a mention of music, entertainment, and special events in the communications, but she did not hear anything about that in staff's presentation.

Mr. Shoaf said that the special use permit previously approved had allowed them to host events such as those. He said that during the PC meeting, there had been inquiries regarding noise levels. He said that a representative from Zoning had been able to address these concerns and discuss the types of noise that might be expected. He said that while the applicant could potentially provide more details about the events they were planning, from the application materials, it was understood that they hosted annual events and a member conference that occurred infrequently.

Ms. Mallek asked if those events were hosted outdoors.

Mr. Shoaf said that was correct.

Ms. Mallek asked how the base elevation was related to the height of the proposed building.

Mr. Shoaf said that on the left side of the graphic, there were Avinity Estates townhomes, which were situated at a higher elevation. He said that the dashed red line represented the sight line of someone who was 5 foot 7 inches looking towards the subject property. He said that if one moved past the trees to the right, there was a label for a proposed building.

Mr. Shoaf said that the shape of the triangle indicated the height of the one-story building proposed. He said that the dashed gray line above the dark black line in the proposed building represented the cupola. He said that these six towers, or three towers, were peaking above the roof line. He said that the dashed line was meant to represent the maximum height of 27.5 feet of the cupola.

Ms. Mallek asked if those features were only on the existing building.

Mr. Shoaf said that they would be on the new building.

Ms. McKeel asked for clarification regarding pedestrian and bicycle paths at this site.

Mr. Shoaf said that the applicant requested that a specific condition be removed. He said that the phrasing of that condition was that the pedestrian connection from the future pedestrian/bike pathway on Route 20 into the site must be constructed with the site improvements from Route 20 to buildings and aligned along the travelway. He said that the picture on the left of the graphic illustrated the approved SP200600021, and he had highlighted in yellow that that was the application plan. He said that that was what the intent of this condition was supposed to look like.

Mr. Shoaf said that the applicant argued that since the site was private, they did not wish for a public pathway onto their property. He said that they were comfortable with their attendees entering the site via the existing travelway. He said that the eight-foot asphalt trail was a separate condition to be constructed along Route 20. He said that the applicant did not want the connection from Route 20 onto their site.

Ms. McKeel clarified that the trail would be remaining on the road.

Mr. Shoaf said that was correct.

Ms. McKeel asked if they would be allowed to use their roadway as access.

Mr. Shoaf said that because it was a private site, the applicant wished to only allow people who had been invited onto the premises to use their roadway, but that they did not want a public pathway from the Route 20 path.

Mr. Pruitt said that he understood that the current sightlines drawing was a response to significant community feedback received at both the CAC (Community Advisory Committee) level and the PC. He said that he was pleased to see that the applicant was now planning to build down rather than intrude on the sightline.

Mr. Pruitt said that however, residents of the Avinity community had expressed concerns about the presence of rock in the soil, which may make it infeasible to construct the additional building as described in the site plan. He said that he wondered what options the applicant would have in such a scenario if they later discovered that the rock made it impossible to lay the foundation of the new facility

where they intended and they wanted to build it higher on the ridge.

Mr. Shoaf said that the way the material had been resubmitted, there was an expectation of flexibility to avoid issues with rocks and roots. He said that however, if any problems arose in the field, the condition stating no more than 528 feet would require internal deliberation to decide if it aligned with general accord. He said that based on the current phrasing, it did not appear that way. He said that it may necessitate their coming back to revise the special use permit, but this decision would be made after internal staff discussions.

Mr. Pruitt said that he was uncomfortable with the amount of uncertainty regarding the results of approval.

Mr. Shoaf clarified that internal discussions would include Planning staff, Zoning staff, the County Attorney's Office, and other applicable staff who would need to interpret the situation and the approved conditions.

Mr. Andrews asked if the delineated uses for the building were restrictive or were simply expectations and not required. He said that he did not see conditions that related to the uses.

Mr. Shoaf said that those uses had been approved with the previous special use permit, so they were consistent with what was already occurring on the site. He said that the uses staff had outlined for the new building were the same uses that had been approved with the SP200600021. He said that therefore staff had not felt that any additional conditions needed to be included for those uses.

Mr. Andrews asked if those listed uses were carried over from the previous special use permit.

Mr. Shoaf said that was correct.

Mr. Andrews asked if more information could be given regarding the location of the retaining wall.

Mr. Shoaf said that he believed the applicant could provide more details regarding the retaining wall. He said that from his understanding, the retaining wall would be located where the delivery area accessway was, and the rear of the proposed building would also serve as a retaining wall.

Mr. Andrews asked what constituted the roof of the structure.

Mr. Shoaf said that the applicant could provide details on the cupola and their proposed designs.

Ms. Mallek said that the mention of general accord reminded her that it did not necessarily mean 528 feet. She said that if this project were to be approved, it could be changed to accord, which meant it has to meet that standard. She said that the County Attorney could correct her if she was mistaken. She said that over the past 17 years, they had numerous exchanges where they did not get the wording right and it provided too much flexibility for the project. She said that the uncertainty was really troubling.

Mr. Andrews opened the public hearing.

Mr. Tom Bishop said that he was a trustee on the foundation board that operated and managed this facility, and he would be overseeing the development project. He said that he had great gratitude for their time that night and for the professionalism of the staff as they worked through the process. He said that they were seeking a minor modification to the existing site plan.

Mr. Bishop said that the second building, which was already approved, was denoted by a basic dashed outline running parallel to the parking lot. He said that however, it was not clear from the site plan that the originally approved building was a two-story structure. He said that their proposal was to rotate the building and reduce it to a one-story structure. He said that this modification would have several benefits. He said that it would allow them to minimize any impact to sight lines across the property.

Mr. Bishop said that it would also significantly reduce the amount of excavation required for the foundation and footing for a one-story building compared to a two-story building with elevators. He said that this change would also significantly reduce the construction time for the project. He said that they believed this solution considered community feedback and allowed them to maintain existing uses as per the original site plan.

Mr. Bishop said that regarding the uses, they were not proposing any new uses. He said that the organization had grown to the point that they needed more space to perform their duties. He said that they had held gatherings there occasionally, with two events: one in 2019 and one 2023. He said that on one night in July 2019, they hosted fireworks and a band, which concluded by 10:30 p.m. He said that they would continue to manage and comply with sound requirements.

Ms. Ammy George, a landscape architect with Roudabush and Gale, said that she represented the applicant. She said that she wanted to discuss the sight line that they had previously discussed and the question about the cupolas. She said that they had put considerable effort into refining the grading plan and the site layout to address comments and feedback from the community. She said that they aimed to maintain the sight line for the adjacent owners, as they did not wish to be bad neighbors.

Ms. George said that the main roof line was situated between the peaks, approximately 19 feet tall, with the end peaks reaching 23 feet. She said that the items above the roof line were not cupolas but likely chimney features not included within the building's height. She said that the middle peak stood at 27 feet. She said that they designed this so that the roof line and views could extend over the existing building and onto Carter's Mountain. She said that they used an average height of 5 feet, 7 inches, which represented the combined average height of men and women combined.

Ms. George said that they were planning to sink the building and use the back wall as a retaining wall for approximately five feet. She said that there were two retaining walls adjacent to the delivery area. She said that their goal was to minimize the height and extent of the wall, keeping it no more than five feet tall on both sides. She said that they refined the grading to minimize or eliminate the impact on the existing 20-foot landscape buffer and to preserve the evergreen trees that Kappa Sigma had planted in front of that buffer. She said that they were very mindful in their design and community feedback to present a product that benefited the community.

Ms. George said that regarding the sidewalk, they had removed it up to the parking lot. She said that there was a gate at the entrance of the existing Kappa Sigma building that closed during off hours. She said that they did not want to create an attractive nuisance, as it seemed unfair to ask a private entity to have the public to use their facilities without any regulation or oversight due to potential vandalism, litter, or accidents.

Ms. Mallek asked if more information could be provided regarding their fireworks.

Mr. Bishop said that they entered into an agreement with the landowner on the Carter Mountain side. He said that the fireworks were shot from across the road, up on their hill. He said that however, they never got any closer than the road. He said that as long as they maintained that arrangement with the landowner, and the landowner continued to host a large social function at the same time, they would both continue to enjoy the fireworks from that property.

Ms. Mallek asked if more information could be provided regarding the preserved slopes.

Ms. George said that they were managed slopes and not preserved slopes. She said that the preserved slopes were located near the entrance near the loading area. She said that there would be no impact to that area during the clearing for the proposed building. She said that the managed slopes at the top would be managed in accordance with the County's Zoning Ordinance.

Ms. McKeel asked if the applicant could discuss the potential issues caused by rock during their construction.

Ms. George said that they had not conducted any investigation into the depth of the rock in that area. She said that they had refined the grading to ensure it connected to the existing parking lot and maintained a relationship with that entity. She said that they could not go any higher than 528 feet for the finished floor, and they were committed to this condition.

Ms. McKeel asked if there was potential that they may need to blast through the rock.

Ms. George said that she had not spoken with her engineers about how exactly that would be accomplished.

Ms. McKeel asked what the distance was to the nearest houses.

Ms. George said that her estimate would be around 100 feet.

Ms. McKeel said that there was blasting done to construct the Colonnades, and they created cracks in her house's walls. She said that it would be beneficial to somehow measure the impact of the blasting on the nearby homes in this case so that they could assess how much they were affecting the neighboring buildings.

Mr. Bishop said that they had not run into any rock in their previous construction on the site.

Mr. Pruitt said that regarding the concerns of residents in this neighborhood, he identified four main threads of concern regarding this development: sight lines, the possibility of subsidence or other direct damage, noise and disruption from construction, and noise and disruption from the new location itself. He said that he was pleased with the work done by the applicant in the Avinity neighborhood to address the sight lines concern, particularly the grading strategy presented from what was originally presented to the Fifth and Avon CAC. He said that he commended them for that work in collaborating with the community.

Mr. Pruitt said that however, he was still not confident about the answers provided for mitigating the possibility of subsidence. He said that he would appreciate more specificity on how they would ensure there was no direct detrimental impact on adjoining parcels.

Ms. George said that as a landscape architect, she was aware that retaining walls often incorporated geogrids. She said that there had been instances within the County where retaining walls were constructed within five feet of a property line without any subsidence. She said that this suggested that good geotechnical information, proper wall design, and effective grading by the contractor were

crucial in addressing concerns about subsidence.

Mr. Pruitt said that regarding noise and disruption during construction, he believed this was a relatively low concern among the four issues they were discussing. He said that he was interested in hearing about any mitigating steps that would be taken to minimize disruption to the Avinity community while construction was ongoing.

Ms. George said that she believed they were committed to adhering to Chapter 7, Article 1 of the County Code, which limited noise from 10:00 p.m. to 7:00 a.m.

Mr. Pruitt asked if they could assist him in providing more specific details regarding the anticipated timeline for the total scope of work. He said that he understood that it was divided into phases. He asked the applicant to help him understand the calendar year-wise, time of the year-wise, and when different major disruptive phases were expected to occur.

Mr. Bishop said that their timelines were dependent on the final approval for this process. He said that architects had already begun work. He said that they had one timeline, depending on the speed of fundraising, that would see them complete in late 2026 or early 2027. He said that however, he could not provide an exact duration for the actual external construction phase. He said that he was confident that reducing the building to one story would significantly shorten that timeline.

Mr. Pruitt asked if it was possible that there would be stalled construction that was dependent on the completion of the adjoining capital campaign.

Mr. Bishop said that they had been in a private fundraising phase for some time and wanted to be able to host another large event for 2027. He said that they aimed to complete the project by that time and would not leave it partially under construction. He said that if they started the project, they would finish it. He said that securing donors, and those who had done this before understood that without permits in place, donors were unlikely to commit. He said that this created a bit of a chicken and egg problem.

Mr. Pruitt said that there was the issue of noise from the site itself. He said that some constituents already complained about this, and there were concerns about whether the new facility would change the nature, quality, or extent of any noise disruptions to the community, especially since it was closer than the current main building. He said that based on the project narrative and past comments, the primary purpose of this facility was intended to be a museum area for Kappa Sigma to store their merchandise, a catering staging area, and additional restrooms.

Mr. Bishop said that that was correct. He said that the majority of the square footage in that building would function as classroom space. He said that it could also serve as library archival storage space. He said that there was no intention or design for any activities between the back of the building and Avinity. He said that there would be no events or activities in that area. He said that all activities would take place closer to the main building.

Mr. Pruitt asked if there was any formal requirement that would bind them to these actions. He said that he wondered if this commitment was going to be included in the final language of the site plan, or if he was relying on the applicant's good faith assurance.

Mr. Bishop said that he was not aware of any specific elements in the current site plan that would restrict it. He said that the design changes they had made, particularly transforming the back of this building into part of the retaining wall, had eliminated any level space in that area. He said that therefore, that engineering considerations would likely determine the answer.

Ms. Mallek asked if there was a residential component to the activities hosted at this building.

Mr. Bishop said that the original site plan authorized guest quarters, which they continued to include in this site plan. He said that one possibility was approximately two guest suites that would be for the use of staff or for an occasional overnight stay by a donor or VIP. He said that this was not intended to be an Airbnb or publicly available accommodation, nor was it expected to create extra traffic. He said that the use of these guest suites would be restricted to guests who were on site for a specific purpose and for an overnight stay. He said that this was the maximum use he envisioned for these guest quarters. He said that they had no intention of entering the hotel business.

Ms. Mallek asked if the applicant intended to complete full funding before beginning construction of this project.

Mr. Bishop said that they would not commence construction until they had a clear path to completion. He said that the most detrimental situation from a donor's perspective was having holes in there. He said that it was crucial that they were prepared to complete the building as soon as they began the construction process.

Mr. Andrews asked if there were members of the public who wished to speak on this item.

Mr. Sammy Barnes, Scottsville District, said that he would limit his concerns to two. He said that firstly, regarding the elevation of the building itself, he appreciated the Board's inquiry about the rock

situation, as the owners who built on that property were aware of the rocky terrain. He said that their townhomes, which were two-story villas, had varying experiences with rock. He said that some villas were denied basements due to rock, while others were permitted to have them. He said that they understood there was a significant amount of rock in the area. He said that their townhome, in particular, could not have a basement because of this rock. He said that this was why he raised this question.

Mr. Barnes said that secondly, he was encouraged by the new sight lines. He said that however, he had concerns about the front elevation of the building. He said that if the gable in the middle of the building was raised to 27.5 feet, it would appear different from the diagram. He said that the vertical arrow pointing to the gable would need to be moved considerably.

Ms. Sarah Hadden, Scottsville District, said that she lived just two doors down from Mr. Barnes. She said that when she purchased her home, the County records only indicated a special use permit from 2006, and the building was located differently than it was currently listed. She said that she thought long and hard before buying and had considered that there might be something on Carter Mountain, but the discovery of a nearby project was quite surprising.

Ms. Hadden said that she had attended all the meetings and appreciated the efforts of Roudabush, Gale and Associates in addressing their concerns. She said that however, they still had concerns about drilling into the rock. She said that at their last meeting, they requested at the Avinity Group that there be some stipulation that if they encountered rock and could not excavate enough, this issue would need to be revisited for a new special use permit. She said that Mr. Barnes alluded to that.

Ms. Hadden said that she wanted to raise a concern about the soil bearing tests that were not conducted, as mentioned in their last meeting. She said that they lived just a couple of miles from Biscuit Run, which was experiencing problems. She said that she had concerns about the gables blocking people's views, which was particularly troubling as they had paid a premium for their lots due to the lovely views they had. She said that she was concerned about the noise, especially the loud construction noise.

Ms. Hadden said that she recalled from the initial special use permit in 2006 that acoustic music would be played during events, but it was not being adhered to, and some residents had been driven from their homes due to the loudness. She said that she was concerned about the delivery trucks coming and going, particularly late at night after catering and setting up events, which could be loud and disruptive. She said that no one was complaining about the fireworks.

Ms. Jessica Lowe, Scottsville District, said that she was a homeowner on Moffett Street, at lot 46. She said that as the person on the end of the proposed building, she wanted to first address the issue of the uses. She said that she appreciated the applicant's response to her question about guest suites, as two guest suites sounded preferable to a large lodging conference facility. She said that however, she still had questions about whether the classrooms were auditoriums.

Ms. Lowe said that she was interested in the range of events that would take place at the building, from large gatherings that occurred every couple of years to other types of gatherings. She said that if there were classroom facilities, she assumed there would also be large events. She said that she was curious about what these other events would look like.

Ms. Lowe said that she recalled something mentioned in the materials about seminars occurring monthly during the summer. She said that if someone could speak to that, she would greatly appreciate it. She said that she had concerns about the sight line provided. She said that currently, she was observing the tree line from her window, and the site line provided on screen suggested that the houses were already looking at trees, but that most of her neighbors in Montague were not in the same position. She said that she believed the sight line may differ from what was presented in the materials.

Ms. Lowe said that additionally, she had not heard of blasting before, and she shared the concerns raised by Mr. Barnes. She said that as someone living close to the proposed building site, she was worried about the potential impact of blasting on their homes. She asked all of them to bring this issue back to the Board of Supervisors if blasting was necessary.

Ms. Lowe said that furthermore, she wanted to address the materials, which suggested that there were no drawbacks to this proposal. She said that she hoped the Board realized by listening to their constituents and reading the materials that there were many perceived drawbacks. She said that she had concern that there was no rationale for moving the building.

Mr. Andrews asked if the applicant had a rebuttal to the public comments provided.

Mr. Bishop said that regarding the sight line, even the height of the chimney features that the architects had drawn were at or below and completely behind the higher elevation of the existing building in front of it. He said that he wanted to emphasize the perfect alignment of the buildings. He said that the front building that was currently there was higher in every respect than every line and every chimney feature on the building that they were proposing to draw.

Mr. Bishop said that they anticipated having groups of one or two dozen students in or out of that building. He said that they had intentionally designed the space to be movable tables and chairs so that

they could set up to accommodate different groups and speaker sizes. He said that this was not an auditorium.

Mr. Bishop said that the largest meeting they typically had on site during a year when they were not having the big event was probably 100 people. He said that everything was normally over and the buses were leaving by 9:30 p.m., and that everything happened inside or under the pavilion if that was where they were serving a meal.

Mr. Bishop said that regarding the economic impact, since they started on this site, they had currently invested something approximating \$14 million in construction and infrastructure and facilities on the site. He said that the project they were discussing now would represent an additional \$15 million investment on the site to continue to improve and add value. He said that they required very few services and were more than willing to pay their property taxes and would also do so on the increased amount.

Mr. Bishop said that on the public access, that due to some vandalism, trash, and misuse of the property, they had faced significant challenges. He said that their insurer had been firm in stating they would not cover them to operate a public park. He said that they were not capable of managing this property for the general public in their current environment. He said that he appreciated their attention and believed that they were making a positive economic contribution to the community while also carrying out their educational mission.

Ms. Mallek said that she was interested to hear that the 2006 permit under which they were operating now only allowed acoustic music outside. She said that she wondered if they were planning to continue following this regulation going forward. She said that there had been amplified music outside in the interim. She said that this was significant due to the proximity of the facility.

Mr. Bishop said that it was the first time he had heard of this limitation, but if it was a limitation, they would follow it.

Ms. McKeel said that she appreciated their efforts in working with the community regarding the lowering of the structure to preserve the viewshed. She said that she truly valued that. She said that she knew of cases where people purchased property because of the viewshed, but the viewshed was not guaranteed unless one owned the property. She said that despite this, the applicant had done a good job addressing these concerns, even though it was very frustrating for people.

Mr. Bishop said that he appreciated the viewshed situation from others' perspectives. He said that from the other side, their view had changed dramatically. He said that they were now boxed in on three sides. He said that this was not certainly the view that they had purchased for either.

Mr. Pruitt said that he loved representing the Scottsville District. He said that his constituents had a great way of always trying to work with these projects, aiming to find common ground and move forward. He said that he appreciated the applicant's ability to work with the community. He said that he found it very heartening. He said that he wanted to clarify some concerns that they had heard. He asked if the applicant could repeat the original rationale for moving the planned location of the building from its original position, which was perpendicular off to the northern side of the parcel.

Mr. Bishop said that reorienting the building allowed them to reduce it from two stories to one. He said that this change also minimized the amount of excavation that would otherwise have been necessary and shortened construction times. He said that he believed it was a better aesthetic fit from an ARB standpoint from the current proposal than what might have been done if they had attempted to build the building perpendicular.

Mr. Pruitt said that the aesthetic element had been discussed multiple times. He said that it was indeed more appealing from the ARB's perspective, especially when viewed from Route 20. He said that it was essential to reiterate the feasibility and the potential for this project to be less intrusive in its new location, despite being physically closer. He said that there had been a few individuals who had raised concerns about how they were calculating or understanding the sight line that had been discussed.

Mr. Pruitt said that there was some confusion about whether the line they were looking at represented the overall roof mass or if it included the gable and chimneys or cupola. He asked if the applicant could clarify this momentarily. He said that essentially, there were three lines: the gable, the chimneys or cupola, and the connecting roof structure. He said that he wanted to confirm if the core building on the sight line included this connecting roof structure.

Ms. George said that the view line was situated over the main roof, in between the peaks. She said that the top of Carter's Mountain reached an elevation of 1646 feet, which meant there was still a substantial portion of the mountain available for everyone to enjoy once this project was completed.

Mr. Pruitt said that his understanding was that even with the gable extending above the sight line, it would not be higher than the central roof line of the main building.

Mr. Bishop said that everything that was proposed for the new building, including the architectural chimney structures, were all located below the main roof line of the existing building.

Mr. Pruitt said that there was a concern that this facility would be used during major events, mainly for staging, catering, and as an additional toilet spot. He said that he wondered whether, at the

end of the event, such as around 2:00 a.m., all the equipment would be picked up and dropped off. He asked if there was a retaining wall beyond the building that could provide additional noise insulation.

Ms. George said that there were two retaining walls depicted on the plan view directly behind the delivery area, and the building would serve as the retaining wall further along.

Mr. Pruitt asked if there would be walling around the drop-off point.

Ms. George said that was correct.

Mr. Bishop said that their functions were scheduled to conclude by 9:30 p.m. or 10:00 p.m., which included all activities. He said that every time they had caterers, they adhered to those hours. He said that unlike an Elks Lodge or an American Legion, which hosted events that went much later, they were not doing that. He said that this was a dinner-type event, with the exception of the fireworks, which typically concluded by 9:00 p.m. or 9:30 p.m. He said that they were not going to host late-night events.

Mr. Pruitt said that he still felt uneasy about the responses they had received regarding the feasibility of rock excavation without resorting to more intrusive methods, such as blasting. He said that it appeared that if that was discovered and remained cost-effective for the applicant, they might opt for these more invasive excavation techniques, including blasting. He said that he was curious if it was within the Board's authority to establish a stipulation or some form of leverage that would require this issue to be brought back to the Board for further consideration.

Mr. Andy Herrick, Deputy County Attorney, said that he would like to revisit a question previously asked by Supervisor Mallek regarding the building elevation and ensuring that general accord issues did not arise with the building elevation. He said that according to Condition 9 of the proposed special use permit, the building elevation was set at 528 feet and was not subject to a general accord standard.

Mr. Herrick said that if the applicant were to encounter a rock issue necessitating a redesign or reconceptualization of the property, staff would evaluate the proposed changes. He said that if the reconceptualization was still in general accord with the site plan, it would proceed. He said that if they found rock and had to shift the buildings out of the way that was no longer in general accord, the applicant would need to return before the Board for further amendments to the special use permit. He reiterated that the site elevation of 528 feet was not subject to general accord, and that was non-negotiable as part of the separate Condition 9.

Mr. Pruitt said that if blasting were required to develop the site, he did not want that to happen. He said that it appeared that such a technique had a high probability of causing significant damage to neighboring properties, even if they were not directly blasted. He said that he was uncertain whether approving the plan as written would prevent the applicant from using such a technique. He asked if it was possible for the County to make it so that if such an intrusive excavation technique was used, the development would not be in general accord.

Mr. Herrick said that both the Zoning Ordinance and the conditions of this specific special use permit had been drafted to address the land use impacts of a proposed social club. He said that earlier, the applicant had drawn a comparison to an Elks Lodge. He said that the Zoning Ordinance primarily focused on determining whether this location was suitable for a social club use. He said that it did not delve into the specifics of building construction, which would be covered by the site plan and building permit.

Mr. Herrick said that the Zoning Administrator, who was present, may provide more insight into what aspects of the Zoning Ordinance could regulate construction techniques. He said that the primary concern of the Zoning Ordinance and the special use permit conditions was the future use of the property, not the construction methods to achieve that use.

Mr. Pruitt said that he understood. He said that he wondered if Mr. Svoboda would like to share his thoughts on the permissibility of blasting in a residential area like this.

Mr. Bart Svoboda, Zoning Administrator, said that blasting was not regulated by the Zoning Ordinance. He said that Albemarle County Fire Rescue (ACFR) and DEQ (Department of Environmental Quality) both had permits for blasting. He said that there were other regulations beyond what the County had that would consider the size of the charge and the proximity to a house. He said that he could not definitively say whether blasting would be permitted in this location.

Mr. Pruitt said that with hearing the amount of additional permitting that went into it, he hoped the residents of Avinity also found comfort in that. He said that it seemed unlikely that they would be able to use any significant high-caliber charge that would be disruptive.

Mr. Andrews asked when a permit was required, and there was damage to other people's homes, if the action would be against the County.

Mr. Herrick said that he could not address the potential liability. He said that the County possessed sovereign immunity. He said that the primary cause of action in such a case would be a private civil matter between property owners, rather than any action against the County.

Ms. Mallek said that she recalled instances from her previous experience with general accord

issues, where relocating a sewer pipe by one or two inches, or even six inches, caused significant delays before the general accord policy. She said that when considering the relocation of a building by five or ten feet, she was contemplating whether this fell within the acceptable parameters.

Mr. Herrick said that the determination of general accord was made by the Zoning Administrator.

Mr. Svoboda said that he was not making a determination from the podium at that time. He said that all decisions were based on the specific instance at hand. He said that they would evaluate, for example, the 10-foot move. He said that firstly, they must consider whether the elevation would remain the same, which it would. He said that they must then consider other impacts of what the conditions were trying to address, such as whether the view would be obstructed if the 10 feet move extended beyond the front building. He said that it would be more likely that they would say it would not be in accord because the purpose of locating it where it was based on tonight's discussions was that the new building was shielded by the existing building as far as the view.

Mr. Svoboda said that he did not wish to delve too deeply into the matter, as it was case-specific. He said that if the building were to slide forward by 20 feet, they would need to reassess whether that was better or worse. He said that the majority of their discussion that night revolved around the elevation starting point, the height of the building, and its location within the designated area behind the existing building. He said that there was a 50-foot building setback line required by the ordinance, which prevented the building from moving closer to residences.

Ms. Mallek said that if something had to move, it might be beneficial to the neighbors.

Mr. Andrews closed the public hearing, and the matter rested with the Board.

Mr. Gallaway said that he believed there would be numerous growing pains in that specific area of the County, particularly concerning the density and other applications that had been approved, as well as the small homes that were still present. He said that based on the nature of the process and the give-and-take that had occurred, it did not appear that anyone was getting everything they wanted.

Mr. Gallaway said that this was typically the case in situations where there was some negotiation or compromise. He said that he hoped this would continue. He said that he would be supportive of the project. He said that he found the conditions as they were laid out to be clear and specific, and he would be voting in favor of the application.

Ms. LaPisto-Kirtley said that she believed the applicant had done everything possible to mitigate the impacts, and the residents had expressed their concerns, and she hoped that these factors had been considered. She said that it appeared that there had been progress on this matter. She said that she was supportive.

Ms. Mallek said that the reason she had asked so many particular questions was to prevent the painful experiences that neighbors in the White Hall District had previously faced. She said that when notified of potential blasting, neighbors should document the interior of their homes using their own cameras.

Ms. Mallek said that this documentation should include ceilings and corners, as of a certain date, to serve as evidence of the pre-blasting state of their homes. She said that this proactive measure could help avoid the challenges that arise when blasting occurs more than a mile away and causes cracks in ceilings and damages to homes, making it difficult to prove the extent of the damage. She said that she did not want anyone to experience this hazard.

Ms. McKeel said that it was reassuring to know that the DEQ was following these guidelines. She said that she also appreciated the efforts in working with the community and understanding their frustrations.

Mr. Pruitt said that he expressed his gratitude to both the neighbors of the Avinity neighborhood and the applicant for their willingness to engage in this process and strive to create the best possible outcome for the community. He said that when he prepared for this meeting, he reflected on his own thought process and acknowledged that he might apply a slightly higher level of scrutiny to different types of projects, particularly those that provided less public utility. He said that he hoped that the applicant understood that this was not a reflection of their efforts but rather a necessary part of their role in ensuring the best outcome for their community.

Mr. Pruitt said that while he recognized that this project may not be the highest and best public use for their Urban Development Neighborhood, he appreciated the benefits that would flow to the broader community through the services being purchased. He said that he believed that the most critical concerns raised by the community had been addressed to the best of their ability. He said that it was unlikely blasting would happen since the site was only 100 feet away from a home. He said that he would be supportive of the request.

Mr. Andrews said that he intended to be supportive for the reasons already mentioned. He said that this was a six-acre lot, and this was another building after another first building. He said that it was in a dense area, and he could not see further restricting the owner's ability to do what they wanted to do with this. He said that they had been very accommodating to concerns about the view, noise, and other

aspects.

Mr. Andrews said that, unless there were any additional comments or questions, he was looking for a motion.

Mr. Pruitt **moved** that the Board of Supervisors adopt the Resolution attached to the staff report (Attachment E). Mr. Gallaway **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 Mr. Pruitt.
NAYS: None.

**RESOLUTION TO APPROVE
SP202300018 KAPPA SIGMA
INTERNATIONAL HEADQUARTERS**

WHEREAS, upon consideration of the staff report prepared for SP202300018 Kappa Sigma International Headquarters, the recommendation of the Planning Commission and the information presented at the public hearing, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-13.2.2(2), 18-5.1.02, and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

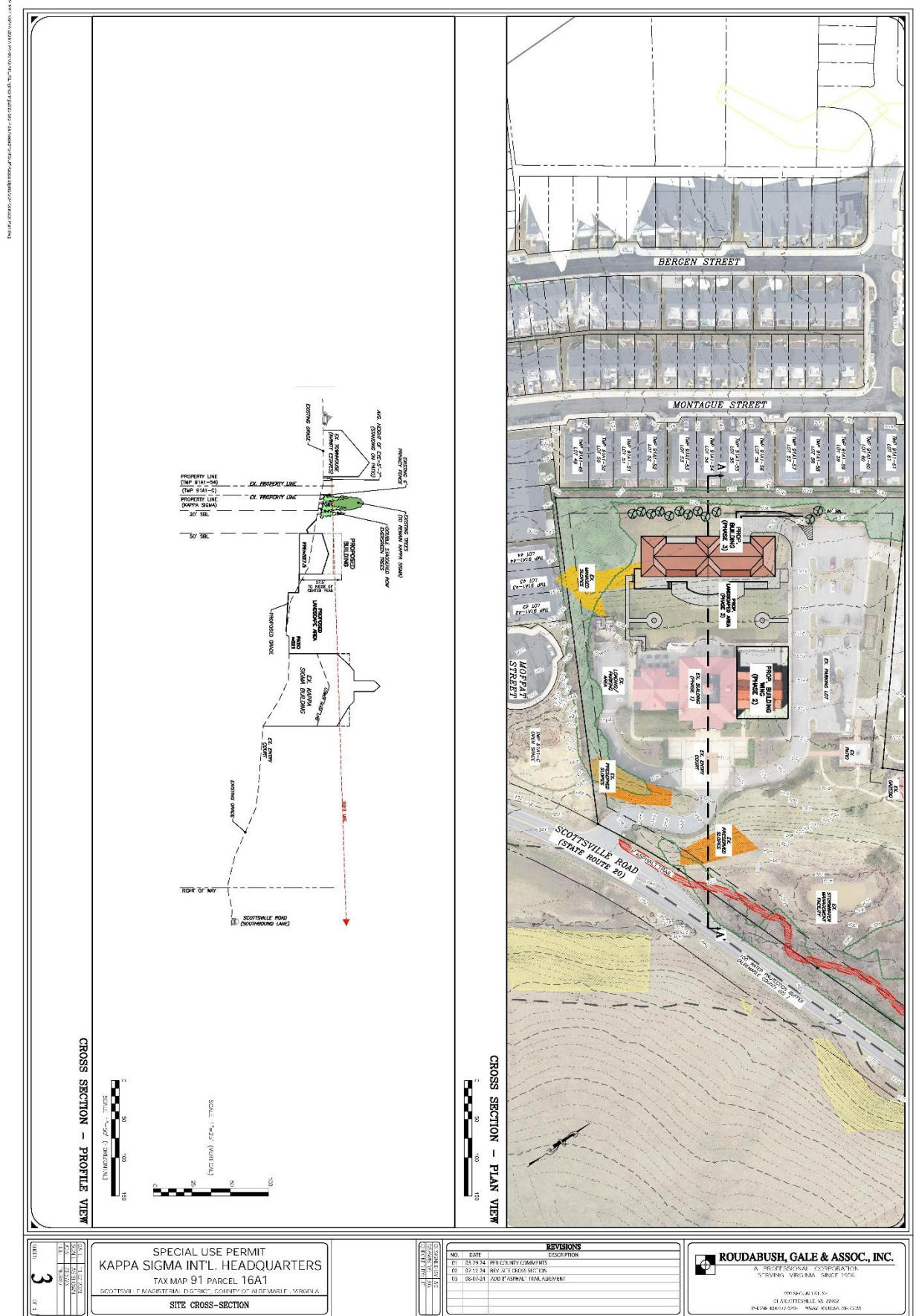
1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the zoning district, the applicable provisions of Albemarle County Code § 18-5, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202300018 Kappa Sigma International Headquarters, subject to conditions attached hereto.

* * *

SP202300018 Kappa Sigma International Headquarters Conditions

1. Development of the use must be in general accord with the conceptual plan (Attachment D) entitled "Special Use Permit Kappa Sigma Int'l Headquarters", prepared by Roudabush, Gale & Associates, Inc and dated 11-2-2023, last revised 08-07-2024. To be in accord, development must reflect the following major elements essential to the design of the development:
 - a. Location of buildings
 - b. Location of parking areas
 - c. Building height
 - d. Minimum yard requirements of County Code §18-21.7
 - e. Pedestrian improvements along Route 20Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Lighting of the site must be limited as follows:
 - a. Light levels at the property lines must be no greater than 0.3 foot candles;
 - b. No flood lighting of the building is permitted;
 - c. Only the parking lot north of the building is allowed pole lights;
 - d. Utilize bollard type lights in place of pole lights whenever possible. Use only full cutoff fixtures;
 - e. Site and building illumination is subject to the review of the ARB; and
 - f. The lighting for any recreational facility may only be inside the picnic pavilions. Lighting must be excluded from other recreational areas.
3. Final site plans must show a reservation, or provide a note, for future vehicular and pedestrian connections to adjacent parcels to the north and south;
4. A right turn and taper must be constructed at the entrance in Route 20 to the satisfaction of VDOT;
5. Landscaping must be provided to limit the impact of the storm water area on the Entrance Corridor to the satisfaction of the ARB;
6. The applicant must construct public water service to the site via extension of the existing Albemarle County Service Authority water line located on the west side of Route 20 and public sewer service via extension of the existing Albemarle County Service Authority sewer line located along Route 20 and the Cow Branch Creek, generally as provided in the report entitled, Preliminary Engineering Report Water and Sewer Facilities for Kappa Sigma Headquarters by Draper Aden Associates, dated March 30, 2004;
7. A plat to combine the parcels must be submitted concurrently with the amended site plan submittal or an SP will be required; and
8. All grass parking areas must be "Grasspave" unless a product deemed equivalent is approved by the County Engineer. The amended site plan must include "Grasspave" manufacturers material specifications, requirements for installation, provisions for watering (ex. sprinkler system, etc.), and maintenance requirements (ex. fertilizing, watering, mowing, etc.) to the satisfaction of the County Engineer.
9. The base elevation must not exceed 528 feet.



Agenda Item No. 18. **Public Hearing: SP20240008 Crown Orchard Solar.**
PROJECT: SP20240008 Crown Orchard Solar
MAGISTERIAL DISTRICT: Samuel Miller
TAX MAP/PARCEL(S): 09700-00-00-00100
LOCATION: 2859 Crown Orchard Road, off Stillhouse Creek Road, approx. 2 miles south of Batesville
PROPOSAL: Solar energy line facility of approximately 1.5 acres on a 346 acre property to provide energy to an existing orchard operation and cold storage facility
PETITION: 10.2.2.58, Solar energy systems. No new dwelling units proposed
ZONING: RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
OVERLAY DISTRICT(S): None
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

The Executive Summary forwarded to the Board states that this special use permit was considered by the Planning Commission (PC) at a public hearing on Tuesday, June 25, 2024. At the PC meeting, staff recommended approval of the proposed special use permit. The PC agreed with staff's recommendation and voted to recommend approval by a vote of 5:0. The staff report that went to the PC, the action letter, and the meeting minutes are attached (Attachments A, B, and C).

There was no public comment at the PC public hearing. Though no changes have been made to the proposal since the meeting, staff has made non-substantive revisions to the proposed conditions of approval (Attachment D).

Staff recommends that the Board adopt the Resolution (Attachment D) to approve the proposed special use permit SP202400008.

Ms. Rebecca Ragsdale, Planning Manager, said that she would be presenting a brief overview for a special use permit for a solar facility of 1.5 acres located at Crown Orchard Operations, south of Batesville. She said that the facility was situated on Crown Orchard Road, off of Stillhouse Road, near Plank Road, just south of Batesville. She said that the proposed location of the solar facility was adjacent to existing orchard operations and facilities.

Ms. Ragsdale said that it already had existing entrances, so a site plan was not required. She said that the facility's size of 1.5 acres was intended to serve the agricultural operation. She said that based on the special use permit criteria, she found no visibility concerns due to the facility's location and limited size. She said that there were recommended conditions including increased setbacks and wooded areas to remain.

Ms. Ragsdale said that these findings were consistent with the criteria and supportive of a primary use recommended for the Rural Areas. She said that staff recommended approval of the special use permit. She said that there were standard conditions tailored to general accord with the plan, including setbacks, decommissioning plans, noise regulations, and other standard conditions for solar facilities.

Mr. Andrews asked for a summary of how the proposed special use permit conditions compared to conditions on utility-scale solar projects.

Ms. Ragsdale said that the standard conditions they looked for were those that ensured wooded areas remained to provide buffers, that setbacks were increased, and that no environmental features were impacted. She said that every solar facility was unique, but the standard conditions primarily included a decommissioning plan and the cleaning of the panels. She said that these were some of the major things they were trying to mitigate.

Mr. Andrews opened the public hearing.

Mr. Andrew Jenner, Branch Manager of Paradise Energy Solutions in Virginia, said that they were based in Harrisonburg, but he was here representing this project for Crown Orchard Company, their client. He said that he had a brief presentation to share. He said that the project involved a capacity of 491 kilowatts. He said that the project's purpose was to offset 16 different meters owned by Crown Orchard Company, located near the project site. He said that the meters served primarily farm workers and were situated close to an existing apple cold storage facility.

Mr. Jenner said that the project covered an area of about 1.5 acres on a parcel that spanned over 360 acres. He said that a new utility pole would be the tallest structure onsite. He said that in their submissions to the planning staff, they discussed the project's alignment with the Zoning Ordinance and the Comprehensive Plan, emphasizing its support for ongoing agricultural business. He said that this facility had been in operation for quite some time. He said that it was a renewable energy project, which aligned with their goals and the County's adopted Comprehensive Plan.

Mr. Jenner said that their business had been active in Virginia since 2015, with a focus on commercial and agricultural solar. He said that over the past couple of years, that they had completed several smaller projects in Albemarle County, nothing that had been large enough to require this step.

Mr. Gallaway said that there appeared to be a conversation at the Planning Commission (PC), where Commissioner Firehock discussed the solar piece installed to meet the facility's needs. He said that this setup seemed to align with what currently existed. He said that he was curious if this setup provided the capacity to grow the business without increasing energy consumption. He said that he was interested in whether there was room to expand the business without requiring more energy or additional panels to generate more electricity.

Mr. Jenner said that the size of the system was based on an agreement with or approval from Central Virginia Electric Cooperative. He said that it was designed based on the current usage of the 16 meters and aimed to offset the annual usage of all 16. He said that in essence, it generated the electricity that the 16 meters currently used. He said that if something were to happen that would increase usage, such as the construction of another facility, it would not necessarily be covered by this system.

Mr. Gallaway said that they encountered this issue with daycares or schools that initially

requested 100 students but then returned five years later requesting an additional 20 students. He said that they had to go through the entire process again to accommodate the increased number of students. He said that if this business expanded and required more energy, they would need to come back and repeat the process.

Mr. Jenner said that another constraint on the size of a solar system, such as the one they were considering, which essentially involved net metering to offset existing usage, was determined by the State Corporation Commission. He said that in a rural cooperative like central Virginia, they were not permitted to oversize a system. He said that if it was installed at a residence or business, the maximum size that could be installed was equivalent to 100% of past usage.

Ms. LaPisto-Kirtley asked how the panels would be disposed of when they were no longer in use.

Mr. Jenner said that currently, there was recycling for solar panels. He said that this was indeed a hot topic in the industry since these facilities could last for a long time. He said that currently, there was a small collection of broken panels and similar items, which they sent off for recycling. He said that this process could also occur during system decommissioning.

Ms. Mallek said that from what she gathered, the site was fairly flat already. She said that she was curious about their plans for dealing with stormwater, especially considering the increasing intensity of storms they were experiencing nowadays. She said that with the site's large area of impervious surfaces could generate a significant amount of velocity.

Mr. Jenner said that currently, they did not have any specific plans beyond what was required at that point. He said that there was no condition of the special use permit that necessitated submitting additional plans. He said that this was a topic of discussion with the Planning staff, but no determination was made that additional plans were necessary.

Ms. Mallek said that according to DEQ, they were considered discontinuous, impervious services, which necessitated some action.

Mr. Jenner said that if he remembered correctly, when this issue was raised with County staff and the County engineer, there was a provision within the regulation that exempted projects with an approved interconnection before a specified date, which applied to this project.

Ms. Mallek said that Louisa had issues with stormwater runoff in several instances.

Ms. McKeel said that regarding the residential area, one of the commissioners asked about the commercial and neighborhood, to be able to supply for a neighborhood. She said that in the report, it mentioned that there might be houses on the property, possibly for workers to reside in. She said that this proposal was intended to serve the entire property.

Mr. Jenner said that he believed some of these houses were located on adjoining properties, so not all of these properties were on this exact parcel. He said that they could not control the distribution, but the size was designed to offset these specific electric meters.

Mr. Pruitt said that he wanted to continue the thread about the distinction between handling community-scale projects versus industrial-scale projects. He asked if the applicant could characterize their experience dealing with regulations through the electrical co-op and other state or federal agencies, and compare it with the process through the County, as far as the documents that must be produced and his timeline.

Mr. Jenner said that this situation was somewhat atypical for them, as their usual system was smaller than a megawatt, and they did not engage in utility-scale solar projects. He said that within the past year or two, they had encountered an increasing number of localities adopting solar ordinances due to utility-scale solar projects. He said that these ordinances often defined a solar facility based on a certain amount of acreage, which could encompass mid-sized commercial projects like this one.

Mr. Jenner said that this was the second time they were going through a similar process, with Campbell County being the first. He said that in Campbell County, they were not required to obtain a special use permit, but it involved a grant, which had slowed down the process. He said that in conversations with staff for this project, the conditions were tailored for utility-scale projects, and did not address their operations.

Mr. Jenner said that one of the conditions they often encountered in these processes was related to decommissioning, which was a significant topic for utility-scale solar projects. He said that their standard contracts did not typically address this issue, as it was something that the customer owned and was responsible for once the system was no longer operational. He said that if this project moved forward, they would need to develop a new approach to address this concern.

Mr. Pruitt said that he was trying to understand the differences in the processes for utility scale applicants versus smaller community scale projects. He said that utility scale applicants had to navigate numerous leaps and hurdles to connect to the grid, which were not subject to local regulations and often took longer than their process. He said that while their process for smaller community scale projects was comparable, those projects did not have to go through the same additional hurdles outside of local government regulations.

Mr. Pruitt said that as a government and community, they were still trying to fully understand how to best regulate solar energy to achieve the best outcomes. He said that they were still grappling with the negative environmental impacts of solar energy and broader tensions in the County. He said that solar was still a type of extractive industry, and it was prone to the same type of equity concerns of more harmful extractive industries.

Mr. Pruitt said that he was personally concerned that by creating obstacles for smaller, more community-driven projects and rooftop solar, they may inadvertently push the industry toward larger, industrial-scale projects that could be intrusive and disproportionately burden rural communities. He said that he was trying to understand how they might improve their own process.

Mr. Jenner said that this situation was new to them, and frankly, it felt like they were being swept up in regulations meant for much larger projects. He said that the approach seemed scattered. He said that there were similar situations in Campbell County, but the applications of some state regulations differed. He said that there was a lack of clarity. He said that he had recently completed a larger project in the town of Culpeper. He said that all he needed was a variance from the town and a county building permit.

Mr. Jenner said that it appeared that the requirements varied significantly from one county to another. He said that he believed it was reasonable for them to ask these questions and require certain things from them. He said that this was relatively new for a company like theirs that typically operated below the threshold of these regulations.

Mr. Jenner said that that when they undertook a slightly larger project that triggered recently adopted regulations, their process changed significantly. He said that at Spring Valley Orchard, they submitted their plans and received a building permit. He said that they had to avoid steep slopes and streams, and after building, they passed an inspection and were now operational.

Mr. Andrews said that he was aware that power companies might say that this was the maximum size allowed and that it was it. He said that if there was a growth in need, then perhaps additional solar capacity could be added, but it must be demonstrated that the solar capacity matched the need, not becoming a producer. He said that this was a separate issue from whether an applicant could approach them and request approval for a larger system, anticipating future needs that may require expansion.

Mr. Andrews said that this was a matter for future thought and discussion. He said that he agreed that it was not ideal for individuals to have to go through the process of seeking approval from both the utility company and them for a larger system if they anticipated future needs. He said that it was already challenging enough to go to the utility company.

Mr. Andrews said that there were no comments from the public.

Ms. Mallek asked if there was a threshold for an addition that would not necessitate a special permit. She said that she was curious about whether there was a simplified answer to this question for them.

Ms. Ragsdale said that they had a general accord condition. She said that they were not holding them to a specific number of rows or solar panels. She said that if they expressed a desire to add another row or additional panels, there could be a circumstance where they had the flexibility to add a few more panels, but a determination could not be made based on a hypothetical circumstances.

Ms. Ragsdale said that any expansion beyond half an acre would require a special use permit under their current ordinance. She said that they aimed to craft conditions that allowed some flexibility, but if the facility were to expand by another acre, she would expect that to necessitate a new special use.

Ms. Mallek asked how the County could hold the landowner responsible for decommissioning the panels and stormwater control. She said that these issues were not addressed in the current application. She said that the importance of decommissioning lay in the fact that if the wires and poles were left underground, it could ruin the soil, making it unsuitable for farming indefinitely.

Ms. Mallek said that she had learned from North Carolina's experience with solar facilities, which led to significant problems with agricultural land. She said that Virginia was advocating strongly for decommissioning rules. She said that this aspect was crucial for all previous considerations, although it may not apply to this particular case.

Ms. Ragsdale said that the special use permit conditions were attached to the land, and that the landowner and Paradise may have an agreement. She said that she believed the decommissioning plan they would review would address this, so there was no risk of it not being addressed by the property owner. She said that a decommissioning plan was included as Condition 4.

Mr. Andrews closed the public hearing and the matter rested with the Board, which had no additional comments.

Mr. Andrews **moved** that the Board of Supervisors adopt the Resolution (Attachment D) to approve the Special Use Permit SP202400008. 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 Mr. Pruitt.
NAYS: None.

**RESOLUTION TO APPROVE SP202400008
CROWN ORCHARD SOLAR**

WHEREAS, upon consideration of the staff report prepared for SP202400008 Crown Orchard Solar, the recommendation of the Planning Commission and the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(58) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas (RA) district, with the applicable provisions of Albemarle County Code § 18-5, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202400008 Crown Orchard Solar, subject to conditions attached hereto.

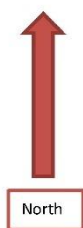
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SP202400008 Crown Orchard Solar Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the Concept Plan titled "CROWN ORCHARD-AFTON 491.7kW SOLAR PROJECT" dated May 22, 2024. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan:
 - a. Location of solar development envelope
 - b. Retention of wooded vegetation

Minor modifications to the Concept Plan that do not otherwise conflict with the elements listed above may be made, with the approval of the Zoning Administrator and the Director of Planning, to ensure compliance with the Zoning Ordinance, and State or Federal laws.
2. All solar panels must be set back at least two hundred (200) feet from property lines and at least one hundred (100) feet from Crown Orchard Road.
3. The applicant must submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application that must include the following items:
 - a. A description of any agreement (e.g. lease) with the landowners regarding decommissioning;
 - b. The identification of the party currently responsible for decommissioning;
 - c. The types of panels and material specifications being used at the site;
 - e. Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseeding;
 - f. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to thirty-six (36) inches below grade or down to bedrock, whichever is less;
 - g. An estimate of all costs associated with rehabilitation of the site; and
 - h. Provisions to recycle materials to the maximum extent possible.
4. Prior to issuance of a building permit, the Decommissioning Plan must be recorded by the applicant in the office of the Circuit Court Clerk of the County of Albemarle.
 - a. The Decommissioning Plan and estimated costs must be updated every five years, upon change of ownership of either the property or the project's owner, or upon written request from the Zoning Administrator. Any changes or updates to the Decommissioning Plan must be recorded in the office of the Circuit Court Clerk of the County of Albemarle.
 - b. The Zoning Administrator must be notified in writing within 30 days of the abandonment or discontinuance of the use.

- c. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site must be rehabilitated as described in the Decommissioning Plan, within 180 days of the abandonment or discontinuance of the use. If a piece of an underground component breaks off or is otherwise unrecoverable from the surface, that piece must be excavated to a depth of at least 36 inches below the ground surface.
5. The facility must comply with Albemarle County Code § 18-4.14.
6. Products used to clean panels are limited to water and biodegradable cleaning products.
7. No above ground wires are permitted, except if associated with (a) the panels and attached to the panel support structure or (b) tying into the existing overhead transmission wires.
8. Prior to activation of the site, the applicant must provide training to the Albemarle County Department of Fire/Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures, and material handling procedures.



CROWN ORCHARD – AFTON 491.7kW SOLAR PROJECT



Crown Orchard -Afton
81 Crown Orchard Rd
Batesville, VA 22924

Ground Mounted Solar Array 491.7kW DC//375.0kW AC

- 894 Axitec 550 modules
- 6 SMA Sunny TRIPOWER Core1 inverter

May 22, 2024

Agenda Item No. 19. Public Hearing: SP202400011 The Gray

PROJECT: SP202400011 The Gray

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 07900-00-00-019LH, 07900-00-00-01900

LOCATION: 3015 Louisa Road, just east of the intersection of Richmond Road and Louisa Road
PROPOSAL: Use of an existing approx. 2,100 square foot building for a wine, beer and specialty shop, to include food service.

PETITION: Section 22.2.2.16(c) restaurant not served by public water. No new dwelling units proposed.

ZONING C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICT(S): EC Entrance Corridor

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

The Executive Summary forwarded to the Board states that this special use permit was considered by the Planning Commission (PC) at a public hearing on Tuesday, June 25, 2024. At the PC meeting, staff recommended approval of the proposed special use permit and the PC recommended approval by a vote of 5:0. The PC's staff report, action letter, and meeting minutes are attached (Attachments A, B, and C).

There was no public comment at the PC public hearing and no changes have been made to the proposal since the meeting.

Staff recommends that the Board adopt the Resolution (Attachment D) to approve proposed special use permit SP202400011.

Ms. Rebecca Ragsdale, Planning Manager, said that this request was for a special use permit for a restaurant use in a C-1 district that was not served by public water and sewer. She said that the request involved a 2,100 square foot space within an existing building. She said that it was a small addition to the American Legion building at the intersection of Route 250 and Route 222. She said that there would be no changes to the exterior of the building, and there was ample parking.

Ms. Ragsdale said that the property was zoned C-1, as was the Shadwell Market, with surrounding Rural Area, and Luckstone was zoned for Natural Resource Extraction District. She said that the special use permit was required due to the restaurant not being served by public water or sewer.

Ms. Ragsdale said that they evaluated this proposal based on all criteria for any new use in the Rural Area, and this is a commercial site that was already developed. She said that they found no additional impacts in terms of traffic or site changes. She said that a detailed water analysis was provided, which did not raise any concerns. She said that staff recommended approval with the condition that the gross floor area of the restaurant be limited to 2,100 square feet.

Mr. Pruitt asked what specific bright line rules were looked for in determining whether or not a community meeting was necessary.

Ms. Ragsdale said that they typically evaluated the size, scale, and potential impacts of a request. She said that in this particular case, it was an existing store located beside the existing Shadwell Market that also offered food service. She said that she did not perceive it as a substantive enough change to warrant a broader community meeting or a half-mile notification. She said that staff considered it appropriate to waive that type of community meeting.

Mr. Andrews opened the public hearing.

Ms. Noelle Gray, owner of The Gray, said that her goal was to serve food so that she could be a proper wine bar. She said that she wanted to focus on education, particularly in the field of fermentation science, where she served as an adjunct instructor at PVCC. She said that she wanted to offer more extensive tastings, which necessitated serving food.

Ms. Gray said that fortunately, she was located in the Monticello AVA (American Viticultural Area), a rapidly growing wine-producing region. She said that she was optimistic about the future and eager to collaborate with friends in the industry to showcase Virginia wines, beers, ciders, and meads. She said that food would complement this, with simple offerings like meat and cheese plates. She said that she did not have a hood vent, so there would be limited offerings.

Mr. Andrews said that there were no public comments. He closed the public hearing.

Mr. Gallaway said that he appreciated the neighborliness about Sunday Bingo. He said that he would encourage her to do the reverse and not shut down for that, using that to their advantage and perhaps offering some sandwiches or similar items. He said that they should feel free to take advantage of that. He said that they were probably good neighbors, and they would be willing to assist in sending some people their way if they were open during that time.

Mr. Andrews said that they were ready for a motion.

Mr. Pruitt **moved** the Board of Supervisors to adopt the Resolution (Attachment D) to approve SP202400011. 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 Mr. Pruitt.
NAYS: None.

**RESOLUTION TO APPROVE SP202400011
THE GRAY RESTAURANT**

WHEREAS, upon consideration of the staff report prepared for SP202400011 The Gray Restaurant, the recommendation of the Planning Commission and the information presented at the public hearing, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-22.2.2(16)(c) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;

3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the (C-1) Commercial zoning district, with the applicable provisions of Albemarle County Code § 18-5, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202400011 The Gray Restaurant, provided that the gross floor area for the restaurant is limited to 2,100 square feet.

Agenda Item No. 20. **Public Hearing: Cost Recovery Ordinance.** To receive public comment on its intent to adopt an ordinance to authorize cost recovery for incidents resulting in convictions for a violation of Virginia Code § 18.2-46.6 (subsections B and C only); a felony violation of § 18.2-83 or § 18.2-84; or a violation of § 18.2-212 or § 18.2-461.1 which is the proximate cause of any incident resulting in an appropriate emergency response by a local agency. The proposed ordinance would authorize reimbursement of expenses incurred in responding to terrorism hoax incidents, bomb threats, or malicious activation of fire alarms and would take effect immediately, as enabled by Virginia Code § 15.2-1716.1.

The Executive Summary forwarded to the Board states that Virginia Code Section 15.2-1716.1 authorizes a locality to adopt an ordinance to recover costs of law enforcement, firefighting, and emergency medical agency response for acts committed in violation of Virginia Code Sections 18.2-46.6 (subsections B and C only); a felony violation of § 18.2-83 or § 18.2-84; or a violation of § 18.2-212 or § 18.2-461.1, if such acts are the proximate cause of the public safety response.

If an individual commits acts that violate the enumerated Virginia Code sections referenced above and the individual is convicted of those crimes, a local ordinance, such as proposed, would allow the County to recover some costs of the appropriate emergency response, if the commission of those particular crimes was the proximate cause of the emergency response. Virginia Code Section 15.2-1716.1 limits the recovery to \$250 per incident or a minute-by-minute aggregation of costs up to \$2500 per incident. County staff from the Department of Finance, Department of Police, and the Department of Fire and Rescue have determined that the administrative burden of minute-by-minute accounting would not result in a benefit to the County in most cases; however, a routine request for recovery at the time of an individual's sentencing would help to offset costs of emergency response. The enabling authority of Virginia Code Section 15.2-1716.1 allows recovery by request at the time of an individual's sentencing or in a separate civil suit by the County. At this time and in consideration of the limited amount of cost recovery available under the enabling legislation, pursuing a civil suit for cost recovery is objectively not an efficient use of County resources. If cost recovery is requested at an individual's sentencing, the court shall find the individual liable to the County. The Commonwealth's Attorney has been contacted to request input. The proposed ordinance is included as Attachment A. The ordinance is included in Chapter 6, creating a new Article VI and follows Article V "Emergency Medical Services Cost Recovery."

If cost recovery is successful and pursued as recommended, the revenues generated will have a nominal budgetary impact.

Staff recommends that the Board adopt the proposed ordinance to authorize cost recovery for appropriate emergency responses to a terrorism hoax incident, bomb threat, or malicious activation of a fire alarm (Attachment A).

Ms. Amanda Farley, Senior Assistant County Attorney, said that Assistant Fire Marshal Shawn Maddox was present in the back, and CFO Jacob Sumner was also there. She said that Commonwealth's Attorney Mr. Hingeley was present, and although he had not signed up to speak during the public hearing, she had informed the Board of his desire to address them.

Ms. Farley said that their office had been tasked with drafting a proposed cost recovery ordinance in accordance with the authorization of Virginia Code § 15.2-1716.1. She said that this was to enable a locality to adopt an ordinance to recover costs associated with terrorism hoaxes, malicious activation of fire alarms, and similar offenses. She said that the general outline of the draft ordinance and what was outlined in Virginia Code was that an individual convicted of these offenses, if their actions were the proximate cause of an incident necessitating an emergency response, shall be liable for reasonable expenses at the time of sentencing or in a separate action. She said that the draft ordinance also included clear definitions of what constituted a qualifying offense, as specified in the Virginia Code, ensuring that they were not deviating from the legal framework.

Ms. Farley said that § 18.2-46.6 regulated the possession, use, sale, gift, distribution, or manufacture with the intent to commit an act of terrorism, of a device or material that appeared to be or contained an imitation weapon of terrorism, or firebomb, explosive material, or device. She said that those terms were defined in the Virginia Code.

Ms. Farley said that threats to bomb or burn, or false threats of the same, applied for individuals aged 15 or older. She said that § 18.2-84 related to aiding, abetting, or encouraging a violation of 18.2-83, again only for ages 15 or older. She said that § 18.2-212 applied to the abuse of the 911 system, which called for emergency services or the malicious activation of a fire alarm. She said that § 18.2-461.1 related to intentionally communicating a false emergency communication.

Ms. Farley said that a local agency, which included law enforcement, fire, EMS (Emergency

Medical Services), and the integrated and coordinated Fire Rescue system, which included the volunteer companies, may recover reasonable expenses. She said that the recovery options were either a \$250 lump sum without specific accounting or up to \$2,500 with a minute-to-minute accounting. She said that it had been communicated to her by staff that the administrative burden of trying to make a minute-to-minute accounting of the resources for a response of this kind would likely result in a net negative. She said that cost recovery would be essentially useless if they were to engage in that accounting.

Ms. Farley said that the next definition was an appropriate emergency response. She said that if the qualifying offense and the violation of that was the proximate cause of the incident, then it was the cost of the response from their local agencies.

Mr. Farley said that the procedure was quite simple. She said that when the suspect was charged or indicted, County staff would provide to the Office of the Commonwealth's Attorney an assessment of that reasonable cost. She said that they were going to presume that they were going to communicate a request for \$250. She said that they did not anticipate that to have much of a budgetary impact.

Ms. Farley said that if the person was convicted and convicted of the enumerated offenses they just discussed, then the Commonwealth's Attorney, according to the proposed ordinance, would request cost recovery at the time of the person's sentencing. She said that that was stated as a shall. She said that if that was the case, and they reached a point where the individual was convicted of these offenses, and the request was made at the time of sentencing, then the court would impose liability on that person for cost recovery.

Mr. Gallaway asked if the judge could waive the cost recovery requirement.

Ms. Farley said that according to the enabling statute, it stated that the individual shall be determined to be liable. She said that although the procedure was not explicitly outlined in the enabling legislation, it did imply that upon determination, if the specified elements were met, then the individual would be liable. She said that they were precise in detailing how this would occur, but it followed that if they requested it, they were requesting that the request be forwarded to the Commonwealth's Attorney.

Ms. Farley said that the Commonwealth's Attorney had considerable discretion in how a case was prosecuted and how it concluded, including whether or not a sentencing hearing would take place. She said that assuming that all the necessary elements were met, then and only then would the liability attach.

Mr. Gallaway asked if the Commonwealth's Attorney could waive the cost recovery requirement.

Ms. Farley said that was correct.

Ms. Farley said that if certain conditions were met, it would not eliminate the Office of the Commonwealth's Attorney's discretion to prosecute cases as they saw fit.

Ms. LaPisto-Kirtley asked if the cost recovery was calculated per incident.

Ms. Farley said that the enabling legislation did not provide specific details. She said that if the Commonwealth's Attorney decided to proceed with all charges in a combined situation, it was per incident.

Ms. LaPisto-Kirtley asked if the cost recovery would be levied per incident.

Ms. Farley said it would.

Ms. LaPisto-Kirtley asked if the cost recovery would be levied per individual involved.

Ms. Farley said that the legislation did not indicate if it was jointly and severably liable.

Ms. Mallek asked if parents would be liable for children.

Ms. Farley said that § 18.2-84 prohibited any person 15 or older, including the parent of any child, who would cause, encourage, incite, entice or solicit any person, including a child, to commit an act prescribed in the previous section. She said that it was possible.

Ms. McKeel said that one of the areas they had issues with this in the past was the School System. She said that she wondered whether they would need to adopt something like this, or if this ordinance covered the School System if they passed.

Ms. Farley said that so far, there was no provision for a recovery of costs for educational personnel.

Ms. McKeel said that for the School System, it had not been unusual in the past to experience bomb threats or similar incidents. She said that she was trying to determine if this policy would apply to their School System and whether the School Board would be able to recover the costs.

Ms. Farley said that she did not believe that option was available to them because it was intended to address the public safety agency's responses, which was borne by the County and not the School

Board.

Ms. McKeel clarified that they could still seek cost recovery if an incident occurred on school property.

Ms. Farley said yes.

Mr. Pruitt said that he believed that the legal authority they had with the University was that when it was not displaced by regulations implemented by the Board of Visitors, Albemarle County law could apply on the grounds of the University. He asked if this could potentially enable either the University police system or the Charlottesville police system to recover costs.

Ms. Farley said no, it only applied to County agencies.

Mr. Andrews opened the public hearing and invited the members of the public who had signed up to speak.

Mr. James Hingeley, Commonwealth's Attorney, said that he had a concern that the ordinance mandated a penalty, which he personally opposed. He said that during his campaign for Commonwealth's Attorney, he stated that he would not enforce mandatory penalties, as he believed that penalties in the criminal justice system should be determined by the court based on all relevant circumstances affecting the individual before the court.

Mr. Hingeley said that with that in mind, he expressed his disagreement with the County Attorney's interpretation of the enabling legislation. He said that he understood that the County Attorney's position restricted the Board of Supervisors' ability to require a mandatory penalty rather than a discretionary one. He said that he believed that the enabling legislation, § 15.2-1716.1, established liability for certain expenses.

Mr. Hingeley said that he believed that the legislature intended to resolve questions that might otherwise be raised about whether repayment for emergency response was a legitimate issue of restitution in a criminal case. He said that by stating that the person convicted shall be liable for these costs, the legislature relieved the Commonwealth's Attorney of the burden of establishing that this debt is owed. He said that otherwise, this debt could be contested.

Mr. Hingeley said that in the ordinance, paragraph C stated that the Commonwealth's Attorney shall present a request to the court to impose liability on the defendant for the reasonable expense, and the court shall impose liability on the defendant for the reasonable expense. He said that while this created a mandatory penalty, he did not believe that the enabling legislation mandated this penalty. He said that the enabling authority said that the liability shall be established, and he thought that it should be left to the discretion of the court whether that should be imposed.

Mr. Hingeley said that to illustrate his point, he referred the Board to a general statute in Virginia relating to restitution, specifically § 19.2-305.1. He said that this statute stated that no person convicted of a crime which resulted in property damage or loss shall be placed on probation or have a sentence suspended unless they make partial restitution for property damage. He said that in the case of property damage, partial restitution could be required, but full restitution of the full amount was not mandatory. He said that the person could also be compelled to perform community services or both.

Mr. Hingeley said that in this parallel situation, the state legislature had indicated that one might be liable for restitution, but it was not mandatory that this liability be imposed on anyone. He said that the court had the authority to consider individual circumstances and determine whether partial restitution or no restitution was appropriate, with community service as an alternative. He said that he believed it implied that liability was established, but the sentence must be tailored by the court based on the individual circumstances of the offender.

Mr. Hingeley said that he agreed with the County Attorney that the Commonwealth's Attorney had some discretion. He said that this discretion did not exist under this ordinance once a person was convicted. He said that it became a mandatory penalty. He said that the discretion he believed the County Attorney was referring to was the discretion the Commonwealth's Attorney had to treat the case differently if they believed community service was a better response than payment of this penalty.

Mr. Hingeley said that the Commonwealth's Attorney could not request community service in lieu of payment if the person was convicted. He said that the only way to circumvent this would be for there to be no conviction. He said that the Commonwealth's Attorney's discretion would have to be to enter into an agreement under law with the offender and the court approving that agreement to result in no conviction and, after the performance of community service or other sanctions. He said that he urged the Board to consider whether the language of the ordinance might be amended or modified to allow for discretion rather than making this a mandatory penalty.

Mr. Andrews asked if the ordinance could be amended.

Mr. Steve Rosenberg, County Attorney, said that Ms. Farley had made efforts to contact Mr. Hingeley to discuss the ordinance, and some of the issues he was raising were new to them. He said that

he suggested that they close the public hearing and vote to defer action on the proposed ordinance to a later date. He said that this would allow them to consider the points that Mr. Hingeley had raised. He said that they could then come back to the Board with the view of the County Attorney's Office as to whether revisions to the ordinance were appropriate.

Mr. Gallaway asked if the Commonwealth's Attorney could seek cost recovery without the ordinance in place.

Mr. Hingeley said that he wanted to clarify regarding the new information for the County Attorney's Office. He said that they had reached out to him, and he apologized for not prioritizing the matter in a timely manner. He said that if the statute was worded in a way, and he believed that it was, that indicated there was liability for this type of offense but did not make it a mandatory assessment of that liability, then yes, in the discretion of the Commonwealth's Attorney and the court, that amount could be collected. He said that he was confident that in any case, the Commonwealth's Attorney would seek to recover those costs on the basis of a conviction. He said that he believed it should be a discretionary decision rather than a mandatory one.

Mr. Gallaway said that he understood. He said that he believed that if they passed this ordinance that night without addressing these concerns, and if the presumed cost was \$250, then it would be locked in at that amount. He asked if the local ordinance was required to be able to seek cost recovery.

Mr. Rosenberg said that he wanted to remind the Board that during their discussion of legislative priorities the previous month, one of the subjects of discussion was an increase in the \$2,500 fee, but it would still have to be a minute-by-minute account.

Mr. Gallaway clarified that the fact that it would require a minute-by-minute account was lost on him, and he said that he was not convinced that \$2,500 or \$5,000 would be sufficient. He said that he appreciated the importance of this discussion and the effort being put into it. He said that as they deferred this item, he was interested in exploring if there was a way to achieve a more favorable cost recovery amount.

Mr. Rosenberg said that he was not certain if they could seek cost recovery without the ordinance. He said that he believed the specific provision in the state code existed because it was challenging to achieve it without relying on this enabling statute.

Mr. Gallaway said that he had concerns about the cost implications of imposing a \$250 fine. He said that if they were billing by the hour, the request to the Commonwealth's Attorney to impose this fine would cost more than the fine itself. He said that this had been a significant issue for him since this matter had come up. He said that he did not see this as a deterrent. He said that there were other reasons that he was considering. He said that he had been having trouble deciding whether or not he would vote for this.

Mr. Gallaway said that this had opened up a whole new set of questions about his decision. He said that he wished some of these issues were not present. He said that it was similar to his previous remarks about photo speed cameras. He said that he did not understand why the points did not go against the record or why the fine was only half of what it would normally be. He said that before they deferred, he was offering his thoughts and opinions on whether the time spent on this issue was well spent, given the resources and the priorities of both offices.

Mr. Hingeley said that he fully agreed with Mr. Rosenberg. He said that collecting this amount without establishing liability through an ordinance, as the state enabling legislation provided, would be very challenging.

Mr. Gallaway said that he was happy to defer the item, but they should consider whether this was something they would have to address now or later.

Ms. Farley said that it may also be helpful to know that, while she did not have exact numbers, when she met with staff to discuss the frequency of this issue, her understanding was that it was an uncommon occurrence. She said that it was even more uncommon when the actual perpetrator could be determined. She said that it was even more uncommon for the person to be located within the Commonwealth, allowing for arrest, prosecution, and ultimately conviction. She said that they did not anticipate the instances in which they could apply for cost recovery to be many.

Ms. LaPisto-Kirtley said that while she was open to deferring this discussion, she thought that the Board wanted some kind of a mechanism to address emergency response needs. She said that this issue affected their Police, Fire, and EMT services, and potentially, it could endanger lives. She said that she was looking for a firm response with severe consequences.

Ms. Farley said that the enabling legislation specified that it did not limit the locality's ability or any other theory of recovery for incidents involving actual threats, or the use of firebombs or explosive devices, among others. She said that this statement seemed somewhat empty because it was unclear what specific cause of action it referred to. She said that it was theoretically possible that if there were a situation where a tort could be established, private parties could bring each other to court for recovery. She said that if such an incident involved one of their officers, there might be a potential legal avenue for recovery.

Ms. Farley said that she was hesitant to create an expectation that this would be the case, as it would heavily depend on the specific circumstances. She said that there was not just one specific cause of action for a locality to recover in the event of a traffic accident, death, or maiming. She said that it was theoretically possible that there was another avenue of recovery, but she could not specify what that was.

Ms. LaPisto-Kirtley asked if they knew of any other governmental entities attempts to address swatting and this kind of thing.

Mr. Rosenberg said that there were several localities within the Commonwealth that had adopted ordinances based on this enabling statute. He said that whether these ordinances had led to serious consequences or penalties, they were all subject to the same limitations of the enabling statute. He said that this was the tool that the General Assembly had determined to be available for localities to address these issues.

Ms. LaPisto-Kirtley said that if they were to implement penalties similar to these, and if other entities in the state followed suit, it might prompt the legislature to consider increasing the penalty amount.

Ms. Farley said that they would be in a position to have to collect it, as well.

Ms. Mallek said that her goal with this was deterrence. She said that when, within the last year, there were two middle school students locally who were arrested, they might have had some impact with this ordinance. She said that while they may not have an impact on people in other countries, that was the whole reason she supported it. She said that it was to prevent or reduce the opportunity for terrible things to happen because others were trying to rescue someone in risk.

Ms. McKeel said that she recalled several instances when they had to evacuate an entire school campus in the western feeder pattern twice. She said that those students were caught in the situation. She said that it was nice to see that it could potentially include schools as well as other facilities in the County. She said that perhaps instead of spending their time and resources on rewriting this, they should consider drafting a legislative packet for this year and seek to gain more authority or strength to address this issue. She said that the current \$250 fine was insufficient, considering the thousands of dollars spent in the past on evacuations. She said that the disruption caused to families was costly.

Ms. McKeel said that the children were ultimately caught. She said that she believed it was a critical issue that they should address, however, she was uncertain if it was worth their time to focus on this right now. She said that maybe they should revisit the legislature and request action that provided more authority or changes to this issue.

Mr. Pruitt said that they had developed a compelling narrative for when they asked their delegation to the General Assembly to reconsider how this ordinance was crafted. He said that they were the largest locality west of Richmond, and they were struggling to make meaningful use of the authority. He said that this issue originally arose because he was interested in the possibility of pursuing actions directly as the County in tort for cost recovery. He said that he believed this would have an easier standard of proof and could proceed quicker than criminal action.

Mr. Pruitt said that the answer was that the remedy provided by the General Assembly displaced their ability to seek recovery in tort as a County separate from the criminal charge. He said that this was because it provided such a specific remedy. He said that this situation highlighted the underlying frustration with this whole discussion, which was that the General Assembly, in the post 9-11 haze, in trying to grant localities more authority, had significantly limited their ability to seek restitution, damages, and meaningful deterrents around terrorism and terrorist hoaxes.

Mr. Pruitt said that today, they had crafted a compelling narrative for the necessity of reform. He said that he was optimistic that they could distill this discussion into compelling requests to the General Assembly, which could resonate across party lines. He said that the current minute-by-minute requirement was untenable and unworkable. He said that the limit was so low that it became meaningless. He said that it was contingent, despite being a civil recovery, on a criminal conviction, which carried a higher standard of proof.

Mr. Pruitt said that the language of its implementation was confusing, leading to differing interpretations among experienced attorneys. He said that the law, as written, was a mess. He said that he appreciated the work they had done in untangling this. He said that he was hopeful that they could initiate meaningful action from the General Assembly to address this complex issue.

Mr. Andrews said that he agreed that this item was more appropriate for their legislative agenda than for further discussion. He said that many of these qualifying offenses appeared to be quite serious. He said that he assumed that a fine was one of the potential penalties that could be imposed for many of them. He asked whether the fines imposed would be collected by the County the way a cost recovery would go to the County.

Mr. Hingeley said that depending on the severity of the felony, the law called for prison terms of up to five years or more, and fines that could reach up to \$2,500. He said that these offenses also allowed for the possibility of both fines and prison sentences. He said that there was significant room for severe consequences for offenses of this nature. He said that regarding the allocation of fines, he suspected they did not go to the County but rather to the State General Fund.

Ms. Farley said that she believed they were received by the literary fund. She said that at least one of the qualifying offenses was a class three felony, which is punishable by five to twenty years in prison and a potential fine of \$100,000.

Mr. Andrews said that they were seeking cost recovery, not merely extracting money from the defendant. He said that his goal was to recover their costs. He said that he supported legislation that aided in cost recovery. He said that he would close the public hearing. He asked if there was a consensus for a motion to defer or if the matter should be put back on the legislative agenda.

Mr. Rosenberg said that under their rules, the latter course could be taken. He said that it was not required that the Board vote on the ordinance, and if it was the consensus of the Board, they could direct staff to include the matter in their legislative priorities. He said that as he had already indicated, they were already working on this. He said that the item to be presented at their meeting on September 18 was consistent with their discussions of the subject last month.

Mr. Rosenberg said that if the Chair established a consensus among the Board members to direct staff to pursue an increase in the recovery amount under the enabling statute, they did not need to take action. He said that the matter would be revisited at a later date if this initiative met with success during the General Assembly session.

Mr. Andrews said that there was consensus from the Board to move the matter to its legislative priorities and closed the public hearing.

Mr. Gallaway said that he did not disagree with the points raised, but he believed it was important for them as supervisors to remember one of Mr. Hingeley's points about the legislative body's role in dictating mandatory penalties to the Commonwealth's Attorney. He said that he believed this was a question that they needed to keep in mind as they continued to seek authority on this issue.

Mr. Andrews said that they had previously considered whether this could be written in a way that enabled up to some amount, or gave the Commonwealth's Attorney some discretion.

Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said that he had attended several different meetings, including the TJPDC (Thomas Jefferson Planning District Commission), the previous day's economic development meeting, and this body's meeting, relative to the new remote participation policy that the state had passed on July 1. He said that he had raised the question of whether cameras needed to be on and if turning them off meant that one was no longer in the meeting. He said that if he left the room during the meeting, the Clerk had to note it. He said that if a camera was turned off, it could be interpreted as leaving the room.

Mr. Gallaway said that the state code was not exactly clear on this, but he was raising it as something they needed to be mindful of to cover their bases. He said that it was clear that if they were holding an all-virtual meeting, and a supervisor required for a quorum turned off their camera, then the quorum was lost and the meeting had to pause until they came back on. He said that even if one was not required for the quorum and their camera was off, their vote did not count. He said that one had to be seen and heard unless it was a technological issue.

Mr. Gallaway said that if it was a technological issue, and one did not pause the meeting, then one was not considered in the meeting. He said that it was probably a good idea to get with their legal counsel or experts on FOIA (Freedom of Information Act) relative to this new law. He said that if they had remote participation and the person participating remotely could not be seen, it could be called into question whether or not they were in participation in the meeting as of July 1.

Mr. Andrews said that it was unclear whether not being seen by the audience was different from turning a camera off.

Mr. Gallaway said that he did not want to delve into the nuances. He said that if someone was participating remotely and turned their camera off because they were eating a sandwich, it gave the impression that they had left the meeting. He said that if he were to leave the room during a meeting, it would be noted that he had left. He said that if he were to leave the room to use the restroom during a meeting with only a few people present, they would have to wait for him to return.

Mr. Gallaway said that there was now a reporting requirement, and all these local bodies had to reproduce their policy. He said that this was in place to satisfy the code. He said that in practice, he was unsure if they truly understood what they were supposed to be doing. He said that at the EDA (Economic Development Authority) meeting, there had been instances when the camera was turned off. He said that if someone was participating by phone, and their phone lost reception, then they were no longer participating in the meeting.

Mr. Andy Herrick, Deputy County Attorney, said that this subject had been under consideration by Mr. Steve Rosenberg, County Attorney, and himself. He said that there was a distinction between individual remote participation and all-virtual meetings. He said that the rules Mr. Gallaway had referred to applied to all virtual meetings. He said that if one lost camera reception during an all-virtual meeting, they

were no longer counted for the roll. He said that if one lost audio reception, they were no longer counted for the roll.

Mr. Herrick said that boards of supervisors were among the five groups that were not eligible for all-virtual meetings. He said that these restrictions did not apply to individual remote participation, such as Mr. Pruitt's remote participation that day, or Mr. Andrews' remote participation a few weeks ago. He said that even if one turned off their camera, their vote still counted. He said that these rules did not apply to individual remote participation, which was the only form of participation currently available to the Board of Supervisors. He said that for regional bodies, they may be eligible to hold all virtual meetings, and for those, cameras and audio connections had to remain on.

Mr. Gallaway said that it would be helpful to provide clarification to the committees and regional bodies.

Mr. Herrick said that in previous years, he had collaborated with Ms. Kilroy when she held her former position as a liaison to the County's advisory boards. He said that they had conducted annual workshops aimed at assisting staff liaisons to committees and boards in complying with certain requirements. He said that one significant change was that these bodies now needed to adopt policies on an annual basis, rather than setting them and forgetting about them.

Ms. Mallek asked if an unstable connection would pose a problem.

Mr. Herrick said that in the context of an all-virtual meeting, when audiovisual technology was available, a member of the public body was considered absent from any portion of the meeting during which visual communication with the member was voluntarily disconnected or otherwise failed, or during which audio communication involuntarily failed. He said that this was the law.

Mr. Rosenberg said that what this implied was that if one chose to click to turn their camera off, they took a voluntary action. He said that by doing so, they were ceasing visual communication and were no longer participating in the meeting. He said that if the visual feature failed on its own and no action was taken, and yet one could still be heard, they were still considered to be participating.

Mr. Andrews said that the Board had been requested to provide a letter of support for the Botanical Garden of the Piedmont nomination for the National Medal for Museum and Library Service, and that he was looking for a motion.

Ms. LaPisto-Kirtley **moved** that the Board of Supervisors authorize the Chair to sign a letter of support for the Botanical Garden of the Piedmont nomination for the National Medal for Museum and Library Service. 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 Mr. Pruitt.
NAYS: None.

* * * *



Beatrice (Bea) LaPisto-Kirtley
Rivanna

Michael O. D. Pruitt
Scottsville

Ann H. Mallek
White Hall

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(434) 296-5843

Diantha H. McKeel
Jack Jouett

Jim H. Andrews
Samuel Miller

Ned L. Gallaway
Rio

August 21, 2024

Cyndee Landrum
Acting Director
Institute of Museum and Library Services
955 L'Enfant Plaza North, SW
Suite 4000
Washington, D.C. 20024-2135

Dear Ms. Landrum,

The Board of County Supervisors in Albemarle County Virginia is proud to support the National Medal for Museum and Library Service proposal from Botanical Garden of the Piedmont (BGP). Three acres of the BGP property are located in Albemarle County. We approved the use of this land for the botanical garden and their Schematic Plan was unanimously approved by our Planning Commission.

We are excited by BGP's mission to welcome all community members and visitors to engage in nature, to inspire learning through the beauty and importance of plants, to advance sustainability, and to promote human and environmental well-being. We share their vision to create and maintain a garden that unites plants native to our region with complimentary architecture and landscape design; to provide community access to the garden and its natural spaces for exploration, observation, and restoration; to provide affordable, engaging educational programming and inspirational experiences for all ages; and to commit to inclusion, excellence, and upstanding management while maintaining a positive impact on the ecosystem and our community.

In the past six years, we have seen the property improve substantially through BGP's stewardship. They have made it a healthier, more diverse habitat for plants, birds and aquatic life, and they have devoted a lot of planning and effort toward making the site welcoming and usable by our community. Visitation has increased steadily due to BGP's proactive outreach to the community and its proximity to major roadways, bike paths and hiking trails, including several Albemarle County neighborhoods and schools.

This Garden is already a community resource for everyone in Albemarle County. Environmentally, the Garden is strengthening the local ecosystem and helping to curb pollution. Economically, it's beginning to attract tourism and contributing to commerce in our region. Socially, it is supporting our county as an education center and new social hub that is public, open air, and free. But most significantly, research indicates that physical and mental health outcomes are improved for people of all ages who have regular access to natural environments. BGP is playing an important role in environmental education and sustainable community development. We embrace and support the role BGP plays in our community and support their nomination for the National Medal for Museum and Library Service.

Please let me know if we can answer any additional questions.

Sincerely,

A blue ink signature of Jim H. Andrews, written in a cursive style.

Jim H. Andrews
Chair, Albemarle County Board of Supervisors

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

Mr. Andrews said that they had received text messages regarding an NAACP (National Association for the Advancement of Colored Persons) event which included a request for a letter from the Chair in support of the event. He said that the City Council had drafted a letter of support.

Ms. McKeel said that the NAACP held an annual fundraiser in September, where they requested letters from the City and the County to be included in a supportive booklet for their work. She said that as a member, she recalled those letters and believed it would be a shame if they did not have a letter to correspond with the City's letter. She said that they had asked for the letter today, and it was due by Friday.

Mr. Andrews asked if they required a motion when they could not yet produce the letter.

Ms. McKeel said that the letter was not making any commitments, it was only indicating support of the event.

Mr. Rosenberg said that the Board could consider a motion to authorize the Chair to send an appropriate letter to the NAACP honoring the organization on the occasion of its upcoming event.

Mr. Andrews requested a motion.

Ms. McKeel **moved** that the Board of Supervisors authorize the Chair to send an appropriate letter to the NAACP honoring the organization on the occasion of its upcoming event. 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 Mr. Pruitt.
NAYS: None.

* * * * *



Beatrice (Bea) LaPisto-Kirtley
Rivanna

Michael O. D. Pruitt
Scottsville

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White Hall

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Jim H. Andrews
Samuel Miller

Ned L. Gallaway
Rio

August 22, 2024

NAACP Albemarle-Charlottesville Branch
P.O. Box 1522
Charlottesville, VA 22902

Greetings,

To the oldest and largest Civil Rights organization in our nation's history, we, the Albemarle County Board of Supervisors, thank you, celebrate you, and extend our unwavering support.

For more than 76 years, between the separate and merged alliance of the Albemarle-Charlottesville Branch, the National Association for the Advancement of Colored People (NAACP) has served our community with excellence, perseverance, and dedication to racial equality and opportunity for all people.

As we seek to build a more equitable and inclusive society, we honor the legacy of those who have carried the torch in the past and in the present, with the hopes of a brighter future.

Sincerely,

A handwritten signature in blue ink that reads "Jim H. Andrews".

Jim H. Andrews
Chair, Albemarle County Board of Supervisors

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

Agenda Item No. 22. Adjourn.

At 10:04 p.m., the Board adjourned its meeting to September 4, 2024, 1:00 p.m., Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA. Mr. Andrews said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

Chair

Approved by Board
Date: 08/06/2025
Initials: CKB