

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 16, 2024, at 1:00 p.m. in Lane Auditorium, Second Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia, 22902.

PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway (absent from 2:07 p.m. to 2:09 p.m. and from 2:32 p.m. to 2:36 p.m.), Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Mike O. D. Pruitt.

ABSENT: none.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; Interim County Attorney, Andy Herrick; 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. Jim Andrews.

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

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. LaPisto-Kirtley **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. Pruitt stated that early voting was currently ongoing. He said that while registration had indeed ended, voters and residents who had not yet registered could still cast their ballots via provisional ballots, which were still counted. He said that they must ensure that this information was communicated when they went to the election office. He said that in Albemarle County, voters could cast their ballots at the County Office Building on 5th Street (COB-5th), which was also the location of the Police Department. He said that this office was open during normal weekday hours. He said that early voting lines would be open on Saturday on the last day of early voting, November 2, and he would be volunteering outside and would love to talk to anyone during that time.

Mr. Pruitt said that he would also like to provide more information about the Scottsville town elections, because they did not know who would be running for those. He said that the mayoral race was between Mayor Smith and Councilor Payne, and there was one qualified candidate on the ballot for the three town council positions: Alex Bessette. He said that three individuals had since announced their intention to run as write-in candidates: Walter Townsend, David Becker, and Roger Whitley. He said that for more information on these candidates, he recommended tuning in to the James Exchange, hosted by Nancy McGill, as they conducted interviews with the candidates. He said that they could also subscribe to the James Exchange for updates on local Scottsville news.

Mr. Pruitt said that he would like to highlight an upcoming event: a film screening titled "Another World is Possible" would take place on October 25 at 6:30 p.m. at the Lighthouse Studio in Charlottesville. He said that this event would focus on youth reactions to climate change and would feature films directed and developed by young people in the community. He said that, as it was also spooky season, and he regretted that their last meeting in October would take place a bit too early to capitalize on the Halloween spirit. He said that the only reason he would consider supporting a change to their Board meeting schedule was to accommodate a Halloween-themed event, as he would love to see the supervisors wear a costume to at least one meeting.

Mr. Pruitt said that, unfortunately, that was not feasible, and they would not be making any calendar changes in the near future. He said that, however, he did want to acknowledge the spooky season. He said that as such, the Scottsville Museum was hosting twilight tours this week, including local history Halloween-themed tours on October 18 and 19, departing at 6:00 p.m. and lasting about two hours for \$15. He said that there would also be a seated performance at Victory Hall on October 20 at 3:00 p.m.

Mr. Gallaway stated that he would like to take this opportunity to express his gratitude to Mary McIntire, the former Rio District Representative on the Albemarle County Department of Social Services Advisory Board. He said that she served for nearly seven years, until her resignation in September. He said that Mary was also a teacher at Journey Middle School and has recently become the head of the Albemarle Education Association. He said that he recalled when he first asked her to serve on that board, she expressed some reservations, but he believed her commitment to her work and her perspective as an

educator and someone who worked closely with children made her an ideal candidate.

Mr. Gallaway said that she took her role very seriously, providing regular updates and earning the appreciation of her fellow board members and the Social Services team. He said that he wanted to officially thank her for her dedication and time on the board. He said that he was pleased to see Serena taking over, and he was confident that she would do a fine job. He said that both Serena and Mary were from the Woodbrook neighborhood, so he was glad to see that affiliation continue. He thanked Ms. McIntire for her service on that board.

Ms. LaPisto-Kirtley stated that she had the opportunity to, as did Chair Andrews, visit Loaves and Fishes yesterday. She said that it was very enlightening. She said that it was her first time there, and she was impressed by the great operation. She said that they fed hundreds of people from Albemarle County, and they did not turn anyone away. She said that even in surrounding areas, they provided a large shopping cart of food, once every two weeks for families. She said that what was particularly impressive about Fishes and Loaves was that they tried to meet the dietary and/or religious requirements of the people receiving the food. She said that she thought that was extraordinary. She said that they received a significant amount of donations and worked closely with the local grocery stores.

Ms. LaPisto-Kirtley announced that on October 30 at 6 p.m., there would be a joint CAC (Community Advisory Committee) meeting with the Board of Supervisors, centered around AC44. She said that if they were interested in attending, it was a good place to listen to what was happening. She said that she also thought it would be interesting to see what kind of costume Mr. Pruitt would be wearing, given it was the day before Halloween.

Ms. LaPisto-Kirtley said that she also had an update on the Fire Foundation. She said that the board had approved their articles of incorporation, and they were working on the MOU (Memorandum of Understanding) and bylaws, which should be completed shortly.

Ms. Mallek stated that this had been a memorable comet and aurora week in northwest Albemarle. She said that they had all been spending a considerable amount of time observing the celestial events. She said that on her third attempt, she was finally able to see a comet for the second time in her life, and as she was looking through the binoculars, she saw a shooting star streak across the sky, making it her third shooting star sighting. She said that she felt truly blessed that this experience had occurred.

Ms. Mallek said that regarding Loaves and Fishes, the organization offered self-choice, much like a grocery store where clients could select what they wanted, rather than having it chosen for them. She said that she had also been impressed with their cooking and tasting events, particularly during produce season, which provided opportunities for people to learn about new things that they can cook for their families. She said that the fact that they were sourcing protein from local farms with grants was a really important thing. She said that she appreciated the hard work that they were doing.

Ms. Mallek said that two upcoming events she would like to bring to the community's attention were the Apple Butter Festival at the White Hall Ruritans on October 26, from 1:00 p.m. to 4:00 p.m. She said that cooking would be going on all night Friday, and the canning for sugar-free apple butter would begin around 11:00 a.m. and be ready around 2:00 p.m. She said that the sugared apple butter would be available in the afternoon as well. She asked everyone to please come out and stock up on gifts and other items.

Ms. Mallek said that also, the Ruck the Ridge event on November 9, at 7:00 p.m., which honored the service and sacrifice of active-duty military veterans and first responders. She said that the event would take place at the Blue Ridge School in St. George and offered various trails and adventures for families to choose from, regardless of physical ability. She said that this was meant to raise awareness for the experiences their soldiers went through. She said that for more information, one could search "Ruck the Ridge" on Google.

Ms. McKeel said that she would also like to mention Loaves and Fishes. She said that one of the challenges they faced for many years was the lack of public transportation for their customers. She said that the MicroCAT transit service had provided a wonderful solution. She said that she had been hearing overwhelmingly positive feedback about the ability of Loaves and Fishes to utilize MicroCAT transit for their customers.

Ms. McKeel said that regarding the new speed cameras in school zones, the first one in operation was located on Hydraulic Road through the Lambs Lane campus school site. She said that the data shared with them was quite interesting. She said that it revealed that 782 cars per day were speeding 10 miles or more over the speed limit between school start and end times for those two times during the day. She said that it was an astounding statistic. She said that the new speed cameras had led to a 70% reduction in speeding incidents over the first three months. She said that this was a promising result.

Ms. McKeel said that similar programs across Virginia had observed a 55% decrease in speeding violations. She said that this could be interpreted as the County had more people speeding, but it was great to see that they had a 70% reduction. She said that, until now, speeding violations had not been generating fines. She said that as of October 21, that would change, so a violation would result in a fine.

Ms. McKeel said that finally, to Mr. Pruitt's point, she had a clown suit that she used to wear for Halloween at the hospital, so he could just let her know.

Mr. Andrews said that his wife and he visited Loaves and Fishes, and he would like to add that it was impressive to see the number of volunteers they have. He said that what struck him was that their niece, who was currently enrolled in college in Asheville, North Carolina, was volunteering there. He said that she had been encouraged by her school to take advantage of opportunities while she was home due to the recent storm in Asheville, and it was wonderful to see her in action, packing groceries for the organization. He said that he learned that Loaves and Fishes served thousands of people in the community.

Mr. Andrews said that he was aware that there were a couple of quick ones that may be discussed later, but he would like to mention the Albemarle County Public Schools' Student Senate Fall Conference, which was taking place this Friday, including a session in Lane Auditorium. He said that notable speakers included Brennan Gould, Susan Cruz, Harold Foley, Frank Valdez, and Catherine Flores from the community.

Mr. Andrews said that he was also informed about the American Institute of Architects Community Service Award for the Architectural Review Board (ARB), which was announced recently, and he hoped they would hear more about it in the future.

Ms. Mallek said that a family member reported seeing on the previous day a speeding vehicle that passed two school buses that were stopped with their arms out and loading children and asked if speed cameras had been installed on the arms of buses.

Ms. LaPisto-Kirtley said that the School Division could likely answer that question.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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.

Mr. Tom Loach said that he was a resident of Crozet. He stated that AC44 claimed there would be no expansion of the Growth Area this year, but a more thorough review of the document revealed it was not a question of if, but when there would be Growth Area expansion. He said that the problem with this conclusion was that it directly opposed the stated goal of preserving rural Albemarle County for over 50 years.

Mr. Loach said that he had previously reported to the Board the words of Robert Tucker, former County Executive, outlining the use of land use subsidy to preserve rural Albemarle, and it was clear from Mr. Tucker's document that rural preservation was the primary driving force behind utilizing the land use subsidy program. He said that in 1991, the cost for land use was \$4 million, which had risen to \$14 million in 2023. He said that Mr. Tucker clearly stated that the cost of rural preservation and of land use was not a hidden fact, as it was implicit in the concept of land use that the tax burden was shifted to other taxpayers.

Mr. Loach said that using data from the County, he had calculated that those who paid for land use had invested over \$250,000,000 dollars to preserve rural Albemarle County since 1975. He said that those who paid for land use did not want to find themselves in a situation where five years down the line, and another \$70 million in land use money spent, only to have the Board decide that rural preservation was no longer important.

Mr. Loach said that after almost 50 years of payment, the logic could not be that they simply did less preservation. He said that he did not often agree with the development community on growth and development issues, but he must agree that the County could no longer delay addressing Growth Area expansion. He said that if a trajectory towards expansion of their Growth Areas or the end of rural preservation was on the horizon, then there was no need for the land use tax subsidy program.

Mr. Loach said that it was his belief that the majority of Growth Area residents who paid for land use would also object to continuing a preservation policy that was doomed to fail in its promise to protect Albemarle County. He said that he recognized this was a difficult question to preserve or not to preserve. He said that if it was his choice, he would prefer a referendum to decide the answer. He said that the entire County was now seeking an answer, and the answer now rested with the Board. He said that at this point, they had a choice between preservation and development.

Mr. Neil Williamson said that he was representing the Free Enterprise Forum, a privately funded public policy organization focusing on central Virginia's local governments. He asked if Albemarle was a welcoming community. He said that the County had set an aspirational goal of being a welcoming community, but he questioned whether this goal was being met.

Mr. Williamson said that when regulatory restrictions limited development and redevelopment to just 7% of the Development Areas, which accounted for less than 5% of Albemarle's landmass, it seemed unlikely. He said that punishing housing providers by limiting their ability to reinvest in their property

through heavy-handed rent control policies, also raised concerns. He said that the lengthy development project timelines, which could stretch from months to years, decreased housing affordability.

Mr. Williamson said that the land use map prohibited townhomes and multifamily projects in most Development Areas, and that one needed a magnifying glass to see areas of high density in the Future Land Use Map (FLUM). He said that in his opinion, the answer was no; Albemarle was not a welcoming community. He said that while residents and elected officials claimed to want to be welcoming, their actions suggested otherwise. He said that their community should be encouraging new residents and promoting diversity and inclusion.

Mr. Williamson said that to achieve this, Albemarle could consider expanding the boundaries of its 1970s-era Development Areas to provide more housing opportunities; by allowing, rather than mandating, higher density across the entire Development Area; by rejecting the concept of rent control currently promulgated into their current legislative priorities, and by streamlining policies and procedures so applicants could bring the Comprehensive Plan to life without working with one hand tied behind their back. He said that yes, Albemarle could be more welcoming, and it was up to the Board to do so.

Agenda Item No. 8. Consent Agenda.

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

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

Item No. 8.1. Notice of Public Hearing on County Acquisition of Parcel ID # 056A2-04-00-000A3 in Parkside Village, Crozet.

The Executive Summary forwarded to the Board states that during the right-of-way property investigation phase of the Library Avenue / Barnes Lumber project, the right-of-way consultant found multiple issues with Parcel ID # 056A2-04-00-000A3 that hamper the County's efforts to acquire clear title. This parcel is important to the completion of the road system connecting the Library Avenue / Barnes Lumber project with Parkside Village.

The Parcel had not been conveyed to the Parkside Village HOA, as previously thought. The recorded plat (Attachment A) shows the subject parcel as "reserved for future extension of Hill Top Street, to be dedicated for public use upon demand by the county." However, a title examination found no recorded deed of conveyance that transferred the property from the developer to the Parkside Village HOA. Instead, the current record owner is a defunct entity with multiple judgments encumbering its properties.

The acquisition of clear title to this parcel is critical for the completion of the road system connecting to the Library Avenue/Barnes Lumber project with Parkside Village. To acquire clear title to the land for the construction of Route 867, the County will need to pursue eminent domain by filing a certificate with the Clerk of the Circuit Court of Albemarle County for public use. Once the certificate is filed, the County must conduct a public hearing to consider the acquisition of the parcel by eminent domain. Staff is in support of conducting the public hearing to consider the acquisition of the parcel by eminent domain.

Staff recommends that the Board of Supervisors authorize notice and schedule a public hearing on December 4.

By the above-recorded vote, the Board authorized notice and for the Clerk to schedule a public hearing on December 4, 2024 for the County Acquisition of Parcel ID # 056A2-04-00-000A3 in Parkside Village, Crozet.

Item No. 8.2. Resolution to Accept Road(s) in The Farms at Turkey Run Subdivision into the State Secondary System of Highways. (Scottsville Magisterial District).

By the above-recorded vote, the Board adopted a Resolution to Accept Road(s) in The Farms at Turkey Run Subdivision into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 16th day of October 2024, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **The Farms at Turkey Run**, as described on the attached Additions Form AM-4.3 dated **October 16, 2024**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and



WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **The Farms at Turkey Run**, as described on the attached Additions Form AM-4.3 dated **October 16, 2024**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

Form AM 4.3 (Rev 10/07/2024)	ICR ID: 40129431 SSR																		
 COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION Form AM 4.3																			
In Albemarle County																			
by Resolution of the governing body adopted 10/16/2024																			
The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways:																			
A Copy Testee	Signed (County Official): 																		
Report of Changes in the Secondary System of State Highways																			
Project/Subdivision: The Farms at Turkey Run																			
<table border="1"><thead><tr><th>CHANGE TYPE</th><th>RTE NUM & STREET NAME</th><th>CHANGE DESCRIPTION</th><th>FROM TERMINI</th><th>TO TERMINI</th><th>LENGTH</th><th>NUMBER OF LANES</th><th>RECORDATION REFERENCE</th><th>ROW WIDTH</th></tr></thead><tbody><tr><td>Addition</td><td>Rt. 1348 - Thomas Ridge Lane</td><td></td><td>Rte. 1347 Jordon Run Lane</td><td>0.38 Mi S to CDS</td><td>0.38</td><td>2</td><td>4368/651</td><td>50</td></tr></tbody></table>	CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH	Addition	Rt. 1348 - Thomas Ridge Lane		Rte. 1347 Jordon Run Lane	0.38 Mi S to CDS	0.38	2	4368/651	50	
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Item No. 8.3. Voting Credentials for the 2024 VACo Annual Business Meeting.

Virginia Association of Counties

Connecting County Governments since 1934



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Albemarle County

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Lancaster County

Executive Director


Dean A. Lynch, CAE

General Counsel

Phyllis A. Errico, Esq., CAE

Date: September 26, 2024

To: Chairs, County Board of Supervisors
County Administrators

From: Dean Lynch, CAE 
VACo Executive Director

Subject: Voting Credentials for the 2024 VACo Annual Business Meeting

The 2024 Annual Business Meeting of the Virginia Association of Counties will be held on Tuesday, November 12, 2024 at the Omni Homestead Resort (Bath County, VA), beginning at 10 am.

Article VI, VACo Bylaws, states that each county shall designate a representative of its board of supervisors to cast its vote(s) at the Annual Business Meeting.

However, if a member of the board of supervisors cannot be present for this meeting, the Association's Bylaws allow a county to designate a non-elected official from your county or a member of a board of supervisors from another county to cast a proxy vote(s) for your county.

For your county to be certified to vote at the Annual Business Meeting, a completed Voting Credentials Form or Proxy Statement must be submitted to VACo by Friday, October 18, 2024. Completed forms can be emailed to finance@vaco.org or mailed to: VACo, 1207 E Main St. Suite 300, Richmond, VA 23219.

We look forward to your participation at the upcoming VACo Annual Conference, November 9-12, 2024!

1207 E. Main St., Suite 300
Richmond, Va. 23219-3627

Phone: 804.788.6652
Fax: 804.788.0083

Email: mail@vaco.org
Website: www.vaco.org

By the above-recorded vote, the Board designated Supervisor Jim Andrews as Voting Delegate and Supervisor Ned Gallaway as Alternate Delegate:



VACo 2024 Annual Meeting

Voting Credentials Form

Please return completed form to: finance@vaco.org
by Friday, October 18, 2024

Voting Delegate:
(Supervisor) Name: Jim H. Andrews
Title: Chair
Locality: Albemarle County

Alternate Delegate:
(Supervisor) Name: Ned Gallaway
Title: Supervisor, Rio District
Locality: Albemarle County

Verified by:
(County Administrator or Clerk of the Board)
Name: Claudia H. K. Berger
Title: Clerk to the Board of Supervisors
Locality: Albemarle County

**VACo 2024 Annual Meeting
Proxy Statement Form**

_____ County authorizes the following person to cast its votes at the 2024 Annual Meeting of the Virginia Association of Counties on November 12, 2024.

_____, a non-elected official of this county.
-OR-
_____, a supervisor from _____ County.

This authorization is:
 Uninstructed. The proxy may use their own discretion to cast _____ County's votes on any issue to come before the annual meeting.
 Instructed. The proxy is limited in how they may cast _____ County's votes. The issues on which they may cast those votes and specific voting instructions are attached to this form. (List issues and specific instructions on a separate sheet and include with this form.)

Authorized by:
Name: _____
Title: _____
Locality: _____

Item No. 8.4. Boards and Commissions Annual Reports, **was received for information.**

Item No. 8.5. Rivanna Water and Sewer Authority (RWSA) Quarterly Report, **was received for information.**

Item No. 8.6. Albemarle County Service Authority (ACSA) Quarterly Report, **was received for information.**

Agenda Item No. 9. **Action Item:** 2025 Legislative Priorities and 2025 Legislative Positions and Policy Statements.

The Executive Summary forwarded to the Board states that each year, the Board of Supervisors considers and approves a set of legislative priorities to pursue in the upcoming General Assembly session. The Board then meets with the County's local delegation from the General Assembly to discuss these priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). The Board of Supervisors held work sessions on its 2025 Legislative Priorities and 2025 Legislative Positions and Policy Statements on June 12 and September 18, 2024. On October 16, 2024, the Board will have a third

opportunity to discuss its Legislative Priorities and, if it is ready to do so, to establish those priorities and to adopt its Legislative Positions and Policy Statements.

During its work session on September 18, 2024, the Board of Supervisors reviewed the proposed legislative priorities, as well as proposed legislative positions and policy statements.

Based on Board feedback, staff is returning with the following proposed six legislative priorities for 2025 (Attachment A):

1. Expand the use of photo-speed monitoring devices. Amend Virginia Code §§ 46.2-882 and 46.2-882.1 to enable the use of photo speed monitoring devices on segments of secondary roads where speeding has been identified as a problem.
2. Grant the County taxing authority for school division capital projects. Amend Title 58.1, Subtitle I, Chapter 6 of the Code of Virginia to make Albemarle County eligible to levy an additional 1% retail sales tax for the purpose of funding school division capital projects.
3. Expand offenses subject to property forfeiture to include community threats. [Revised] Following an initial proposal to merely increase cost recovery, County staff is proposing that property used in community threats instead be subject to forfeiture.
4. Provide \$11.2M in state funding for Rivanna Futures project. Include \$11.2M funding in the biennial state budget for this economic development project adjacent to the U.S. Army's existing Rivanna Station installation.
5. State funding for Biscuit Run Park- Monacan Indian Nation Tribute Park Connector Greenway ADA Trail project. Include \$1,368,000 in the state budget to fund a one-mile, ADA-accessible paved trail that connects the future Biscuit Run Park's western entrance to the future Monacan Indian Nation Tribute Park, under development as part of the Southwood Mobile Home Park redevelopment project.
6. Study tools to mitigate rent increases caused by multifamily residential redevelopment. [New] At the Board's September 18 work session, Board members expressed willingness to add a new priority of a legislative study of how best to stabilize rents following redevelopment of multi-family housing.

Based on the Board's September 18 work session, staff also drafted additions or revisions of the following proposed 2025 Legislative Positions and Policy Statements (Attachment B):

- Digital Equity (new) - to support statewide efforts for advancing digital equity
- Environmental (revised) -- to include support for sustainable material management (SMM) legislation
- Affordable Housing Funding (revised) -- to be more inclusive than Housing Albemarle specifically
- Locality Enforcement of Landlord-Tenant Act (new) -- to enable localities to enforce violations of that Act
- Locality Right of First Refusal (new) - to support a locality right of first refusal when affordable housing is sold or converted.
- Rent Stabilization (new) - to support legislation that would enable localities to implement rent stabilization/rent gouging protections.
- Demerit Points for Truck Violations (new) - to assign demerit points under the Uniform Demerit Point System for violations involving overweight trucks or unpermitted through trucks.

There are no specific, identifiable budget impacts.

Staff recommends that the Board review the proposed 2025 Legislative Priorities (Attachment A) and 2025 Legislative Positions and Policy Statements (Attachment B), and, if they are acceptable, adopt them by motion.

Mr. Andy Herrick, Interim County Attorney, said that he would be addressing this matter with the assistance of Emily Kilroy, the Economic Development Director, and David Blount, the Legislative Liaison with the Thomas Jefferson Planning District Commission (TJPDC). He said that together, the three of them would be discussing the legislative priorities and policy statements of the Board.

Mr. Herrick said that as the Board may recall, they had been before the Board recently, at the last meeting of September, reviewing the priorities and positions as they understood them at the time. He said that the Board had offered several additional priorities and positions that staff had attempted to incorporate into the revised documents included in their agenda package.

Mr. Herrick said that these consisted of a couple of different items. He said that first, the 2025 legislative priorities, then next, the legislative positions and policy statements, which were slightly different, and he would go through the differences between the two. He said that his presentation today would conclude with next steps and what they could expect going forward.

Mr. Herrick said that to clarify, the distinction between the priorities and budget amendment requests on one hand, and the positions and policy statements on the other, was that the priorities were the most important items identified by the Board. He said that they had six of them now, which he would be presenting to them today, whereas the positions and policy statements were more of a reference tool, providing the County's position on certain policies, and were not as high a priority as the legislative priorities. He said that they had tried to be more selective in the priorities, limiting them to six, whereas the

positions and policy statements were more extensive.

Mr. Herrick said he would begin by examining the proposed legislative priorities. He said that as the Board may recall, some of these were familiar from the previous draft presented on September 18, while others were new. He said that he would go through each one in turn. He said that these were expanding the photo speed device authority, the \$0.01 sales tax for Schools capital, and they had revised at the Board's direction expanding offenses subject to property forfeiture to include community threats, which he would elaborate on in a moment.

Mr. Herrick said that they also had a couple of budget requests, one for Rivanna Futures and the second for the Biscuit Run Park Project. He said that finally, they had a new item, generated from the September 18 Board meeting, which requested a legislative or agency study on tools to mitigate rent increases caused by multifamily residential development.

Mr. Herrick said that he would review each of these priorities in turn. He said the first priority was to expand the photo speed device authority. He said that the County's priority, as currently drafted, was to enable the use of photo speed monitoring devices on locally designated segments of road where speeding had been identified as a problem. He said that currently, state law allowed these devices to be used in school zones, highway work zones, and at dangerous intersections with documented fatalities within 1,000 feet of a school zone. He said that the County sought to allow the enabling authority to permit these devices anywhere where a local government or governing body had requested it.

Mr. Herrick said that also as an additional priority, they were requesting to amend the Virginia Code to designate Albemarle County, in addition to the other previously designated cities and counties, as a qualifying locality for allowing a \$0.01 sales tax referendum to support school construction. He said that currently, the Virginia Code only identified certain named localities. He said that Albemarle would like to either be added to that list or, ideally, have the General Assembly allow the authority for any locality that sought it.

Mr. Herrick said that the next item was new. He said that as the Board may recall, there had been significant discussion regarding cost recovery for community threats or hoaxes. He said that after further discussion among their staff, specifically with Amanda Farley, Senior County Attorney, who worked closely with their public safety agencies, it was suggested that instead of pursuing cost recovery, they approach this from a different angle.

Mr. Herrick said that they proposed adding these offenses to the list of offenses that were subject to property forfeiture. He said that this would allow for a greater recovery and potentially serve as a greater deterrent. He said that it was a simpler process that was well understood, and it offered a more substantial recovery than the flat \$250 enabled under the existing cost recovery statute. He said that they had adjusted their approach to this issue, still aiming to provide a deterrent for those types of offenses, but with the hope of a more effective and familiar solution for all parties involved.

Mr. Herrick said that he would briefly review a few of the budget requests. He said that these had remained unchanged since the Board reviewed them previously. He said that they were still requesting \$11.2 million for targeted Phase 1 readiness funding for the Rivanna Futures Project, as well as \$1.37 million for a trail segment at the Biscuit Run Park. He said these requests had not changed.

Mr. Herrick said that additionally, there was a new item that had been generated at the September 18 Board meeting. He said that they were requesting that the state conduct a study on tools to mitigate rent increases caused by multifamily residential development. He said that this was necessary because new construction lacked a baseline for percentage increases in rent. He said that the purpose of this study would be to allow for best practices in this area, to allow localities or other interested parties to provide a baseline where none currently existed or to develop tools to address that.

Mr. Herrick said that these six legislative priorities were part of the current draft. He said that what was before the Board currently was staff's understanding of the requests made by the Board. He said that they were open to further amendments or additions if the Board saw fit. He said that he was happy to answer questions and was sure that Ms. Kilroy and Mr. Blount could also assist.

Mr. Pruitt said that he appreciated the thoughtful attention given to the alternate solution to the recovery of fees recommendation. He said that he believed this approach made sense. He said that he was also naturally considering the potential ways this could be abused. He said that he would like to discuss this further with staff. He said that for instance, if someone were to make a hoax call to the Board of Supervisors, claiming to be a threat, and it was intercepted by the ACPD (Albemarle County Police Department), he wondered what the next steps would be in addressing this situation.

Mr. Herrick said that if the offense was ultimately prosecuted, went to trial, and the defendant was convicted, it would enable the seizure of any property used in the commission of that offense. He said that currently, the law allowed for this seizure in certain types of activities, but not others. He said that this would simply expand the classes of offenses subject to the criminal forfeiture provisions.

Mr. Pruitt asked if this did not resemble the concept of civil forfeiture, which typically involved holding property without a criminal conviction in the event of a traffic incident.

Mr. Herrick said that was correct. He said that this was simply an addition to the existing criminal forfeiture provision. He said that what this provision would do was expand on it by adding certain

additional offenses.

Mr. Pruitt asked if this would be contingent on proceeding through the Circuit or General District Court, or would it be possible to attach to crimes that must go through the Juvenile and Domestic Relations Court process because the perpetrator was under a certain age.

Mr. Herrick said that Ms. Farley was not present to address the specific logistics of criminal forfeiture. He said that based on his understanding, since these offenses were all felonies, it was typically the Circuit Court that would handle that aspect. He said that he was not prepared to address the complexities of juvenile defendants and the procedures that would apply in a Juvenile Court setting.

Mr. Pruitt asked if it would have to be something that could be prosecuted as a felony, which could not be done for citizens under a certain age.

Mr. Herrick said that he believed that all of these offenses were felonies, which would be tried in the Circuit Court, at least for adults.

Mr. Pruitt said that he was considering the child who called to report a bomb threat to their school. He said that this provision would only apply if the child was old enough and the situation was dire enough to be prosecuted as a felony, which would not apply to elementary school students, middle school students, and some high school students. He said that he was thinking through this based on age and the circumstances that would allow for felony prosecutions. He thanked Mr. Herrick for the information.

Mr. Pruitt said that otherwise, he thought the majority of the content remained unchanged. He said that they had added the study, and he liked the language used in it. He said that he had already mentioned this to some of their representatives in the delegation, but he would have those conversations privately to ensure the intended meaning was clear.

Mr. Gallaway said that he would be interested in seeing how the property forfeiture issue unfolded in the General Assembly. He said that even 10 to 15 years ago, this was a contentious issue, and he believed it was largely due to concerns about how it was handled. He said that in this specific case, a cell phone was used, and he wondered what the property would be, aside from the cell phone. He said that he was curious about the potential for a computer where email or auto-dialer system software were used.

Mr. Gallaway said that he would not stand in the way, but knowing the General Assembly, they would ask and see what happened. He said that for them to actually recoup the costs, they would need to sell the recovered items at a wholesale price. He said that he was initially skeptical about simply collecting the fine of \$250, as the total amount needed to be recovered would likely be in the thousands of dollars. He said that considering the sale of cell phones and computers, this would add significant administrative costs to the recovery process.

Mr. Gallaway said that while he was not opposed to exploring ways to cover these costs, it needed to be more realistic and aligned with the actual costs incurred. He said that if this initiative was a genuine attempt to address the larger issue, it could potentially move the needle. He said that therefore, he would not object to it, as he understood the underlying rationale. He said that he would be closely monitoring the progress of this initiative.

Mr. Gallaway said that he wished to clarify a few points regarding their discussion on rent control. He said that it appeared that the Board had not taken any action on this topic, despite being informed that they had. He said that he had either slept through it or they had not taken the action. He said that if a study on rent stabilization was conducted, it would provide valuable insights into the matter. He said that the study would likely reveal whether rent control was a viable solution or if alternative approaches could also be effective.

Mr. Gallaway said that requesting a JLARC (Joint Legislative Audit and Review Commission) study would be beneficial, as it would offer a comprehensive understanding of the issue across the state. He said that he wanted to emphasize that the Board had not taken any action on rent control, and he encouraged the community to review the discussion from that day to understand their position. He said that the study would provide tools to mitigate rent increases caused by multifamily residential redevelopment, and he was open to including it in the packet. He said that however, the state would ultimately determine whether to pursue the matter.

Mr. Gallaway said that he believed that if they truly wanted to give license demerit points for traffic offenses, they should consider a comprehensive approach rather than piecemeal solutions. He said that it should not just be limited to through-truck restrictions but should also include speeding through speed cameras in designated speed zones. He said that in his opinion, this should also result in increased insurance costs for those who received tickets, which currently did not occur since an officer was not issuing the citation.

Mr. Gallaway said that he was not suggesting that he was against this as they neared the end of the process, but knowing the General Assembly, he thought that this was not one that was nuanced, and that they should go for the big bang. He said that drivers should receive points, and even double points, for speeding through speed zones.

Mr. Gallaway said that additionally, he would like to address a previous point about the lights not functioning. He said that he had personally driven through the area daily, and he could confirm that the

lights were functioning properly at the time of their discussion. He said that the issue may be related to visibility, but it was not a result of the lights not functioning.

Mr. Gallaway said that he hoped the School Division would join them in advocating for this \$0.01 sales tax option, which was becoming increasingly critical not only for the School Division but also for the County as a whole, due to the capacity it opened up. He said that it was not just for Mr. Blount to advocate for; it would require a collective effort from all six of the Supervisors and all seven School Board members to be present in Richmond, advocating for this issue and encouraging them to bring it across the finish line.

Ms. LaPisto-Kirtley said that she agreed with many of the points Mr. Gallaway brought up, particularly regarding rent control issues. She said that she was not aware of them taking a position on rent control, and she did not recall discussing it. She said that she did not mind conducting a study to determine their next steps. She said that she agreed on expanding the photo speed devices. She said that she had been discussing this with Delegate Laufer, and Ms. Laufer had spoken with representatives in Richmond who were also working on this bill. She said that she hoped they could discuss this with their legislators when they called about the \$0.01 sales tax option, as this was really needed.

Ms. LaPisto-Kirtley said that in her area, she had seen a significant increase in oversized trucks on Route 22 and Route 231, including a large Amazon truck that was not supposed to be there and flipped over. She said that residents had reported seeing a dozen oversized trucks in a short period, which was why she was curious to see how the truck restriction would work. She said that without the police presence, it was likely to continue being a problem. She said this was why this was so important.

Ms. LaPisto-Kirtley said that the \$0.01 sales tax option, which would be used exclusively for Schools, was a vital step towards addressing construction issues. She said that she believed it was essential that they work together with Schools and the community to pass this referendum. She said that they were asking the state to grant them permission to hold a referendum, which would allow the people of Albemarle County to decide whether to increase the sales tax by 1% for School construction and renovation. She said that she thought they had a good legislative agenda overall.

Ms. Mallek said that she was in support of each of these elements. She said that having lived in a rent-controlled apartment in Brookline, Massachusetts, in 1973, she had a unique perspective on established urban cities with large senior populations. She said that they were one of the few buildings with residents under 70, and it was a large building. She said that she believed this could be done very well, although she was not sure how it would turn out.

Ms. Mallek said that the housing study report was expected to be released this month from the Department of Housing and Community Development, and she was hoping it would provide some useful information. She said that she was open to learning more.

Ms. Mallek asked regarding the swatting question, whether parents were involved in this responsibility, or if it was solely the child's responsibility. She said that if this was an unusual question, they could put it off for now and figure it out later. She said that she believed that holding parents accountable was the only way to get a behavior change, in the same way that they had been held accountable with weapons.

Ms. Mallek said that she was surprised to learn that insurance points did not count for these egregious incidents. She said that regarding the 700 cars speeding in the camera area, it was 1,000 a month in the past before they obtained the authority for cameras on the ends of the arms. She said that it was an incredibly serious element. She said that she was ready to move forward.

Ms. McKeel said that upon reviewing the legislation, expanding photo speed device authority was a positive step. She said that she was supportive of this expansion. She said that she thought that the current penalty may not be sufficient to deter behavior. She said that at least, it had not been until now. She said that despite this, they had spent the last two decades getting this far. She said that she understood Mr. Gallaway's frustration, but they had had to compromise to get something passed through the General Assembly. She said that she was hopeful that they could continue to work on this and achieve a more substantial impact on behavior. She said that according to what she read today, it appeared to be having some effect, which was encouraging.

Ms. McKeel said that the \$0.01 sales tax option was certainly needed for their ability to have a referendum to ask their community. She said that regarding the proposal of expanding offenses subject to property forfeiture, she appreciated the suggestion, but she was not convinced that the benefits was worth the work. She said that if they were considering taking a cell phone or computer and selling it to recoup the costs, she found that approach impractical and unnecessary.

Mr. Gallaway said that perhaps to a young person, the threat of losing a cell phone or computer may serve as a deterrent, but for cost recovery it did not seem to be an effective solution.

Ms. McKeel said that it seemed that a parent could easily replace the property if it was forfeited. She asked staff what other examples they should be considering beyond laptops and phones.

Mr. Herrick said that unfortunately, he was at a loss for specific examples, except to reiterate that this statute already existed for terrorist acts. He said that as a result, they had the ability to seize property that had been used in the commission of terrorist acts. He said that this expansion built upon that existing

authority. He said that he was struggling to provide specific examples, but he did recall that Ms. Farley had mentioned one advantage of this process: it was a more established procedure.

Mr. Herrick said that when this item had previously been before the Board as a cost recovery item, the Commonwealth's Attorney had expressed significant objections, which may not be present with this procedure. He said that this could provide an additional advantage, as it would involve a larger pool of recoverable funds and a procedure more familiar to both the Commonwealth's Attorneys and the system, which may mitigate the difficulty in liquidating personal property.

Ms. McKeel said that she appreciated that. She had some reservations about this particular proposal. She said that while she understood the importance of addressing certain issues, she was not convinced that the effort required to pass this legislation was justified. She said that in contrast, she believed that addressing issues like drugs and guns was a more pressing concern. She said that while she could see the logic behind that approach, she was not sure it applied to this specific situation.

Mr. Herrick said that the alternative would be to expand the \$250 flat cost, which was currently capped at that amount. He said that it was possible that the \$250 may still remain a relatively small amount, and they may encounter the same issues with it being insufficient.

Ms. McKeel said that she thought that was even more so. She said that she was happy to say yes to this. She said that they would see how it went, but she was not convinced that this really addressed their goal.

Ms. McKeel said that for rent increases, she thought that if the report had mentioned a JLARC study, which was what they all talked about at the last meeting, the community would have understood it better, and they would not have had as much angst. She said that the report did say on page four that they supported legislation to enable localities to implement rent stabilization and rent gouging protection. She said that she thought when people compared the two, it added to the angst.

Mr. Herrick said that to address a couple of points, he would like to clarify that they had heard the Board's request for a JLARC study. He said that when they had discussed this with Mr. Blount, he stated that a JLARC study was not the proper tool that would be done in Richmond, and it would require a different type of tool. He said that he was not aware if Mr. Blount had any additional comments, but it would not be a JLARC study that would be conducted in this case; rather, it would be a study by a different agency.

Ms. McKeel asked if they should discuss that later.

Mr. Herrick said that regarding the rent stabilization and rent gouging mentioned in the position statement, he would address this in the second part of his presentation.

Ms. McKeel said that was great. She said that it was interesting because she thought they were all accustomed to JLARC studies, and they should not assume that was the case. She said that however, when the community reviewed some of these points together in a report, that was what they assumed. She said she was not currently interested in implementing rent control at this point, as she did not have enough information to express a favorable or unfavorable opinion. She said that however, she would always be interested in learning more about how something like that would play out in the community. She said she looked forward to the next discussion, where Mr. Herrick would provide more information on what might be appropriate.

Mr. Andrews said that he wanted to ensure that he understood the comments he had heard well enough to know if anything needed clarification. He said that regarding the expansion of the photo speed device authority, he was in favor of the proposal. He said that however, he had heard some comments suggesting that it should be extended to other traffic violations, such as the through truck restrictions or other things, which he had not clearly understood at the outset.

Mr. Herrick said that it was part of the positions; there would be demerit points for through-traffic. He said that he would discuss that in the second part of his presentation. He said that however, that was not related to the photo authority, which was a separate item.

Mr. Andrews said that he had heard it in this discussion.

Mr. Andrews said that he had no issue with the \$0.01 sales tax as previously discussed. He thanked Mr. Herrick for reminding him of the Commonwealth Attorney's position on this matter, as he felt like this was a different thing and did not necessarily accomplish a lot, but it did appear to be a much easier lift. He said that he was in favor of recognizing the problem and exploring whether this proposal could help.

Mr. Andrews said that the budget requests were great. He said that the legislative study, this is where he thought they were. He said that he understood that the term "redevelopment" was specifically in there because there was some sense that regular development was already fully understood, and existing transfers of property. He said that however, he was not entirely convinced of that, so he hoped the study was broad and examined the possibilities for addressing rental housing and rental increases under those circumstances. He said that otherwise, he was very supportive.

Ms. LaPisto-Kirtley said that the through-truck restriction would require boots on the ground to be

able to do that.

Mr. Andrews said that it had come up in this, and he wanted to ensure that they remained focused on the proposed legislative priorities. He said that now, if there were no other comments, they could move onto the positions.

Ms. LaPisto-Kirtley said that she wanted to explore the opportunity to expand the property forfeiture. She said that she believed it would be suitable for adults who had assets. She said that she was not convinced that it would be effective for individuals under 18 or 16, as Mr. Pruitt had mentioned. She said that she was wondering if they could clarify that if the individual was an adult, the property forfeiture would apply, but if the individual was under 18, that would be the cell phone and computer, or perhaps their parents or guardians could be held responsible.

Mr. Herrick said that his understanding was that there would not be criminal responsibility for the parents of students who committed these offenses. He said that there might be a related offense, such as a child neglect charge. He said that in general, it was the offender their self who was facing the charges.

Ms. LaPisto-Kirtley said that it would be difficult with a child.

Mr. Herrick said that moving on to the second part of the presentation, which covered the legislative positions and policy statements. He said that what they had presented so far were the County's six priorities the County would be advocating for. He said that the following positions and policy statements outlined the County's stance on these issues, should inquiries arise in Richmond.

Mr. Herrick said that the Board may recognize the list of seven positions that were added at the last meeting. He said that in reality, the list was much longer, with approximately 40 positions stated in the position documents. He said that seven of these positions were introduced at the last meeting and were listed here. He said that all but two of these positions related to increased funding: support for economic development and site readiness, and increased funding for community services boards, mental health services, housing, and Public Schools.

Mr. Herrick said that in addition, the position statement had also included a position against the legalization of skill games and supported preserving local authority over land use matters. He said that at the last meeting, new ideas had been generated, and staff had attempted to incorporate these into the position statement for further review and discussion by the Board.

Mr. Herrick said that a new position was added regarding digital equity to support statewide efforts for advancing digital equity. He said that the environmental position statement was revised to include support for sustainable material management legislation, drawing on an August 30 memo from the Solid Waste Alternatives Advisory Committee (SWAAC) and referencing the EPR (Extended Producer Responsibility) program as well. He said that they could certainly clarify that in the final position statement if the Board was interested in that.

Mr. Herrick said that they also revised the affordable housing funding statement to refer not just to Housing Albemarle, but to affordable housing more generally. He said that there was a request to add a position statement regarding the locality enforcement of the Landlord-Tenant Act, which would enable localities to enforce violations of the Act. He said that currently, violations of the Landlord-Tenant Act were only enforceable by tenants themselves.

Mr. Herrick said that there was also a request to add a position statement regarding locality right of first refusal to support a locality's right of first refusal when an affordable housing property was sold or converted. He said that there was a request to add a position statement regarding rent stabilization to support legislation that would enable localities to implement rent stabilization and rent gouging protections. He said that Ms. McKeel mentioned this on page four, attachment B.

Mr. Herrick said that finally, they also added a request for demerit points under the uniform demerit point system for violations involving overweight trucks or unpermitted through trucks. He said that this would be included in the position statement list rather than as a priority list.

Mr. Herrick said that their next steps were to adopt the priority statement and the position statements. He said that the current drafts of those were included in the package as attachments A and B, respectively. He said that they were subject to Board discussion and Board amendment if they felt that anything needed to be added, removed, or amended.

Mr. Herrick said that he would also like to add that there was discussion at the prior meeting regarding the enforcement of parking violations and expanding the scope of who may enforce parking violations. He said that staff acknowledged this discussion and found that counties or localities with populations over 40,000, such as Albemarle, already had the enabling authority to contract for the enforcement of parking violations. He said that it was his understanding that VACo (Virginia Association of Counties) may be advocating for legislative permission to open this door for smaller localities. He said that existing state law allowed for contract enforcement by localities with populations over 40,000. He said that therefore, this item was not added to the draft list before the Board today.

Mr. Pruitt said that to clarify, the request for a study and the position statement presented here were two separate things. He said that one pertained to existing housing, including renewing year-to-year leases or month-to-month leases, and what they could do between renewals. He said that the other

involved studying tools that might be suitable when housing was redeveloped, either by demolition or renovation, resulting in temporary displacement and significant rent increases. He said that these were distinct concepts. He said that he had discussed this at their previous two meetings, where they had touched on legislation, so he did not want this to be characterized as something that came out of left field.

Mr. Pruitt said that rent stabilization was a concept that the majority of their peers, Democrats in the House and Senate, supported. He said that there had been recurring submissions of rent stabilization legislation each year. He said that this was a Dillon Rule thing. He said that this was not about implementing a rent stabilization scheme; rather, it was about empowering them to consider doing so in the future. He said that this was a priority that localities in northern Virginia and the Hampton Roads area frequently included on their legislative priorities lists.

Mr. Pruitt said that when he had spoken with housing advocates, they had noted that currently, there was little to no action expected in the next year, and possibly not in the year after that. He said that by bringing this issue to the forefront and having more localities include it on their legislative priorities lists, they could show that it was something on their radar and was something confronting people outside of NOVA (Northern Virginia).

Mr. Pruitt said that this did not mean they had to do anything regarding rent stabilization or rent gouging, and he anticipated that would be a much more in-depth and contentious vote. He said that he personally supported rent stabilization. He said that he believed they often heard exaggerated concerns about the potential negative effects, as seen in studies and meta-analyses, including the urban meta-analysis pointed out by Mr. Williamson.

Mr. Pruitt said that the actual impact on overall housing was modest. He said that it was more modest than their own inclusionary zoning policy, which they had implemented earlier this year, and it resulted in less of a chill on new development than what they had already done does. He said that this policy led to a significant increase in low-income housing availability in the community. He said that he considered this a reasonable trade-off, with a considerably modest across-the-board reduction, a more substantial reduction for those making more than 120% AMI, and a significant increase in low-income housing. He said that this was what the policy actually achieved in practice.

Mr. Pruitt said that when opposing rent stabilization, he believed that they were essentially saying that landlords ought to be able to raise rents by more than 10%, even in the absence of improvements to the home. He said that he thought that people should think that this is what they were actually asking for the ability to do. He said that he believed everything else was fairly straightforward and in line with their policy positions, which he believed were exceptional. He said that he would like to thank the staff for their hard work on this.

Mr. Gallaway said that he believed he had covered all the necessary points. He said that the only add-on from a strategy standpoint, from last year's packet on the sunset clauses for development items, it was advised that this would be the year to prioritize this issue. He said that therefore, he wanted to ensure that this was a priority not only in their meeting with legislators but also in their advocacy efforts when the General Assembly convened.

Mr. Herrick said that that position statement was in last year's position statement and was in this year's as well. He said that although they had not thoroughly reviewed the items carried over from last year, that was included in this year's version.

Mr. Gallaway said that he did not intend to delve into the legal strategy for the forfeiture piece, but he did think it was a smart approach. He said that he did not mean to imply that it was a wasted effort, and he thought that it was a good idea. He said that however, he was curious to see the outcome of this approach and make certain that it was the right decision.

Ms. LaPisto-Kirtley said that regarding the locality right of first refusal, she believed it would be beneficial to the County because it would enable them to retain affordable housing when it was sold or converted. She said that this could potentially be utilized by organizations such as Habitat for Humanity, if applicable.

Ms. LaPisto-Kirtley said that she was still unclear on the rent stabilization, and she would like to review the study. She said that as mentioned, the devil was often in the details. She said that regarding demerit points for truck violations, it was interesting that Mr. Herrick mentioned overweight trucks or unpermitted through trucks. She asked if overweight trucks were included.

Mr. Herrick said yes, it was a potential violation.

Ms. LaPisto-Kirtley asked if over-length trucks would fall under unpermitted through trucks.

Mr. Herrick said that unpermitted through trucks would be if trucks were not permitted at all. He said that certain routes were open to certain trucks, but not all trucks, while others were closed to through trucks generally. He said that the position statement they had drafted was intended to address both overweight trucks and those that were on roads where through trucks were not permitted.

Mr. Gallaway left the meeting at 2:07 p.m. and returned at 2:09 p.m.

Ms. LaPisto-Kirtley asked if there was a provision in place for over-length trucks, where it was

clearly marked that trucks over 65 feet in length were not permitted on this road. She said that she did not believe that this provision adequately addressed that issue.

Mr. Herrick said that they could certainly add that to the position statement if the Board chose to do so.

Ms. LaPisto-Kirtley said that in her opinion, over-length trucks should be included in the statement.

Ms. Mallek said that she was especially supportive of the Landlord-Tenant local enforcement. She said that she had been contacted by several individuals over the past few years who desperately needed improvements to their rented properties, but they did not have a lease. She said that many people lived in month-to-month rentals with no protection under a lease agreement. She said that the landlord now knew that nobody would make him or her do anything and that they could simply threaten to evict someone if they were not satisfied. She said that this lack of accountability was concerning. She said that when she asked DSS and others about how to help these individuals, they stated that they had no authority to intervene, and that it was all up to the tenant, which was frustrating. She said that she hoped that there would be success in addressing this issue.

Ms. Mallek said that, as far as investment in rental property and the stabilization, she knew that 50 years ago in Boston, reinvestment in properties was part of the discussion about the rent, it was not a ban on things. She said that it was much more reasonable than that, and she was confident that reasonable people today would do the same.

Ms. Mallek said that regarding the length of trucks, it was a federal restriction that limited the length and weight of trucks, and that the box trucks could not be over 60 feet, plus the truck. She said that there were also annual bills to allow for longer trucks.

Ms. Mallek said that she appreciated all the hard work of staff on this, and that hopefully they would get there on something.

Ms. McKeel said that she supported the first bullet point. She said that she wanted to thank Mr. Pruitt for clarifying the public's understanding of what they were discussing, as she believed that was an important point. She said that when people reviewed the package, they interpreted different sections in varying ways. She said that she appreciated Mr. Pruitt's discussion on this.

Ms. McKeel said that, however, she was not well-versed in this topic, and she was uncomfortable supporting it without hearing from Ms. Pethia, their housing expert. She said that she did not want to put Ms. Pethia on the spot, as that might not be fair.

Ms. McKeel said that she did, however, have no issues with the demerit points for truck violations. She asked if Ms. LaPisto-Kirtley could elaborate on how she would change that specific section.

Ms. LaPisto-Kirtley said that she would simply add "overweight or over-length trucks." She said that they had signs that said "trucks over 65 feet not allowed on certain roads." She said that one could determine if a truck was over 65 feet by seeing if it had a sleeper cab.

Ms. McKeel said that she had no issue with those proposed changes. She said that additionally, she would like to bring up the parking violation issue. She said that it seemed to her that there may be a miscommunication or a gap in understanding regarding what they could and could not do. She said that her question was, how could they determine when changes to laws and regulations, such as those passed by the General Assembly, took effect and impacted their work.

Ms. McKeel asked if they have a process in place to notify departments of changes that occurred on or before July 1, indicating that new abilities or restrictions were in effect. She said that she was not sure if implementing such a process would be feasible, but if they had the authority to do something and there was a lack of understanding among department employees, that could create a disconnect.

Mr. Herrick said that regarding the code section he shared with them, he was not certain when it was amended or if it had been a longstanding practice. He said that to answer the question more directly, he would like to acknowledge James Douglas, their FOIA Officer, who did a great deal of work with their office. He said that although he was not on the speaking order for the agenda, Mr. Douglas was an invaluable asset to their team.

Mr. Herrick said Mr. Douglas excelled at managing the legislative process internally, and one of his key strengths was alerting them to bills when the assembly was in session. He said that their attorneys also attended numerous continuing legal education programs that covered legislative changes. He said that as a result, they strived to stay informed about all the changes and then disseminated that information to their departmental clients on an annual basis.

Ms. McKeel said that if that was accurate, then they would not have to worry about it.

Mr. Herrick said that that was his understanding, and that he could certainly have that conversation with the police chief.

Ms. McKeel said that it would be great if they had that ability, because the Citizens Police Advisory Committee even had a discussion during the meeting and supported that legislation. We just need to make sure that we are all aware of what we are enabled to do.

Mr. Andrews said that he supported everything he saw there, with one exception being the rent stabilization policy. He said that he appreciated Mr. Pruitt's additional clarification, but at this point, he believed the study recommended would be instrumental in informing their next steps. He said that in addition, he thought there were several other important issues that warranted higher priority, such as enforcing the Landlord-Tenant Act. He said that given this, he would like to ask whether they were essentially at a point where they had four members in favor of rent stabilization. He said that the next item on his agenda was whether a motion was required.

Mr. Herrick said yes, assuming the Chair did not have any additional comments or questions.

Mr. Andrews said that he would like to consider the possibility of extended producer responsibility and sustainable materials management as a subset of sustainable materials management. He said that other than that, he had no additional items.

Mr. Herrick said that in terms of next steps, the action they were seeking from today's session would be the adoption of the priority statement, as in Attachment A, as well as the position statement, as in Attachment B. He said that both of these documents were subject to amendment and suggestions from the Board. He said that he had heard some support in Attachment B for including "overlength trucks" in addition to "overweight trucks," which was something that staff could do easily. He said that the motion would be to adopt the priority statement as in Attachment A, provided there was no concern or objection. He said that if there were amendments to Attachment B, the motion would be to adopt Attachment B with the agreed-upon amendments.

Ms. Mallek said that she may have made her response unclear. She said that she was willing to conduct the study first and learn from the housing report, rather than rushing into this, only because she did not want to put the lobbyist in a position of having something that somebody else came up with that may be completely over the top, and they may push for it based on a decision she had made without sufficient information. She said that if that changed the four to two, it should be considered. She said that she was still unsure about the process for determining which projects to prioritize and which delegates to carry. She said that to her, the landlord-tenant issue was the highest priority in the list.

Ms. McKeel said that she was still unclear about the JLARC study, as she had been informed that it was not suitable for their purposes. She said that if they were discussing a study, she would like to clarify what kind of study.

Mr. Pruitt said that he would like to briefly suggest that they seek more information about rent stabilization before taking action on it. He said that he understood the Board's sentiment, which seemed to be leaning towards a 3-3 or 4-2 vote on the matter. He said that he would like to remind the Board that the study as proposed in their priorities did not address rent stabilization in the standard form, but rather focused on redevelopment concerns. He said that he also wanted to highlight that he had previously proposed this study as a means to support implementation, as it aligned with the current momentum in the House.

Mr. Pruitt said that in previous years, the focus had been on conducting a study, but he believed the current strategy was to advocate for legislation that enabled localities to implement rent stabilization. He said that if the Board was interested in supporting a study on rent stabilization, he suggested they consider it separately from the other study they were requesting and potentially support legislation that would instead study local implementation of rent stabilization.

Ms. McKeel said that she would have concern about not hearing from Ms. Pethia about what she thought their best path forward would be.

Ms. LaPisto-Kirtley said that she would like to know the cost involved.

Ms. Mallek said that she believed that this would be a statewide Department of Housing and Community Development (DHCD) type study.

David Blount, Legislative Liaison with TJPDC, said that in their follow-up discussion with staff, he believed that they had established that if they were to request a JLARC study, they would be limiting themselves to that option. He said that he suggested considering language that would allow for either a JLARC study, a legislative study, or an agency study to be conducted.

Mr. Blount said that they saw various forms of studies emerge through the General Assembly process. He said that JLARC studies were particularly rigorous, as evidenced by a recent study resolution passed during the previous General Assembly session, which directed a comprehensive study on the social, economic, and other impacts of gun violence. He said that many of the JLARC studies currently underway were taking that up in a number of ways.

Mr. Blount said that the JLARC study subcommittee identified priorities, and legislation from previous sessions may be applied to determine whether to pursue these topics as well. He said that by using more general language, they could open the door to other possibilities, such as DHCD or a legislative study committee, to review this issue, rather than relying solely on JLARC. He noted that

JLARC had limited capacity, conducting only four to five studies per year, and they often looked ahead to the next year's schedule.

Mr. Andrews said that he was not hearing any suggestions for revisions to the legislative priorities list and believed that they were ready for a motion.

Ms. Mallek **moved** the Board of Supervisors to adopt Attachment A as the County's Legislative Priorities. Mr. Pruitt **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.

Mr. Andrews said that now they were looking at whether they wanted to amend Attachment B, Legislative Positions & Policy Statements, before considering a motion. He said that there was consensus from the Board to include overlength trucks, extended producer responsibility and sustainable materials management, to support a state study of local implementation of rent stabilization and rent gouging protection legislation.

Ms. McKeel said that she noticed under transportation funding, they had to allow Charlottesville-Albemarle Regional Transit Authority (CARTA) to establish a new dedicated funding source to support multimodal transportation in the region. She said that while that would be great to do, it may be premature for their authority since they had not yet established the authority. She said that they must establish the authority first through approval by the Charlottesville City Council and Albemarle Board of Supervisors, and that they would go to the General Assembly in the next session rather than this session.

Mr. Blount said that that position statement had been in there for a number of years. He said that he heard what Ms. McKeel said, and believed it reflected the position of the Board.

Emily Kilroy, Director of Economic Development, said that as they had discussed at the September work session, they had agreed to start exploring this topic, and it was mentioned that it could potentially emerge as early as next year. She said that that language had not changed for several years, and to ensure continuity, they would keep this language in place, but they also wanted to adjust their approach and tone when discussing this with legislators.

Ms. Mallek said that she believed it was around 2006 or 2007 that she became convinced that this was a good idea to keep, as it stated to allow "a" transit authority, not "the". She said that they were not implying that they had already done this. She said that having a parallel effort to support it, because she assumed that this would come to both jurisdictions for a vote within the next year. She said that this could continue to move forward through the committee halls.

Mr. Jeff Richardson, County Executive, said that he wanted to say that it was correct that they were about one year away, and he was unsure if this language had been in previously, but through the discussion with the RTP (Regional Transit Partnership), it appeared to be about one year away.

Mr. Pruitt **moved** the Board of Supervisors to adopt the Legislative Positions articulated in Attachment B, to include the three amendments: adding over-length trucks, producer responsibility, and a study on the effects of rent stabilization implemented locally. 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.

Mr. Herrick said that he would like to provide a final update regarding the legislative forum. He said that the Board had received numerous emails inquiring about availability. He said that they were still working to schedule a mutually agreeable date. He said that unfortunately, it appeared that there was no single date that worked for the entire legislative delegation. He said that they had narrowed it down to two different dates, each of which had one member of the legislative delegation unavailable.

Mr. Herrick said that staff's proposal was to select one of these dates, have the absent legislator represented by a chief of staff or legislative aide, and then schedule a one-on-one meeting with that absent legislator in advance of the session. He said that given the unavailability of a date for the entire delegation, this may be the best course of action. He said that if that was acceptable to the Board, staff would proceed with scheduling the legislative forum accordingly.

Mr. Andrews said that the Board was supportive of staff's proposal.

2025 Legislative Priorities

Virginia Code Amendments

- Expanded authority to use photo speed monitoring devices
- County taxing authority for school division capital projects
- Expand offenses subject to property forfeiture to community threats

Budget Amendments

- State funding for Rivanna Futures project
- State funding for Biscuit Run Park– Monacan Indian Nation Tribute Park Connector Greenway ADA Trail project

Legislative/Agency Study

- Study tools to mitigate rent increases caused by multifamily residential redevelopment

Virginia Code Amendments

Expand the authority to use photo speed monitoring devices

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

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

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

Prior History: This priority was addressed during the 2024 General Assembly session in [HB 20 Photo speed monitoring devices; location](#) (Jones), which was continued to 2025.

Grant the County taxing authority for school division capital projects

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

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

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

Prior History: This priority was addressed during the 2024 General Assembly session in [HB 805 Sales and use tax, local; additional tax authorized in counties & cities to support schools](#) (Rasoul) and [SB 14 Sales and use tax, local; additional tax authorized in counties & cities to support schools](#) (McPike), both of which were vetoed.

Expand offenses subject to property forfeiture to include community threats

Proposed: Amend [Virginia Code § 19.2-386.15](#) to subject property used in terrorism hoax incidents, bomb threats, or malicious activations of fire alarms to forfeiture.

Elements: This proposal would expand the offenses whose property is subject to forfeiture from the current terrorist acts to also include all offenses currently subject to limited cost recovery under Virginia Code § 15.2-1716.1.

Rationale: Forfeiture procedures are well-established. In addition, they allow seizure of all property that is connected to the criminal activity, far more than flat \$250 enabled under the existing cost-recovery statute. ..

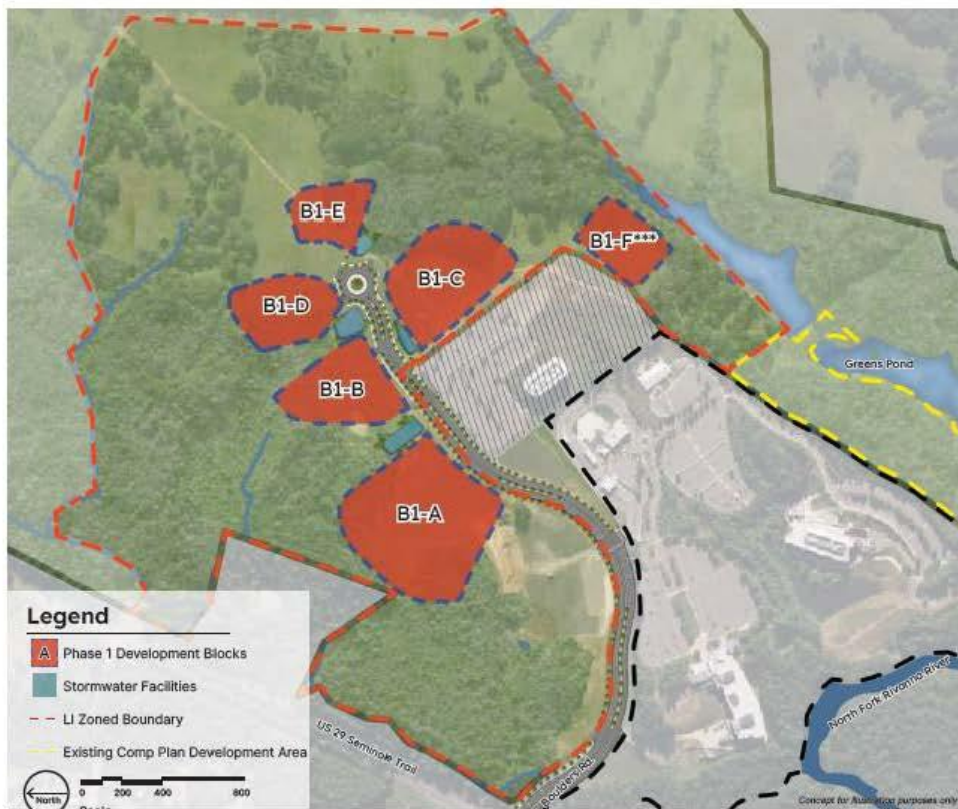
Budget Amendments

Provide \$11.2M in state funding for Rivanna Futures project

Proposed: Include funding in the state budget to advance site readiness and infrastructure investment for creating an intelligence and national security innovation accelerator adjacent to the U.S. Army’s Rivanna Station located in Albemarle County.

Elements: Albemarle County has purchased approximately 462 acres of land for \$58 million, to foster the development of the Intelligence and National Security Innovation and Acceleration Campus (INSIAC), which will have significance to the Commonwealth of Virginia and our nation. The County seeks an investment from the state to fund utility, infrastructure, and site work for phase 1, which has been estimated at \$11.2M to prepare 50 additional acres of light industrial and commercial office uses to extend and complement the existing intelligence missions.

Rationale: INSIAC will be a center for agencies, and academic and private sector partners, focused on intelligence and national security collaboration and innovation on a future expansion of the existing Rivanna Station footprint, as well as new private and academic sector office and research and development spaces in close proximity. This projected expansion of the mission is estimated to generate 873 new jobs with a median income of \$81,000, \$2.2 million in annual state tax revenue and \$135 million in total economic impact. Future phases will house more than 800,000 square feet of compatible private sector, non-profit, and education partners across more than 150 acres on Route 29 North, the keystone for extending the defense innovation ecosystem in Central Virginia.

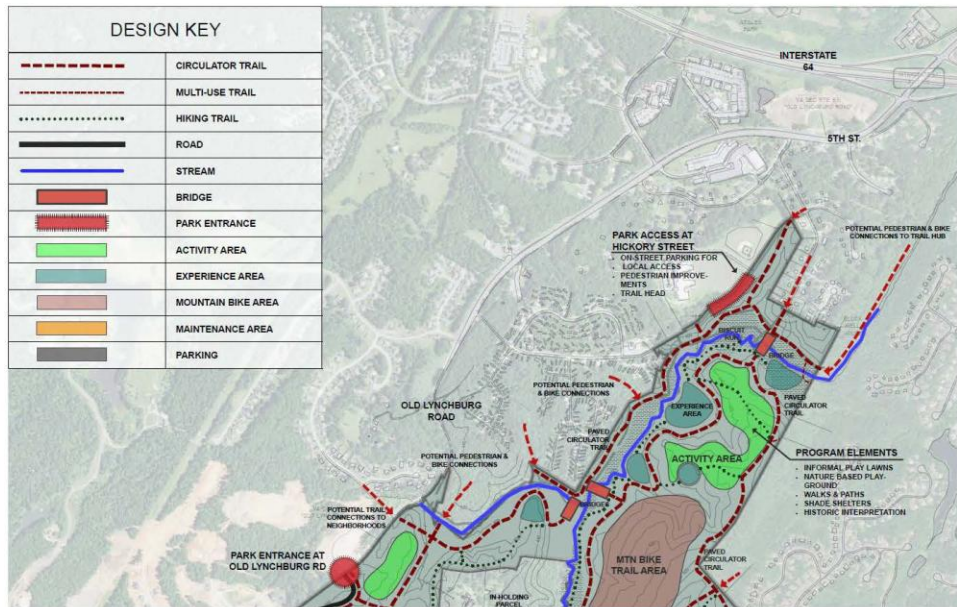


Provide state funding for Biscuit Run Park – Monacan Indian Nation Tribute Park Connector Greenway ADA Trail project

Proposed: Include \$1,368,000 in funding in the state budget to fund the following element of the state-owned and locally-developed Biscuit Run Park: a one-mile, ADA-accessible paved trail that connects the future Biscuit Run Park’s western entrance to the future Monacan Indian Nation Tribute Park, under development as part of the Southwood Mobile Home Park redevelopment project.

Elements: Biscuit Run Park is currently under construction by Albemarle County. The park land is owned by the Commonwealth of Virginia and leased to the County for a 99-year term. The Biscuit Run master plan includes a paved circulator trail that runs the perimeter of the 1,200-acre park. The County is expected to open Biscuit Run Park in Fall 2024 with the first phase of park access and the first section of trails, at an estimated cost of more than \$6 million. Other master plan elements, including the park circulator trail, will be developed over several years and based on local budget capacity. The County seeks an investment of \$1,368,000 to construct a one-mile segment (of the planned ADA-accessible, paved circulator trail) to connect the Southwood neighborhood’s future Monacan Indian Nation Tribute Park to Biscuit Run Park. The trail segment would require two small pedestrian bridges to cross streams in the area.

Rationale: The land comprising Biscuit Run Park was acquired by the Commonwealth of Virginia in 2009, initially for development—with no timeline—as a state park. In 2018, the state leased the land to the County for a 99-year term for development, use and occupancy as a County park. Phase 1A of the park is presently under construction and—upon completion—will contain approximately 1,200 acres and draw users from Central Virginia, the Shenandoah Valley and beyond. Planned facilities include, in part, a multi-use trail network including mountain biking and a greenway, and athletic fields. A capital contribution by the state will accelerate the completion and availability of park amenities at this regional recreational facility, fulfilling a need contemplated at the time of the state’s initial acquisition of the land.



Legislative/Agency Study

Study tools to mitigate rent increases caused by multifamily residential redevelopment

Proposed: Commission a - state-level study of potential rent protections for tenants following the redevelopment of multi-family housing.

Rationale: Because the complete redevelopment of multi-family housing is treated as “new construction,” where previous years’ rent is not considered as a baseline, traditional rent stabilization does not address complete redevelopment. Filling a current void of academic literature on the subject, a study could explore effective means of protecting tenants following a redevelopment while still affording landlords sufficient income to recoup project costs and profit.

2025 Legislative Positions and Policy Statements

Agriculture

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

Broadband and the Internet

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

Digital Equity: Support statewide efforts for advancing digital equity.

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

Economic Development

Site readiness: The biennium budget should include robust funding for the Virginia Business Ready Site Program to continue to improve the Commonwealth’s position as a top state for business.

Growth Management, Environmental Protection, Land Use, and Transportation

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

Environmental: Support legislation prohibiting businesses from using disposable plastic bags and straws and to require bottle deposits, or enable localities to do so, with exceptions applicable to straws for hospitals and other care facilities. Oppose legislation that reduces local authority to regulate new natural gas infrastructure for development projects. Support sustainable material management (SMM) legislation that improves recycling rates, reduces litter, and reduces the amount of material being sent to landfills.

Erosion and Sediment Control Standards for Agriculture and Forestry Operations: Support legislation that would establish minimum statewide erosion and sediment control standards for agriculture and forestry operations. These standards could include those within the Chesapeake Bay Preservation Act’s regulations, which include: (1) for agriculture operations, soil and water quality conservation assessments evaluating the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and, where necessary, resulting in plans outlining additional practices needed to ensure that water quality protection is being accomplished; stream buffers are maintained; and best

management practices for agricultural ditches are used; and (2) for forestry operations, requiring operations to be conducted using the appropriate best management practices as prescribed by Virginia's Forestry Best Management Practices for Water Quality, and requiring that a full 100-foot buffer be established in woody vegetation when the silvicultural activity ceases within the buffer area on the property and a new land use is proposed.

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

Local Authority Concerning Land Use Matters: Oppose legislation that erodes local authority over land use matters, including permissibility of and standards applicable to data centers and utility-scale clean energy projects.

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

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

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

Skill Games: Oppose legislation removing the ban on skill games, including "pre-reveal" games.

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

Stormwater Management: Support state funding for the Stormwater Local Assistance Fund (SLAF) in the amount of \$80,000,000 per year in Fiscal Years 2025 and 2026. Oppose any legislation that would impact the resource and funding needs of the Virginia Department of Environmental Quality (DEQ) to fully administer, enforce, and maintain the State Stormwater Management Act, the Erosion and Sediment Control Law, and the Chesapeake Bay Preservation Act.

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

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

Health and Human Services

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

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

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

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

Community Services Boards: Support increased state funding for Community Services Boards commensurate with the recommendations of the study entitled *CSB Behavioral Health Services* prepared by the Joint Legislative Audit and Review Commission (JLARC) and dated December 12, 2022.

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

Mental Health Services: Support expanded access to community-based behavioral/mental health services, including improved access to therapeutic services for adolescents, mobile crisis teams for community based behavioral health crises, and full staffing and operation of Crisis Intervention Team Assessment Centers (CITAC) as an alternative to Temporary Detention Orders (TDOs).

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

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

Housing

Affordable Housing Funding: Support legislation that would provide state funding to ~~meet~~ increase the supply of affordable housing, including increased funding for the Communities of Opportunity Tax Credit Program administered by the Virginia Department of Housing and Community Development.

Locality Enforcement of Landlord-Tenant Act: Enable localities to enforce violations of the Virginia Residential Landlord and Tenant Act.

Locality Right of First Refusal: Support a locality right of first refusal when affordable housing is sold or converted.

Rent Stabilization: Support legislation that would enable localities to implement rent stabilization/rent gouging protections.

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

Local Government Administration and Finance

All-virtual Public Meetings: Support legislation that would allow all local public bodies to hold all meetings virtually.

Civil Penalties: Support legislation that would allow for the establishment of a schedule of civil instead of criminal penalties for violations of local ordinances.

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

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

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

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

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

Public Schools Funding: Support legislation that increases state aid to public school divisions consistent with the findings of study entitled *Pandemic Impact on K-12 Public Education* prepared by JLARC and dated July 10, 2023.

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

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

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

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

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

Public Safety

Demerit Points for Truck Violations: Assign demerit points under the Uniform Demerit Point System for violations involving overweight trucks or unpermitted through trucks. (*Virginia Code* § 46.2-492)

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

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

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

Agenda Item No. 10. **Presentation:** Economic Outlook Report.

The Executive Summary forwarded to the Board states that the national, state, and local economy impacts the County's revenues and expenditures. Understanding the current economic state and future forecasts enables the County to engage in long-term financial planning, prepare fiscally responsible budgets, and monitor its ongoing fiscal health.

This report is the third annual Economic Outlook Report prepared by an outside consultant with expertise in local government financial forecasting. Since the initial report, staff has remained engaged with the consultant on a quarterly basis, including the preparation of the updated annual Economic Outlook Report.

During this presentation, Dr. Sheryl Bailey, Visiting Professor of Practice from Virginia Tech's School of Public and International Affairs, will present the annual economic report for Albemarle County. Attachment A contains the full, detailed report.

The Economic Outlook Report will inform the five-year financial plan discussions with the Board scheduled for November and December.

Staff recommends the Board receive the presentation as an informational item.

Mr. Gallaway left the meeting at 2:32 p.m. and returned at 2:36 p.m.

Mr. Andy Bowman, Assistant Chief Financial Officer, said that there is no action requested of the Board. He said that this item is an annual presentation that the Board receives to review the economic outlook. He said that as they began this presentation, it marked the start of the long-range financial planning process that the Board undertakes every fall. He said that they would have three meetings before moving into the annual budget process in February.

Mr. Bowman said that following today's meeting, they would reconvene in November to discuss the County's five-year financial plan. He said that this report would examine their assumptions, expenditures, and revenues. He said that they would assess how this report translated into their revenue forecast and evaluate the extent to which their expenditures aligned with upcoming obligations, such as new facilities that required operation. He said that they would also consider the impact of expiring grants and the need to evaluate continuing services. He said that these questions, in addition to how well that five-year plan was moving forward the Board's Strategic Plan, would be evaluated with the Board of Supervisors in November.

Mr. Bowman said that in December, there would be a joint meeting with the School Board, where they would focus on Goal 5 of the Strategic Plan around the School capital request, which they had done for the past two years.

Mr. Bowman said that regarding their discussion for today, he would like to highlight the partnership they had established with Ms. Sheryl Bailey over the past three years. He said that the Department of Finance and Budget was fortunate to have a team of talented analysts and financial professionals with in-depth expertise of the County's revenues and how things worked locally. He said that this report enhanced their understanding by connecting the working knowledge they had to regional, state, national, and global trends, and how those impacts were felt.

Mr. Bowman said that they were fortunate to spend about an hour and a half with Ms. Bailey this morning, and although this report was presented to the Board annually, they maintained regular updates and ongoing dialogue with her throughout the year. He said that Ms. Bailey was part of a team with their CFO, Jacob Sumner, and their Chief Operating Officer, Kristy Shifflett, presenting at the regional ICMA (International City/County Management Association) conference in Pittsburgh about some of this work and how it tied into their Strategic Plan. He said that if they had heard him reference their Strategic Plan several times, it was intentional because when they did the Strategic Plan and the budget correctly, it should feel like one process.

Mr. Bowman said that with that, it was his privilege to introduce Ms. Sheryl Bailey, who had approximately 30 years of experience in the private sector and was a senior leader at both the state and local level. He said that she has served as part of gubernatorial cabinets, served as director of the Municipal Bond Bank in Virginia, and was instrumental at Capitol Hill in the past when it came to changes in financial tax law and bond regulations. He said that she had been serving on the Board of Directors for the Municipal Security Rulemaking Board and a visiting economist on the Board of Governors of the Federal Reserve System.

Mr. Bowman said that her extensive experience in higher education academia was also noteworthy, having earned her bachelor's degree from Norfolk State, her master's and doctorate from Harvard, and serving as a faculty member at Harvard, Virginia Commonwealth University, Old Dominion, Hampton, William & Mary, and Virginia Tech. He said that currently, she was a visiting professor of practice at Virginia Tech. He said that it was his honor and privilege to introduce Ms. Bailey for the remainder of the presentation, and he would be available for questions with Ms. Bailey afterward.

Ms. Sheryl Bailey said that it was a distinct pleasure to be back again, particularly in a County that consistently ranked among the top in America, with a Triple Triple A rating. She said that this distinction was rare, with only about 1% of all U.S. Counties holding this level of excellence. She said that this permeated all aspects of their organization, and their team had been wonderful to work with. She said that she had compiled a list of staff's questions from their meeting that morning, as well as some additional ones from their sidebar discussion. She said that she found it thrilling to work with their organization and team. She said that the enthusiasm and drive from Albemarle County were truly energizing. She said that she was confident that they all wanted to excel and continually improve.

Ms. Bailey said that today she would begin with the bottom line. She said that she would start with a brief overview of the U.S. and Albemarle County economic outlooks, then she would do a quick overview of the U.S. trends and outlook, followed by a deeper dive into Albemarle County's economic trends and outlook. She said that she would then provide some closing remarks and recommendations.

Ms. Bailey said that to start, she had carefully selected this slide, which presented a mostly sunny economic outlook. She said that she would elaborate on this, but essentially, they had navigated the challenges and were emerging stronger. She said that they had a sturdy economy, a solid U.S. economy, and Jay Powell, the chairman, had expressed that they were in a good place with a solid economy. She said that with moderate growth ahead, they were poised for a soft landing. She said that it would not be a straightforward process; they would encounter some challenges along the way, but they were coming in for that.

Ms. Bailey said that the U.S. was currently performing well among all mature economies, which

she would also discuss more in depth. She said that Albemarle County had a solid economic base. She said that they had analyzed it from various perspectives, and it remained solid. She said that they were always monitoring and evaluating potential issues, and they would discuss those. She said that this also provided them with a framework to plan and act proactively. She said that in her role at Virginia Tech, she received calls and conversations from numerous localities.

Ms. Bailey said that she had many individuals who caught her at the Virginia meeting at the ICMA talking about local issues. She said that having a solid base, proactive management, and the ability to plan and act proactively were all valuable assets for Albemarle.

Ms. Bailey said that looking at the U.S., they used this overall chart to track the country's real GDP. She said that real GDP was inflation-adjusted, meaning they had removed inflation from the data. She said that they wanted to compare the real numbers to the perceived numbers. She said that they were focusing on core economic fundamentals. She said that another term for real or inflation-adjusted is constant dollars.

Ms. Bailey said that they experienced strong growth in the first half of 2024. She said that the second quarter was revised upward, with a 3% growth rate and approximately 1.5% in the first quarter. She said that they were currently emerging into the pre-pandemic level of average annual growth. She said that these charts had been carefully curated for this presentation and report.

Ms. Bailey said that she created them using the massive Federal Reserve Economic Data (FRED) database. She said that all federal data feeds into this database, and it was interactive. She said that she personally built these charts by hand, and she wanted to highlight the significance of the gray bars. She said that the gray bars identified recessions, and the one they experienced in 2020 was clearly marked. She said that this recession was determined by the National Bureau of Economic Research.

Ms. Bailey said that additionally, she had included data from 2017 to 2019, which served as a pre-pandemic point of comparison for context. She said that they used a three-year period throughout the report and had done it since they started with this roller coaster. She said that in 2020, they experienced a decline of 2.2% over the entire year, but overall, the economy showed remarkable resilience. She said that they bounced back strongly in 2021, with an annual growth rate of 6.1%. She said that in 2022, they grew at a rate of 2.5%, adjusted for inflation. She said that the latest data showed that they grew 2.9% in 2023, exceeding their initial expectations.

Ms. Bailey said that their resilience was evident, and their median forecast for this year was approximately 2.6%, which was comparable to the pre-pandemic period. She said that they had been through this up and down, and they were normalizing. She said that it felt relative to their previous experience, but they were normalizing. She said that considering the 2.5% growth after the 6% growth they experienced, it was clear that everything was relative. She said that looking back to the 2017 to 2019 period, they were in a solid economy, but it was slower than those peaks and high of 6% and 3%. She said that it was a good, manageable rate going forward.

Ms. Bailey said that in terms of jobs, they had recovered the jobs they lost during the pandemic by the middle of 2022 nationally, and they had continued to grow since then. She said that as of last month, they were 4.5% ahead of the total number of jobs in the U.S. compared to February 2020, just before the pandemic. She said that if they drew a line from before the pandemic to now, they were on that trajectory and beyond. She said that these were not the same jobs; they were not in the same place, or the same type, but they were jobs nonetheless.

Ms. Bailey said that after every recession, there was some kind of adjustment, and there was an acceleration of previous trends. She said that every recession had an accelerant of whatever trend was already in the pipeline. She said that they had had some changes in jobs, particularly with the shift away from office work, which had led to a change in the types of jobs available. She said that their monthly growth data was now zooming in on the 2021 to 2024 period, with an average of 200,000 new jobs per month for the first nine months of this year.

Ms. Bailey said that while there may be some bumpiness in the numbers, and every time they got a preliminary number, there was a lot of excitement and uncertainty. She said that they were aware that statistics were revised monthly for three months as more complete data became available. She said that there was an annual true-up, similar to their own annual true-ups in various businesses and government sectors. She said that they did not want to get overly excited about any particular month, but they wanted to maintain a watchful eye for trends. She said that the U.S. had experienced solid job growth.

Ms. Bailey said that in terms of unemployment, she would like to present three metrics to broaden their understanding beyond headline inflation. She said that the official unemployment rate, known as U-3, is just one of six measures of labor underutilization published monthly by the Bureau of Labor Statistics.

Ms. Bailey said that U-3 is a narrow snapshot, only four weeks long, and only captures individuals actively looking for work during that period. She said that in contrast, U-6 is the broadest measure, encompassing individuals who have looked for work in the last 12 months, including those who are marginally attached and underemployed. She said that this measure is based on a monthly household survey conducted by the BLS and Census, which asks if individuals wanted a full-time job, and if they were ready, willing, and able to work a full-time job, however, due to economic reasons, the individual had to settle for a part-time schedule.

Ms. Bailey said that this was sometimes called working lower-income households. She said that within the context of their social services, they closely monitored this situation, as it often served as a warning sign, or the "canary in the coal mine." She said that this was reflected in the orange figure, U-6.

Ms. Bailey said that the Federal Reserve had its own additional measure: non-employment index. She said that the Federal Reserve had two mandates: price stability and maximum employment. She said that they carefully monitored employment rates. She said that the non-employment index used the Bureau of Labor Statistics microdata, but they did a finer analysis and analyzed each subcategory to estimate the probability of re-employment based on historical data. She said that the current non-employment index stood at around 8%, while the U-6 rate was slightly over 7%. She said that the official unemployment rate in September was 4.1%. She said that all of these measures had ticked up recently; however, they remained historically low.

Ms. Bailey said that with historically low levels, the increase was notable. She noted that they had a chronic issue of underutilization of labor in good times and bad times, which was evident in the charts, represented by the blue, orange, and purple lines. She said that this was often referred to as "hidden workers," and that those were the underemployed, individuals who were already in the workforce or desired to be. She said that focusing on this potential pool can help alleviate labor shortages, which are projected to continue and expand due to an aging workforce and demographics.

Ms. Bailey said that they also closely monitored consumer spending, as it accounted for nearly 70% of the gross domestic product (GDP). She said that they also had business spending, business investment, private business investment spending, government spending, and net exports and imports. She said that as goes the consumer goes the U.S. economy, so they looked at that quite a bit.

Ms. Bailey said that the blue bars on the screen represented real inflation-adjusted disposable income, or buying power, and the orange bars showed consumer spending. She said that the takeaway was that once they passed the early stages of the pandemic, the orange bars consistently outperformed the blue bars. She said that this indicated the growth in spending compared to the previous year.

Ms. Bailey said that even when inflation reduced income in 2022, and the blue bars fell below the line, consumers continued to spend. She said that the consumer's spending had been a stabilizing force in the economy. She said that this led to the question of how consumers were able to maintain this spending despite changes in disposable income.

Ms. Bailey said that one key factor was the tight labor market, increasing wages, and job growth, which gave consumers confidence in their future prospects. She said that additionally, consumers spent down their accumulated savings, which had been built up during the pandemic. She said that the Federal Reserve Bank of San Francisco measured that those savings been largely depleted. She said that by March and June of this year, consumers had exhausted their savings. She said that to maintain spending, consumers also increased debt, with the orange line representing debt and the blue line representing savings.

Ms. Bailey said that the low savings rate and the high loan levels have slowed down somewhat this year. She said that however, consumers were now beginning to value engineer their budgets and their spending, seeking value. She said that this was reflected in their behavior, such as down-trading and selective splurging. She said that the first areas they intended to splurge on were meals at restaurants, followed by apparel, and then travel, but they were looking for value in travel, opting for closer destinations or more affordable options. She said that this was some of the trading that consumers were doing. She said that they were beginning to fit more within their budget because they had exhausted their excess savings.

Ms. Bailey said that in terms of inflation, there was good news in that they were heading towards the Fed's 2% long-term target. She said that they were heading there gradually. She said that that was not going to be a straight line. She said that there was some bumpiness, but they were heading there. She said that to illustrate this, they should look at three measures.

Ms. Bailey said that two they heard about in the news, and one that the Fed watched, which was the purple line on the screen. She said that this was where they were fine-tuning. She said that the purple line was the Personal Consumption Expenditure (PCE) inflation, also called PCE index or deflator, was calculated monthly by the Bureau of Economic Analysis, taking into account the substitutions consumers made when prices changed. She said that it was getting close to 2%.

Ms. Bailey said that the headline inflation was the blue line and was reported by the Bureau of Labor Statistics. She said that it used a fixed market basket, so only adjusted over time. She said that core inflation was represented by the orange line, which excluded food and energy costs.

Ms. Bailey said that two key takeaways were that inflation was heading towards the 2% target, but the orange line was above the blue line, indicating that core inflation was higher than headline inflation. She said that this was unusual, as food and energy costs typically drove inflation. She said that however, there were some sticky areas of inflation, including healthcare and housing, which were taking longer to come down. She said that healthcare and housing costs were not decreasing as quickly as expected, and this was partly due to the fact that housing renewals, rather than new vacancy advertisements, were being used.

Ms. Bailey said that additionally, the housing market was experiencing affordability issues. She said that the Federal Reserve had recalibrated its monetary policy in response to inflation coming down and unemployment ticking up slightly. She said that they had made progress and were taking two steps to address inflation. She said that firstly, they had eased up on interest rates, which they had previously started to reduce. She said that the projections indicated that they intend to gradually lower rates to the end of next year, but this would be done on a meeting-by-meeting basis, based on emerging data.

Ms. Bailey said that secondly, they were continuing to draw down their balance sheet, which they had previously flooded the market with to maintain liquidity. She said that this process had not slowed down. She said that they gave it a little bit of gas on the interest rate, which was part of the plan to manage inflation. She said that therefore, the Federal Reserve was still in a period of restrictive monetary policy, and it would take time for this to take effect. She said that the goal was to avoid a rebound in inflation, so this was a key part of their strategy. She said that it was a delicate balance, as one cannot let the economy grow too quickly without also controlling inflation.

Ms. Bailey said that this was a recalibration. She said that they did not typically discuss the orange line, but it was a steep drawdown. She said that the economy did experience a steep uptick, so that was still going on. She said that in response to the question of if they can thread the needle, she would answer that she believed they were doing so. She said that Chairman Powell had consistently stated that the economy was strong and that they were committed to maintaining it. She said that all the forecasters were predicting a successful landing, with no recession in sight. She said that this was a significant development, as it was a departure from her previous warnings about a recession.

Ms. Bailey said that the recession did occur in Europe and the U.K., but it was not happening here. She said that they were struggling to get back to a 0.5% annual growth rate in Europe. She said that Canada grew at half of the rate of the U.S. She said that the U.S. had a resilient and solid economy, anticipated some cooling, followed by a slowdown particularly with the consumer. She said that right sizing and normalizing were underway. She said that looking ahead, they expected some quarters to be cooler, with a rebound in 2025, resulting in a medium forecast of 2.6% growth. She said that the 2024 report and overall projections indicated near-term growth of approximately 1.9% in 2025, followed by 2.6% growth in 2026.

Ms. Bailey said that however, there were several risks to this forecast, including domestic and global factors. She said that a single significant event or a cumulative effect of smaller factors could disrupt the forecast. She said that therefore, they must remain vigilant, watch emerging trends, detect changes, and adapt and adjust as needed in a rapidly changing environment. She said that they had learned the importance of agility during the pandemic. She said that in retrospect, looking at the Fed's actions in January and February, they should have known something was going to happen.

Ms. Bailey said that Albemarle's economy had proven to be solid, with annual data available through 2022. She said that although they would not have 2023 data until the end of the year, they did have it for the state and the U.S. She said that Albemarle had fallen deeper with the pandemic but had outpaced Virginia and the U.S. in real GDP growth, particularly in the recovery years of 2021 and 2022. She said that examining unemployment rates, Albemarle County consistently had a lower rate than the U.S. and Virginia, with a broader context dating back to 2000. She said that to gain a more comprehensive understanding, they wanted to look at the bigger picture.

Ms. Bailey said that when focusing on a short period, such as three to five years, it could create a distorted view of their journey. She said that therefore, they wanted to have a wider view. She said that the large bar representing the 2007-2009 financial crisis was noticeable. She said that when looking at 2020, the two small quarters appeared as a thin period for recession, but it was a deep and fast recession. She said that they were falling deeper and faster in 2020 than in 2007-2009. She said that they had bounced back very well, with consistently lower unemployment rates than the state. She said that they were narrowing the gap, but they were still consistently lower.

Ms. Bailey said that in examining hourly wages in the Charlottesville Metropolitan Statistical Area (MSA), they found that they were below the U.S. and Virginia since 2013, with a decline in the current calendar year. She said that however, hourly wages were strong regionally, with income per capita income being a key metric. She said that this measure was adjusted for inflation and compared the County's income per capita to that of the state and U.S. She said that it provided a useful comparison across different localities and states.

Ms. Bailey said that this metric did not account for income distribution within the County but rather provided an aggregate measure of income per person. She said that this result showed that Albemarle's income per capita was significantly above that of Virginia and the U.S. She said that in 2022, inflation had an impact on all income for Albemarle, Virginia, and the U.S., but not as much for Albemarle as the state and country levels.

Ms. Bailey said that to clarify, the data shows that wages in Albemarle are below the national and state averages, while income is above. She emphasized that a significant portion of the income in Albemarle was not directly related to wages, as is noted in the report. She said that fewer people in Albemarle rely on wages and salaries compared to the state or national averages.

Ms. Bailey said that this looking at housing was important to know what was going on in terms of the business activity, and is an important consideration for all local governments in Virginia. She said that it was the primary local revenue. She said that the report highlights that sales volume had been declining

since the spring of 2022, with a slight improvement within the past year.

Ms. Bailey said that, however, the sales volume was still down, and the growth rate was slowing. She said that on the other hand, home values have remained positive despite the decline in sales over the past two years. She said that while home prices were not increasing as rapidly as they were in 2022 and 2023, they were still rising. She said that the pace of growth was normalizing, and they were seeing a return to pre-pandemic levels in some areas. She said that this was often referred to as "dislocation" or "whiplash" in economic terms.

Ms. Bailey said that while home values are still up, they were not growing at the same rate as they were in the recent past. She said that they now should compare that to the current situation. She said that as she was saying, everything is relative. She said that they were still ahead of where they were pre-pandemic, but it felt like they were not growing as quickly as they were in 2022 and 2023, which experienced strong growth. She said that in terms of median listing prices, the home value data she presented includes information from the Federal Housing Finance Authority, which provides the broadest measure of home values, including new homes, existing homes, and refinancing.

Ms. Bailey said that this means they were not just looking at existing home prices, but also new home sales, existing home sales, and refinancing. She said that the value of the home is what they were interested in, and that was what they used in local government, which was available quarterly. She said that the most recent data available through the second quarter was available, and they would receive the third quarter information in November, two months after the end of the quarter.

Ms. Bailey said that they had some data that was more frequent, and it was the median listing price per square foot. She said that in Albemarle County, this median price per square foot was above the U.S. and Virginia average, but it had declined since the spring of 2024. She said that this was an early warning sign. She said that they would keep an eye on the third quarter data when it became available in November. She said that the offering price was not the same as the value of the home, and that some sellers were trying to get the price appreciation that they saw others get two years ago. She said that they were seeing some softening in the market, and she would be watching the federal data for the third quarter closely.

Ms. Bailey said that in terms of their business activity, their gross receipts, as of late September, they had exceeded last year's total on a calendar year basis. She said that they still had three months to go, but as of late September, they had already exceeded their gross receipts for the entire previous year, based on the calendar year.

Ms. Bailey said that the top four industries remained the same as in previous years, but retail had shifted to become the top category for 2023, replacing repair, personnel, and business services, which was the top source of gross receipts in 2022. She said that this shift had occurred over the last two years. She said that additionally, the percentage of gross receipts had also flipped. She said that it was worth monitoring this trend for insight into their business activity. She said that the top four categories accounted for 80% of their gross receipts.

Ms. Bailey said that a new element they had been discussing with Mr. Sumner and Mr. Bowman was incorporating commuting patterns data into their conversations. She said that the latest available data was from the American Community Survey, covering the period from 2016 to 2020. She said that these five-year averages provided granular information on the commuting patterns of their residents, including where they lived and where they worked.

Ms. Bailey noted that the majority of residents in Albemarle also worked in the County, at 52%. She said that a number of residents went elsewhere to work. She said that people who lived in other localities, regions, or states who came into Albemarle were also included in their data. She said that on a daily basis, there were approximately 6,500 net-in commuters compared to out-commuters. She said that this number was on the borderline, according to a recent study by the Federal Reserve on commuting patterns in the 5th District.

Ms. Bailey said that Albemarle was classified as an intra-County community technically, due to the large number of people who live and work here. She said that however, the threshold was 55%-56%, so they were right on the edge of meeting that criteria. She said that as a result, they had several features of an employment center. She said that when they reached 55%-56%, they would be defined as an employment center by the number of in-commuters. She said that she could personally attest to this, as she drove in that morning for the 8:30 a.m. meeting and observed a significant number of people commuting to the area for work.

Ms. Bailey said that in fact, she did not feel as though she left one employment center for another; the transition felt seamless to her. She said that as she drove, she noticed that the number of people coming into Richmond was roughly balanced by those going out, with only a brief period where there were not that many people heading this way. She said that she felt like this was very much like an employment center based on the amount of people commuting to work in the County.

Ms. Bailey said that overall, she believed Albemarle County had a solid economy, with a history of solid economic and job growth, low unemployment, strong regional hourly wages, high per capita personal income, and significant employment in relatively higher occupations and industries of residents, and strong local business activity.

Ms. Bailey said that in line with previous reports, the County tended to generally follow the U.S. and Virginia economic trends, so it was prudent to expect a continued solid economy, slight economic cooling in late 2024 to early 2025 and moderate growth in 2025. She said that they were approaching a soft landing, which would include a cooling labor market, but persistent labor shortages due to demographic trends.

Ms. Bailey said that by 2030, one in five persons in Virginia and in the U.S. would be 65 or older, and the percentage of those 65 or older was expected to grow. She said that by 2030 and 2035, there would be more individuals 65 and older than they would have individuals 18 and under. She said that the feed corn was thin, which meant they would face significant competition for the working-age population. She said that additionally, they were observing trends in Virginia, including shifts in the population's regional distribution. She said that as a result, they could expect persistent labor shortages due to demographic factors, which were simply a matter of math.

Ms. Bailey said that furthermore, they anticipated a gradual reduction in inflation, with some fluctuations. She said that the lingering effects of the tight monetary policy would lead to a cooling of consumer and business demand. She said that the Federal Reserve still had the brakes on in drawing down its balance sheet while gradually easing interest rates. She said that this was a gradual process.

Ms. Bailey said that they expected mild growth in disposable income, particularly in the cooler labor market. She said that the housing market was expected to normalize, but it would be competitive due to a supply-demand imbalance. She said that as interest rates decreased, they anticipated increased activity and competition, but with a normalization of some of the large swings they had seen before.

Ms. Bailey said that they also expected moderate business activity due to milder real consumer spending. She said that however, these impacts would vary across sectors and timing. She said that therefore, they must closely monitor circumstances and always look at local trends, which can be different or ahead of some national trends. She said that for example, median listing prices per square foot in Albemarle County were ahead of the metropolitan area or state. She said that they always wanted to stay informed about what was happening locally and how it was evolving.

Ms. Bailey said that these were her enduring recommendations, which were regularly shared on the Finance Network each month. She said that they wanted to understand Albemarle's strengths, weaknesses, and vulnerabilities. She said that they wanted to know Albemarle's strategic goals very clearly, and she received that information from their staff each time she spoke to them. She said that she could attest that it was their rudder and they lived it. She said that it was not just something in a document; they lived it.

Ms. Bailey said that the long-term financial planning they had discussed at ICMA last month was a testament to Albemarle's discipline and integrated planning. She said that the robust scenario planning had really fostered some real strategic action on behalf of Albemarle. She said that they certainly were thinking ahead. She said that early warning systems had engaged staff, with many questions being asked this morning. She said that she had seen the adaptive decision making and agility in action, responding to any trends they saw.

Ms. Bailey said that in conclusion, the economy was solid in Albemarle County. She said that they had some areas they wanted to watch closely and wanted to stay vigilant as they approached this soft landing with some expected bumpiness in various areas. She said that Albemarle's proactive management made a difference. She said that she had already commended them on the Triple Triple A bond credit rating, which gave them the financial foundation and capacity for strategic initiatives. She said that it was strong, and their actions were strong.

Mr. Pruitt said that when comparing the annualized real incomes to the incomes from wages, he saw it as easy to craft a narrative that portrayed Albemarle as having a wealthy population alongside a weak working class, given that they significantly underperformed on real wages compared to their peers in the Commonwealth and the country. He said that he would like to know if Ms. Bailey believed that this characterization was unfair or perhaps an overstatement.

Ms. Bailey said that they all chose their words a certain way, and she did not disagree. She said that the information they had come from the American Community Survey, and they had income distribution in large segments. She said that they could see that Albemarle had a significantly higher portion of annual income, estimated to be over \$200,000, compared to the state and the U.S. as a whole. She said that as a statistician with a degree in economics and statistics, she strived to translate her findings into actionable insights. She said that they referred to this as a skewed distribution with a long tail, where a few high-income households pulled the average up.

Ms. Bailey said that the census data, although it provided broad categories, allowed them to identify these high-income households, even if they were bundled together. She said that this meant that even though the data may not reveal individual households, they could still see the impact of the high-income households on the overall average. She said that for instance, when the mean was significantly higher than the median, it indicated that a few large observations were driving the average upwards. She said that this supported the notion that there were indeed households with significantly higher incomes that were contributing to the overall average.

Mr. Pruitt said that to clarify, based on his understanding, FRED data and economic data typically used medians to correct for rightward skew in income distributions. He said that he assumed that the

charts they were examining were providing medians, rather than means, for this reason.

Ms. Bailey said that when she was referring to median versus mean, that was according to the chart in the community factors, which cited census data, and the median and mean were being reported. She said that this was what had been identified. She said that it showed median if it was listed that way.

Mr. Pruitt said that was helpful. He said that to further illuminate their thinking, they also discussed how consumer spending was a primary driver of economic growth, accounting for a significant portion of economic growth during the recovery. He said that it was not the multiplication of wealth reserves by the country's wealthiest members that had contributed to their economic recovery, but rather the marginal growth of real wages for working-class individuals.

Mr. Pruitt said that when he saw indicators suggesting a struggling or underperforming working class in Albemarle County, he worried not only about the normative implications of this, but also about its potential impact on their overall economy. He said that the ability of the working class to spend money in their community was the crucial driver of their economy, both locally and regionally. He said that they had discussed this at a macro level, but it could also be applied to their local community, which was a concern for him.

Mr. Pruitt said that Albemarle County was a robust economy, and there was little cause for worry. He said that however, if he were to express concern, it would be about that issue. He said that additionally, he would like to build on the loop that had been highlighted, which emphasized the importance of agility and action in government operations. He said that he worried that this might not accurately characterize the role of local government. He said that they had talked extensively about Fed monetary policy and how it affected cost of capital and overall development.

Mr. Pruitt said that he was concerned that they and their peers, including Charlottesville, may not have had the agility to effectively respond to the changing economic landscape. He said that the cost of capital was extremely low during this period, incentivizing faster development and growth. He said that everyone thought that if they could secure just a 1% return, they would make a profit, which led to a surge in development and growth. He said that this was why they had experienced such an explosion of growth during the pandemic and recession, when the cost of capital was extremely low.

Mr. Pruitt said that they were now implementing more modernized zoning regulations and inclusionary zoning policies, which aimed to capture some of that growth and direct it toward more affordable housing. He said that this was being done while the economic brakes were still on. He said that he found this frustrating. He said that he worried that this could lead to political finger-pointing, where the implementation of these policies was blamed for the economic slowdown.

Mr. Pruitt said that, for example, Charlottesville had recently implemented a radical zoning reform, which he believed would not see immediate changes due to the cost of capital. He said that he only wanted to mention this to highlight the urgency in their decision-making process, which he feared they often failed to capture the impact of macroeconomic factors. He said that he also wanted to emphasize the period of extremely low-cost capital that they had missed an opportunity to capitalize on through these mechanisms.

Ms. Bailey said that it was tough when interest rates were low and it seemed like the time to invest in capital projects, and combined with competitive bids, it was difficult to make those investments when one was uncertain about future operating revenues. She said that during the great financial crisis, some localities in Virginia made similar investments, assuming a two-year recession, but the revenues did not return for five to ten years, leading to tax increases to cover expenses.

Ms. Bailey said that they had their relationship and experience from the last time, but it was a very hard call to go hard on the capital budget. She said that as someone who had directed capital programs for large localities and the state, she could attest that this was a tough decision, especially when uncertain about revenue streams and future operating revenues. She said that she was not saying it was the wrong call, but it was a hard one.

Ms. Bailey said that when she was at Chesterfield, they had been hesitant to make a decision on a building renovation. She said that the bids were crazy good, but they had come back later and redesigned it. She said that ultimately, the best decision was made with the information available at the time and outlook. She said that this was a tough call because when capital was really cheap, there was a lot of uncertainty on the side. She said that those who made the call and secured projects at a lower price point may feel better about it in the long run, but making the call was still difficult.

Mr. Gallaway said that they had learned that lesson. He said that while he understood the point about not overextending themselves, they also could not just stop moving forward. He said that they had stopped moving forward, and their CIP (Capital Improvement Plan) was still recovering from those decisions. He said that he understood the point, but they would always need to provide education, services, and the infrastructure to support those services. He said that their School Division had recently received a report about capacity issues, and they were struggling to keep up with the demand even with their new elementary schools and high school center.

Mr. Gallaway said that building on Mr. Pruitt's point, which he agreed with, the report also mentioned that their poverty rate was declining, but when considering the increase in home prices, increased rent, and decreasing wages, it was not because they were raising the ships or bringing all ships

up. He said that those people had left, and their poverty rates likely decreased. He asked if this was an incorrect inference to make.

Ms. Bailey said that it was not an incorrect inference to make.

Mr. Gallaway said that these folks could not live there anymore, so they had to move elsewhere. He said that it might actually help their commuter rate, as they might be coming back there for a lower wage. He said that he did not know where the wages would be compared to where they were living now, and that was not something Albemarle was dealing with alone.

Mr. Gallaway said that he understood that Nelson, Louisa, and Greene Counties were also experiencing this issue. He noted that Louisa was getting an influx of Northern Virginia residents moving in, so regionally, this was a probable scenario. He said that, however, he was unsure, as he did not know the counties as well as Ms. Bailey did. He said that it was becoming more pressing, especially with their affordable housing crisis. He said that if it was not fixed, they would just give people more reason to leave.

Mr. Gallaway said that the median home price Ms. Bailey had mentioned was \$574,515, and it was mentioned in the commentary as a new normal. He said that the new normal was becoming some kind of drastically increased standard, so when he saw phrases like "normalization," if they were in the high \$500 thousands compared to where they were eight years ago with a median home price, that was a significant increase, equivalent to approximately \$200,000 higher than where they were back then. He said that he was working off his memory, so it may not be that extreme. He said that however, it was comparable to how they were all thrilled to get \$3 for gas; they were now accustomed to that price point, whereas they used to be shocked by it not too long ago.

Ms. Bailey said that slower inflation is not the same as deflation.

Mr. Gallaway said that was right. He said that they had this conversation last year. He said that there was significant wealth in this area, and that was fine; he was not judging that. He said that however, he was not hearing any improvements in the lives of those at the lower end of the socioeconomic spectrum over the past two years, based on the reports. He said that it appeared to be moving in the opposite direction for them, with the gap between the two groups widening. He noted that rent was increasing, housing prices were rising, and while wages were also rising, people had to travel further.

Mr. Gallaway said that he found the credit card and auto loan delinquencies interesting, particularly in regard to car loans. He said that he had always wondered where the significant amount of cash from the pandemic stimulus funds had gone, and apparently it had gone to car loans. He said that people had received \$3,000 or \$4,000 to secure a loan, which was what they needed due to their poor credit situation.

Mr. Gallaway said that now they were struggling with loans at 22% or 25% interest rates, which they could not afford. He said that at the same time, rent was increasing, and wages were dropping. He said that this was concerning. He said that he believed that data came from federal economic reports. He asked if they could see the same trend of personal credit card balances and auto loan delinquencies in Virginia and their locality.

Ms. Bailey said that they did not have that level of information published. She said that the banks had it, but they did not. She said that certainly, lower-income households had been struggling for a while, and high inflation hit them more. She said that one factor that helped them cope was the red-hot job market, which led to many job changes and high quit rates.

Ms. Bailey said that individuals were exercising their economic power by shifting to jobs that paid more, which was why some other industries were having trouble finding labor. She said that the red-hot job market helped many households, but they were now normalizing, and the job growth and wage growth rates were returning to pre-pandemic levels. She said that wage growth was still slightly above average, but the key point was the slower inflation rate was not deflation. She said that as a result, lower-income households were feeling the pinch, and their consumer spending was being impacted.

Ms. Bailey said that many of their consumer spending patterns were driven by higher-income households, but lower-income households were still essential to the economy. She said that they were the ones who needed to spend their limited income to make ends meet, which was why their consumer spending was crucial. She said that the big concern was about how they were using consumer loans to balance their budgets, and this was why they expected consumer spending to slow down in the coming period.

Mr. Gallaway said that the student loans were not yet included in the data.

Ms. Bailey said that they would not be reported until the end of this year.

Mr. Gallaway asked if Ms. Bailey could explain the decrease in inventory investment.

Ms. Bailey said that it would ebb and flow. She said that inventory investment was affected by the port strike, which occurred in June when the port workers and the port authorities failed to reach an agreement. She said that as a result, many retailers stockpiled inventory, anticipating the strike. She said that this led to an increase in inventory levels, which subsequently impacted their numbers. She said that

the strike did skew their numbers. She said that however, they did benefit from some positive private inventory investment in the second quarter GDP. She said that looking ahead to the third quarter, they expected a correction in this area.

Mr. Gallaway said that since they were prepping for a situation that did not transpire, he wondered what the scenario would be if they had a bridge collapse in Baltimore happening closer to two major hurricanes on the east coast. He said that in Baltimore's case, the city's proximity to other ports along the eastern seaboard mitigated the impact. He said that when considering economic outlooks, he believed that events like these, particularly a port strike potentially coinciding with two major hurricane events on the eastern seaboard, could have a significant impact over time.

Mr. Gallaway said that the pandemic had caught them off guard, but these other events would become more and more of a reality. He said that he was particularly sympathetic to the counties in North Carolina, which would likely face a long and challenging recovery process. He said that when considering their economic outlook and preparing for potential challenges, they had contingency funds and emergency funding in place. He said that he did not see this discussed. He said that Ms. Bailey addressed larger, global issues, but he was trying to understand how major events, such as thousand-year floods, and unforeseen incidents like a ship hitting a bridge, factored into their analysis when creating these types of reports.

Ms. Bailey said that severe weather events were on the rise. She said that in general, when a severe weather event affects one locality, it can have a profound and lasting impact on that area. She said that however, in terms of port activity, they will shift to another port. She said that if they experience enough severe weather events, they will eventually contribute to national statistics.

Ms. Bailey said that fortunately, Virginia was not severely affected by one of these events to the same degree as other areas. She said that if Virginia had been hit by a similar event, it would have had a more significant impact on the state's outlook. She said that from a national perspective, the impact was not substantial enough to be reflected in the overall statistics yet. She said that nevertheless, they must continue to monitor the situation as severe weather events continue to increase.

Mr. Gallaway said that they had pondered the idea that, as a County, they had contingency funding, emergency funding, and other resources in place. He said that he was thinking about the recent fire, drought, and severe weather events, and how they might consider setting aside additional funds in their budget to address even bigger items. He said that he was curious to know if, in Ms. Bailey's assessment, there were other places that were implementing this type of emergency fund as a best practice.

Ms. Bailey said that they had a good portion of that in their long-term financial planning. She said that in terms of financial resiliency, they not only planned for the things they could see but also wanted to plan for the things they could not see. She said that this meant that they needed to expect the unexpected, while also accounting for uncertainties that may arise. She said that in terms of fund balance policies, financial policies, and capital reserves policies, they wanted to ensure that they had the flexibility to adapt to both identified and unidentified risks. She said that therefore, from a financial resiliency standpoint, they wanted to plan for everything they could see but also prepare for the unexpected.

Mr. Gallaway said that they had a Triple Triple A team, which they demonstrated during the pandemic when they successfully pivoted towards the end of the budget and were not anticipating any aid at the time. He said that the credit was due to Mr. Jeff Richardson, County Executive, and staff for that.

Ms. Bailey said that they had the bandwidth to make that happen; they could make provisions for the unexpected and were able to make that move.

Mr. Gallaway said that they pivoted, and that they pumped the brakes really hard on a lot of things, but as soon as they learned that aid was forthcoming, they were able to move forward and navigate the situation. He said that he commended them on their efforts. He said that he appreciated her comment, which aligned with something he had always said in the car business: if you price it right, it will sell.

Mr. Gallaway said that he would follow up with the team or her to ask some questions, but he would love to know if she would be willing to share one. He said that she had shared a bit of this information earlier. He said that he would love to know what some of the toughest questions their staff had asked her and what her responses were at some point. He said that if the team was willing to share some of those with them, that would be great. He said that he was not asking for that here, but he thought it was worth asking.

Ms. Bailey said that they had wanted to dissect that commuting pattern by locality and zip codes. She said that they were discussing charts when they realized they had to get ready to give this presentation, but they would follow up on it later.

Mr. Gallaway said that it was clear when visiting certain locations, it was evident that traffic flowed in one direction in the morning and in a different direction in the evening. He said this was why there was traffic in both directions throughout the day, or at least it appeared that way. He said that he appreciated and looked forward to this report, and he was pleased to see that the economic outlook for the first time in three years did not suggest a recession.

Mr. Gallaway said that he did not wish to place a judgement on the assessment, but he was relieved to hear that recession was not a factor. He said that although the economic situation was not without its challenges, he was reassured that a "soft landing" was possible, much like an airplane navigating through turbulence and still managing to land safely.

Ms. LaPisto-Kirtley said that she expressed her gratitude and appreciated the report. She said that she had several questions she would like to discuss, but she would focus on a couple that they had touched on earlier. She said that Ms. Bailey mentioned using the term "hard on capital" repeatedly. She said that she was unclear what she meant by this term, especially in the context of their previous discussion about allocating funds. She asked if they were moving in the right direction or if she had any suggestion to what they should be doing.

Ms. Bailey said that she certainly believed that making capital decisions were hard decisions. She said that what she felt strongly about, however, was their integrated planning systems. She said that they had actually presented this concept to ICMA, and she was impressed by how they had eliminated silos in their planning process. She said that they did not separate Strategic Planning from long-term planning or from budget planning; She said that instead, they had a fully integrated system. She said that she found this approach to be very robust.

Ms. Bailey said that this integrated process helped them determine whether to invest in capital projects today, considering the ongoing operating expenses and ensuring they had the capacity to service the new facility or asset adequately. She said that they laid out their long-term plan, taking into account all obligations, and then adjusted and shifted resources as needed. She said that this comprehensive long-term financial planning allowed them to consider strategic initiatives and capital in a holistic way, taking into account all operating obligations. She said that for example, when opening a new fire station, they must consider the initial costs, staffing, and equipment, as well as the ongoing expenses.

Ms. Bailey said that this planning process gave them the agility and flexibility to respond to changing circumstances. She said that she was particularly fond of a quote from General Dwight D. Eisenhower, who said, "In battle, I've always found plans useless, and planning indispensable." She said that she believed that this integrated planning process was invaluable, as it provided a menu of options and allowed them to make informed decisions with all their strategic initiatives, capital, operating expenses, contracts, and future obligations considered together.

Ms. LaPisto-Kirtley said that regarding expecting the unexpected, another concern of hers was the unpredictability of climate change. She said that it made her want to be more cautious in their decision-making, as they were spreading their resources in a lot of different directions without knowing what the future held. She said that she had always found that uncertainty unsettling. She said that they did not know what was around the corner, whether it would be a bright future or not. She said that to be honest, it did not look promising. She said that, however, she did expect the unexpected, and this told her that they needed to plan for the unknown and perhaps set aside more resources.

Ms. Bailey said that as they examined the financial policies, they aimed to strike a balance, not too much, not too little, but just the right amount. She said that this approach allowed them to avoid missing out on opportunities for community advancement by holding onto funds for too long, while also preventing insufficient reserves. She said that she believed that the response they had during the pandemic demonstrated a successful approach, where adjustments could be made while still maintaining a stable foundation. She said that the team demonstrated itself in that planning, so the designations and assignments within their reserves had proven to be helpful in this process.

Ms. LaPisto-Kirtley said that their three-three-six-month planning process during the pandemic was exceptional. She said that she would like to bring up one final point regarding the income gap. She asked how they compared to the rest of the nation and the rest of the state. She said that the increasing disparity between the rich and the poor was an issue that she found troubling and asked what the solution was.

Ms. Bailey said that that was a trend. She said that she recently came across a study that it was not only typical of America. She said that many mature economies were experiencing this. She said that she would like to lay some of this at the feet of her fellow economists, some of whom may be watching right now. She said that economists typically focused on maximizing overall growth, rather than who benefited and who did not. She said that as the granddaughter of a grandfather who was displaced by structural economic change and had to leave his home to support his family, she could relate to the struggles of those affected.

Ms. Bailey said that her father, a younger son, also had to leave his home in Norfolk to find income due to displacement from structural change. She said that the postgraduate degree he had earned was affected by this change. She said that she could see the impact of structural change on families and industries. She said that she felt that economists often overlooked the human impact of shifting industries across regions or countries. She said that they did not fully measure the effects of structural change on families and communities.

Ms. Bailey said that on a positive note, the Nobel Laureates for Economics this year were awarded for their analysis of how social structures and systems contributed to inequality. She said that she was thrilled to see more focus on this area of study, which had been elevated as a primary area of research. She said that they needed to do more of this globally, nationally, regionally, and statewide, as it was difficult for individual localities and families to respond to structural change on their own. She said

that she did not want to leave people or communities behind.

Ms. LaPisto-Kirtley said that she wished there was an easy answer, but she did not see one.

Ms. Bailey said that they needed to place greater emphasis on this issue. She said that she was very encouraged by the Nobel Prize in Economics, which had shed light on inequality and the systems that contributed to it. She said that she thought they needed to conduct further research, elevate this issue to a policy level, and view it as a broader societal concern rather than solely an individual household or community issue.

Ms. LaPisto-Kirtley said that she would be very interested in learning more about that.

Ms. Mallek said that she would like to thank Ms. Bailey again for providing such valuable insights. She said that despite her preparation, she had still gained a significant amount of knowledge from this discussion. She said that to address a couple of points, she had been aware of the chronic underutilization of labor and the hidden workers in their workforce. She said that she was curious to know if there were specific barriers involved in this issue and if they were considered in the statistics, such as lack of childcare or transportation, the skills required for the new job, and other factors that contributed to this phenomenon.

Ms. Bailey said that the statistics just reported, and she would like to clarify that they did not accurately reflect the full picture. She said that several contributing factors had been identified, but they were often overshadowed by the more sensationalized headline. She said that she had included this information in her presentations to provide a more comprehensive view, as the four-week snapshot often received more attention. She said that by including the full range of labor utilization measures, they could gain a better understanding of the situation and be aware that individuals were available to work, particularly those who had expressed a desire to work.

Ms. Mallek said that it was interesting that Albemarle County had a 2% unemployment rate for so many years. She said that she had suspected that there was more to the story, but she was not sure where to look. She said that the data mentioned the wage situation in the area and the gaps, the two-comma families is what she would call them. She said that there were nine or a dozen families who sold their portfolios after the 2017 tax changes, resulting in a substantial increase in income in the Albemarle County area, which in turn dramatically affected the local composite index. She said that she believed that this skewed the measure, as there were many people in Albemarle County, including those in her district, who were way below the middle and hanging on by their fingernails. She said that this was a real concern, as many of these individuals had lived in the area for 70 years or more and were now being left behind by the economy. She said that she did not have an answer to this issue, but she believed it was essential that they focus on improving job skills and opportunities for those who may have been left behind in the third grade, and never got the skills they needed, and now they were 45. She said that her former colleagues on the State Workforce Board often complained about the cost of providing job training to this cohort, but she argued that it would have been better if they had not been left behind in the third grade.

Ms. Mallek said that they should not be proud of people working in low-wage jobs solely to survive. She said that those statistics were not something to be proud of. She said that they had a heated debate in the past about including the term "family-sustaining wages" in the vision for the State Department of Labor, which ultimately led to her departure from the board. She said that however, they did win that argument. She said that she was also shocked by the fact that the median house value in the area had more than doubled since 2010. She said that all of these factors made it challenging to address this issue.

Ms. Mallek said that she had taken a closer look at the population change by locality, as shown in this graph. She said that it really stood out to her because for at least 20 years, their population growth was below 2%. She said that in population growth, that may not seem like a lot, but it was worth noting that back in 2010, they were experiencing a growth rate of 15,000 people every 10 years. She said that suddenly, it seemed like all these new people were appearing out of nowhere. She said that now, 10 years later, they were all here, and now they were pushing nearly 4%. She said that this shift in population growth was a dramatic change, and she thought it was essential to consider it when evaluating their traffic patterns, particularly in the context of during and post-COVID employment. She said that they must consider this in their AC44 planning, and that having all these office spaces was not the same now as it was five years ago.

Ms. Bailey said that yes, the population was shifting across regions in Virginia, and some of it was a response to housing affordability issues. She said that many people were leaving Northern Virginia and coming to other metro areas, as well as leaving the state entirely for the south Atlantic.

Mr. Gallaway said that it was not because they could not afford northern Virginia; they were taking their wealth to places that were less affluent.

Ms. McKeel said that she would appreciate it if staff could provide the Board with a Q&A so they could have a comprehensive list of all questions that staff had asked and Ms. Bailey's answers. She said that Ms. Bailey had mentioned that one of their strengths was working across departments for Strategic Planning and capital planning. She said that she agreed, and she thought that part of their strength was that they did this effectively with their School System. She said that they did not overlook the School System, as they had a larger number of buildings and facilities when considering capital planning.

Ms. McKeel said that resiliency and redundancy were also critical. She said that furthermore, given the climate change concerns and what they were seeing in other communities, she believed they needed to consider not only their financial planning but also how they adapted their ordinances and business practices to address potential future challenges that their financial savings could not address. She said that some department heads were already exploring this, such as implementing hardscaping measures to combat fires and other initiatives.

Ms. Bailey said that it did make a difference. She said that some of those reports were coming from North Carolina and other communities regarding those who were more resilient and those who were not.

Ms. McKeel thanked Ms. Bailey for her very informative report.

Mr. Andrews said that he would hold off on his questions for now. He said that he was glad that commuting had been discussed, because that was one of his points he wrote down. He said that he was very grateful for Ms. Bailey's presentation and answering the Board's questions. He said that he had learned a lot from the discussion.

Ms. Bailey said that it was an honor and a pleasure. She thanked the Board.

Recess. The Board adjourned its meeting at 4:00 p.m. and reconvened at 4:15 p.m.

Agenda Item No. 11. **Work Session:** AC44 - Community Vision and Growth Management Policy.

The Executive Summary forwarded to the Board states that Albemarle County is updating the Comprehensive Plan through the Albemarle County 2044 (AC44) project. The project has recently moved into Phase 3, drafting language for the Comprehensive Plan document. The structure of the Comprehensive Plan will consist of four main components. Attachment A provides a high-level outline of this structure so that the Board can understand how the Plan fits together.

The following provides a brief overview of these four parts: **Part I** provides a high-level summary of why the County creates a Comprehensive Plan and how to use it. This section also identifies major trends affecting our county as well as the County's vision for responding to these trends. Finally, this section establishes the four guiding principles, which were developed in Phase 1 and have guided the development of the AC44 plan. **Part II** will define the County's Growth Management Policy and provide a general summary of how it is applied within the Rural Area and Development Area across the ten plan topic areas. This section also establishes an approach and schedule for Development Areas Utilization Reviews that will monitor the Development Area's capacity. **Part III** will use a short narrative section to define specific issues facing the County within ten plan topic areas. Then, objectives and actions for addressing these issues will be listed within each plan topic. Those topics are: 1) Rural Area Land Use 2) Development Areas Land Use 3) Transportation Network 4) Environmental Stewardship 5) Resilient Community 6) Housing 7) Thriving Economy 7) Parks, Recreation, and Open Space 8) Community Services and Infrastructure, and 10) Historic, Scenic, and Cultural Resources **Part IV** will include appendices that provide additional data, studies, and previously adopted plans for reference.

In addition to the high-level outline (Attachment A), a second document takes the outline and inserts the proposed comprehensive plan language into the appropriate section within the outline (Attachment B). For this BOS work session, proposed language is provided for several key sections within Part II. The remaining Part II sections will be added for review during a future work session. Over the next several months, staff will continue to insert new language into this outline and eventually build out the entire document.

Staff will bring the first plan topic, Development Area Land Use, to the Board at its next AC44 work session on November 6th. However, staff will be working in October with the Planning Commission, the AC44 Working Group, and the CACs on the Development Areas Land Use topic. Staff will use this work session to provide the Board with a quick overview on the following key Development Area Land Use tools: the future land use categories, the future land use map, and Activity Centers (Attachment C). This overview will provide the Board with context in case constituent questions arise before the November 6th work session.

This work session focuses on proposed comprehensive plan language within Attachment B and, more specifically, the Growth Management Policy and the draft factors for monitoring the utilization of the Development Areas found within Part II. Confirming the Growth Management Policy is a critical first step because it provides the overarching guidance for land use decisions within the Development Areas and the Rural Area as well as policy and funding decisions related to county services and capital project investments. (Note: red boxes enclose content that will be the focus of today's work session.)

The draft language in Attachment B is built upon community input and reflects the feedback of the Planning Commission and the Board. For reference, the following is a summary of previous Planning Commission and Board of Supervisors feedback on the Growth Management Policy and the draft factors for monitoring the utilization of the Development Areas:

- At the August 8, 2023, Planning Commission work session, the Commission recommended that the updated Comprehensive Plan should propose a set of factors for Development Areas utilization review to inform any Board-requested adjustments to the boundaries. The Commission recommended an additional factor (which has since been incorporated) to evaluate and monitor how well the Development Areas are meeting the objectives of the Comprehensive Plan, including having a walkable mix of uses and having amenities and services that support higher densities.
- At the September 6, 2023, Board work session, the Board directed that changes to the Development Areas boundaries are not needed with this Comprehensive Plan update and that potential modification locations should not be mapped at this time. The Board asked staff to further develop the factors related to tracking utilization and establish a cadence for when future Development Areas boundary changes should be considered. Potential locations for changes should not be identified at this time.

There is no budget impact associated with this agenda item.

Staff requests the Board review and provide feedback on the drafts of the Growth Management Policy and the Development Areas Utilization Review approach.

Mr. Michael Barnes, Director of Planning, said that he was excited to kick off the AC44 Comprehensive Plan discussion with them all, marking the beginning of a series of work sessions. He said that the purpose of today was to introduce the structure of the document, and he would start by explaining that, followed by a discussion of the Growth Management Policy concept for Development Areas Utilization Review. He said that these topics would be covered in the second part of the document, and they would also provide a preview of one of the topic chapters in the third part, which was the Development Area Land Use Tools.

Mr. Barnes said that they were bringing this to the Board today because those tools were currently being shared with public groups in the community, and they wanted to ensure they had context before they discussed them in more depth on November 6. He said that they would also outline upcoming steps, including meetings, and pose two questions for their consideration. He said that the first question was: Does the draft Growth Management Policy meet the needs of the County? He said that the second question was: Are the draft factors for monitoring the utilization of the Development Area appropriate? He said that they would discuss these questions at the end of the presentation.

Mr. Barnes said that the document would consist of four major sections. He said that the first part would be an introduction, providing context, major trends facing the County, the community's vision for tackling those trends and issues, and the four guiding principles of the document, as well as the lens of equity and climate change.

Mr. Barnes said that the second section of the document covered a significant amount of material that they would discuss today. He said that this section included a statement of the Growth Management Policy, making sure that it was clear and concise for the County. He said that it also addressed the Development Area Utilization Review, emphasizing the importance of examining how they used the Development Area, particularly in light of potential changes to the Development Area boundary.

Mr. Barnes said that the final section, although not presented today, would be included in the final draft of the document, which aimed to provide a comprehensive overview of the County's Growth Management Policy across the 10 topic chapters. He said that this section would help readers understand the County's goals and objectives without needing to read all 10 chapters.

Mr. Barnes said that the third portion of the document consisted of the 10 topic chapters, which were the core of the plan. He said that these chapters would be divided into two halves: the first half will describe the challenges and the County's broad approach to addressing them, while the second half will identify and describe specific solutions to those challenges. He said that the table provided serves as an example of how the first half will outline the goal statement, objectives, and actions.

Mr. Barnes said that the fourth section of the document is an appendix section, where specific policies and plans will be included. He said that the intent is for readers to be able to navigate the topic chapters and, if needed, access additional information on specific topics, such as Project ENABLE, through a hyperlink to the appendix section.

Mr. Barnes said that he would like to discuss the document's structure, which has undergone significant changes over several months of internal work. He said that to facilitate understanding, he would like to provide a crosswalk between the previous and current versions. He said that the previous document had three major sections: an introduction, eight topic chapter areas, and an appendix. He said that in contrast, the new document will have four sections: an introduction, a Growth Management Policy, and 10 topic area chapters. He said that the key change is the prominent placement of the Growth Management Policy, which serves as a master policy governing everything that they do in the community. He said that it was essential to highlight this policy's importance.

Mr. Barnes said that the topic chapters had also undergone changes. He said that the first two chapters in the previous version, Rural Area Land Use and Transportation, and Development Area Land Use and Transportation, were now separate chapters, with Transportation being a standalone chapter.

He said that some minor tweaks had been made, including title changes. He said that for example, Economic Development was now referred to as Thriving Economy, and Parks and Recreation was now Parks, Recreation, and Open Space.

Mr. Barnes said that the 10th chapter, Resilient Community, addresses climate change. He said that as a general principle, they aimed to address each topic area with policies specifically tailored to that area, while acknowledging that some policies may overlap across multiple topics. He said that by compartmentalizing individual issues, they could better deal with them as individual issues. He said that to ensure they did not forget any important climate change-related aspects, the Resilient Community chapter would be included at the end of the document to include those. He said that this was the overall structure of the document.

Mr. Barnes said that broadly speaking, their upcoming schedule with the (PC) and the Board will be from now through April. He said that they planned to present work sessions on the 10 topic chapters to the Board and the PC, with the goal of rolling them out as early as possible, likely before the usual packet of information was distributed. He said that this would allow them sufficient time to review and digest the material and be prepared to provide input during the work sessions.

Mr. Barnes said that they aimed to complete the topic chapters by April. He said that however, they were still working on the schedule, taking into account the need to balance this with the budget work sessions. He said that they recognized the potential conflict and were still refining the schedule. He said that their aspiration was to have the topic chapters finished by April, and to return with a full set of the plan, including the three sections, as a rough draft for review. He said that they would then go through this draft, and plan a public hearing with the PC and the Board in July.

Mr. Barnes said that additionally, he wanted to touch on public engagement. He said that they had been working with the AC44 Working Group Citizens Committee, a different group of citizens in each phase. He said that they were now in their third phase, working with a new set of citizens. He said that they would use these individuals as a sounding board and to gather ideas. He said that they were also attempting to reach out to the broader community. He said that they had scheduled all CAC joint meetings for October.

Mr. Barnes said that in addition, as they rolled out the chapters, they would be hosting community check-ins, or open houses at the County Office Building on McIntire Road (COB-McIntire), where people could learn more about individual chapters and provide input on the content. He said that finally, when they reached the last part of their 10-topic chapters and they had completed a draft of the document, they would host a series of open houses. He said that this would allow the public to review the draft, ask questions, and gain a better understanding of the document before they brought it back for another review to ensure everything was accurate before the public hearing. He said that this concluded their engagement strategy.

Mr. Barnes said that they had updated the Engage Albemarle website with the scheduled dates and were finalizing a public engagement plan with their consultant EPR, which would be presented to both the Board and the PC shortly.

Mr. Andrews asked if "bimonthly" meant twice per month or every other month.

Mr. Barnes confirmed that it meant every other month.

Mr. Gallaway said that he wanted to clarify that until he saw all ten chapters and a fully-formed Growth Management Policy, he would not be able to make an informed decision. He said that he did not want there to be a misconception that they could work off of a summarized or unfinished working document.

Ms. Mallek said that she would like to make one comment regarding their 10 chapters. She said that she understood that they aimed for each one to be self-contained and focus on its own topic. She said that philosophically, all 10 chapters collectively contributed to their overall quality of life, and they should be considered as a cohesive whole.

Ms. Mallek said that as they moved forward, she agreed with Mr. Gallaway that they needed to continue refining until they got it just right. She said that she was pleased to have the opportunity to participate in additional meetings to ensure they achieved this goal. She said that reflecting on their past experience in 2015, they had an entire year when they had an extra meeting each month dedicated to the Comprehensive Plan, and it made it survivable. She said that she encouraged them to consider this as they went forward.

Ms. McKeel said that she agreed with what had been said, as she believed they would eventually want to see the entirety of the Comprehensive Plan. She said that she appreciated the efforts to simplify and make it more readable. She said that she had a question regarding the hosting of open houses for a complete Comprehensive Plan draft. She said that she was concerned that some members of their community, who were not able to attend meetings in person at COB-McIntire, may not be able to participate. She said that she wondered if they would be holding these open houses in various locations as well as at different times.

Mr. Andrews said that he appreciated the clarification on the public engagement schedule. He said that since the project was set to open in December, the next public engagement would be in

February, followed by April, when they would be finished. He said that he was concerned that their public engagement may not be robust enough and would like to see more opportunities for community input. He said that he recalled that the original plan was to have bi-monthly public engagement sessions starting in October. He said that given that they were now in October, he would like to see additional public engagement opportunities.

Mr. Andrews said that he understood that they were currently focusing on chapter headings and guiding principles, with a lens of equity and climate change, which were a priority from the beginning. He said that he appreciated the mention of resilient communities, as it addressed climate change. He said that however, he believed it was essential to recognize that there were two aspects to climate change: resilience and acknowledging their responsibility for emissions. He said that he did not want that to get lost in resilient communities.

Mr. Barnes said that many of the environmental measures they implemented would likely be dispersed across various areas, including their efforts to address land use and transportation, as well as direct environmental impacts on aquatic and terrestrial resources. He said that it was clear that equity and climate change were interconnected with these different chapters, even what they were doing with their public buildings.

Mr. Andrews said that he hoped they would see equity and climate change references throughout the document.

Mr. Gallaway said that most or all of the supervisors had heard the discussion at the PC meeting on this topic. He said that he endorsed Chairman Missel's request for a feedback loop, both before and after the PC meetings. He said that having this feedback loop in place, especially as they moved forward and delved into the chapters, would be beneficial. He said that this was in line with the request the PC had made, for the Board's feedback to be shared with them. He said that while they would still review the videos, having a summary of the feedback available during their meetings would facilitate a more productive discussion.

Mr. Andrews said that he appreciated the draft they received via email that day. He said that it was essential to note that this was a draft based on the current version they were reviewing, which was likely to undergo significant changes if they provided feedback and requested additions.

Ms. LaPisto-Kirtley asked if it would be possible to hold the open houses in conjunction with the CAC meetings and then extend an invitation to the public to attend. She said that this would involve the CAC in the process while also making the event more accessible to the public. She said that building on the previous open houses organized by VDOT, which typically ran from 3:00 p.m. to 6:00 p.m., allowing people to drop in and participate, it might be beneficial to consider holding the open house as part of the CAC meeting.

Ms. Tonya Swartzendruber, Planning Manager, said that she would like to review a few key concepts from the Comprehensive Plan and go through today's presentation, and she would take questions along the way. She said that she would start with the information in Attachment A, which was the AC44 Outline. She said that this document was being used to illustrate how the pieces fit together and to alert them to upcoming work sessions. She said that the red box highlights the subject of the current work session, the orange text indicates upcoming work sessions, and the blue dates indicate when they had discussed this topic previously.

Ms. Swartzendruber said that Attachment B contains the draft text for part two. She said that they had received the draft Development Area Land Use chapter, which was part three. She said that the Board should have received the draft Development Area Land Use chapter earlier today via email, and going forward, they will continue to send PDFs of the attachments. She said that Attachment B also includes the current text for the current work session, highlighted in red.

Ms. Swartzendruber said that Attachment C is a preview of the land use tools that they will be discussing soon. She said that she would like to note that there have been some changes to the presentation since the Board received it last week, primarily in response to PC feedback. She said that the PC suggested ensuring sufficient time between PC and Board meetings so that the Board members could review the PC comments. She said that they also provided general support for the document structure and language so far. She said that they also asked for staff to provide the PC with Board comments so they could review their thoughts on the topic.

Ms. Swartzendruber said that she would now discuss the Growth Management Policy. She said that the County established this policy with the adoption of its first Comprehensive Plan in 1971. She said that the policy designates a Growth Area, which is the Development Area, and the Rural Area. She said that similar growth management policies are used throughout Virginia and across the country. She said that currently, the Development Areas cover approximately 37 square miles, or 5% of County land, while the Rural Area comprises 95% of County land.

Ms. Swartzendruber said that the purpose of this policy is to encourage vibrant, mixed-use, dense, and walkable development in the Development Area, supported by infrastructure and amenities, in order to protect the natural, historic, scenic, and cultural resources in the Rural Area. She said that designating Growth Areas helps to avoid sprawl and supports the efficient and more cost-effective provision of public infrastructure and services.

Ms. Swartzendruber said that with AC44, the Growth Management Policy is updated to reflect community input and incorporates equity and climate action, while maintaining its core purpose. She said that first, they had clarified that the County is planning for current and future community members. She said that the specific areas guided by the policy were listed, including land use, capital projects, and public service decisions. She said that the updated language also included provisions for small-scale businesses and limited public services in the Rural Area to support existing communities. She said that the distinct boundary between the Rural Area and Development Area was carried forward and was clearly stated as necessary for success.

Mr. Gallaway said that he was about to ask if this was the same as what was included in the packet that they had received.

Ms. Swartzendruber said yes. She said that much of the language was grounded in their four guiding principles, which included welcoming and equitable, green and resilient, thriving and prosperous, and connected and accessible.

Mr. Andrews asked what feedback staff was looking for.

Ms. Swartzendruber said that if there were any questions about the policy itself, they should ask.

Mr. Gallaway said that he wanted to clarify his earlier statement. He said that as things grow, he did not want any comment or non-comment today to have staff saying that they had it. He said that they had received a lot of feedback, some of which he was still trying to fully understand and had not yet made up his mind about. He said that he did not feel the need to have a decision on this matter yet.

Mr. Gallaway said that he was simply throwing this out there as a starting point for their discussion as they moved through the Comprehensive Plan. He said that he endorsed P. C. Bivins' comments on this topic. He said that Mr. Bivins had asked, "Where are we at now when we talk about growing equitably and sustainably?" He said that he believed this was a through-line that they could be talking about today in relation to this notion of thinking that their current situation was different, better, or more advanced than it really was.

Mr. Gallaway said that if they planned for a future without a realistic understanding of their starting point, they risked making poor planning decisions. He said that Mr. Bivins' overarching point was that they needed to have a clear understanding of where they were, what gaps existed, and then work to close those gaps so that future things could build upon the closed gaps. He said that he thought Mr. Bivins' point was spot on, and he believed it applied to not just equitable and sustainable growth, but also to infrastructure and other development-related issues specific to this area.

Ms. Mallek said that as she read through the paragraph discussing the Rural Area, she noticed that it glossed over the importance of drinking water and watershed protection for the Growth Area. She said that she had sent some suggestions for consideration. She said that she believed it was essential for the community to understand the source of their drinking water and that it was not just a scenic aspect, but a vital resource.

Ms. Mallek said that upon reviewing Attachment B and the box, she saw that it mentioned protecting ecosystems and natural, scenic, historic, and cultural resources in the Rural Area. She said that it was the same thing. She said that to provide urban services like water, sewer, and sidewalks in the most cost-effective manner was the reason for creating the Growth Area. She said that the financial constraints of providing these services were a key factor in establishing the Growth Area as a lower-cost community. She said that the 1980 down zoning requirement had been implemented to protect the watershed for the Urban Area.

Ms. McKeel said that she thought she was missing the point of Ms. Mallek's discussion, but her perspective was that this was an opening statement, and the details would follow. She said that the intention here was to be general in some respects, and then they would delve into those specifics. She said that she believed Ms. Mallek was aiming for that level of detail, but she may be incorrect. She said that to her, this was an opening statement, and if it became too detailed, it would lose its purpose.

Ms. Swartzendruber said that it was the policy itself; they were intending to keep the purpose of the policy succinct.

Ms. McKeel said that it provided context for where they were currently at. She said that then, they would delve into the various other details, such as water and sewer systems.

Ms. Swartzendruber said that that was included in the part two text that was provided in Attachment B. She said that however, the discussion of the watershed protection was not included in that text. She said that she took Ms. Mallek's point to be that they should incorporate that into that information.

Ms. McKeel said that she believed they needed to be cautious because they could not include everything in the first part.

Ms. Mallek said that if they were discussing agriculture and forestry, they should also mention two more.

Ms. McKeel said that she wanted to clarify her thoughts on what she was looking at on the

screen. She said that she was trying to put it into perspective because she had some additional comments about other topics, but she would wait for now.

Mr. Barnes said that one thing he noticed in the 2015 plan was that the policy was not distilled into a concise statement. He said that it was spread across 10 or 12 pages, and the explanation was somewhat lengthy. He said that in an effort to simplify this, they had attempted to distill it into a paragraph. He said that he hoped that this approach would be successful, rather than simply presenting the policy in a more general manner.

Ms. McKeel said that she understood Ms. Mallek's points, as they were very important. She said that however, this was the very beginning of the document.

Mr. Andrews said that the input from the Piedmont Environmental Council (PEC) and the Southern Environmental Law Center (SELC) had said that they had suggested additional language to clarify that this was emphasizing as a foundation of the County's Comprehensive Plan, focusing on density, connectivity, high-quality, sustainable design, reinvestment, and redevelopment, as well as infill. He said that none of those things had been reflected in this statement. He said that he hoped that they had been looked at and considered in this process so that perhaps this language could be improved if they considered some of that feedback. He said that at this point, he did not want to reiterate the specific feedback they had received on these two paragraphs, as he knew they had all been made aware of it. He said that he found this feedback to be helpful.

Mr. Pruitt said that he also wanted to mention that he had reviewed the SELC and PEC language. He said that he agreed with almost every tweak they made, and he found their suggestions to be quite thoughtful. He said that he also wanted to go to bat for Ms. Mallek's point, which he believed was heavily informed by his own experiences as a newcomer to this community. He said that he must admit that he was not initially aware of the significant role that water quality played in the formulation of their Comprehensive Plan.

Mr. Pruitt said that after discussing it with Sally Thomas and reading a history of the environmental pushback, he began to see the connection between water quality and the sudden growth of impervious surfaces, which led him to reevaluate his perspective on environmental quality and their Growth Management Policy.

Mr. Pruitt said that he believed this detail was critical and should be emphasized when communicating with young people in the urban ring, young people in Charlottesville, and those who had recently arrived in the community and may not be familiar with the history of this plan. He said that he appreciated the emphasis on water quality and the role in the Development Area, and its role in the core of their Growth Management Policy, as it served as a pivotal element in their overall approach to their Growth Management Policy.

Mr. Andrews said that he agreed with that as well.

Mr. Gallaway said that he would like to add to that and approach the issue from a different angle, focusing on the drinking water and protection of water quality. He said that when discussing the expansion of the Development Area with individuals who support it, he had noticed that those who were in agreement often immediately agreed that water quality should be protected. He said that this suggested that the water quality issue was not a point of debate. He said that if people differed in their opinion as to whether the Development Area should be expanded or not, but agreed on the same point, that there was probably merit there.

Mr. Gallaway said that he believed that sometimes, when they used terms like "agricultural forestry," this got lost in the "rolling vistas" and "aesthetics." He said that this made it difficult to have a productive conversation. He said that however, when it came to protecting the water quality that came into their homes through the water pipes, he thought there was a broad consensus that this was an important issue.

Mr. Gallaway said that in fact, he believed that protecting water quality was something that everyone would agree on. He said that this presented an opportunity to find common ground between those who supported and those who opposed the expansion of the Development Area. He said that agriculture and forestry gets dismissed for folks that lived in the Development Area and were looking for the density, infrastructure, and expansion of that area. He said that focusing on protecting water quality may be a way to bridge those two camps.

Ms. LaPisto-Kirtley asked if they could add in "conservation of ecosystems including water quality."

Mr. Gallaway said that the issue was distinct because conservation of ecosystems, unless clearly defined, diverged from protecting the watershed. He said that the water quality was being discharged into the Development Area, and the Rural Area relied on its own wells, whereas those on the water system were dependent on theirs, particularly in the northwest part of the County.

Ms. LaPisto-Kirtley asked what would be an easier adjustment to the language.

Mr. Gallaway said that he did not know. He said that that was why he was cautioning that it would take some time to work through these issues. He said that the main point was that, as they would discuss

further in relation to the Development Area and boundaries, this past week had been focused on finding common ground among individuals who typically held differing views. He said that water quality was one area where everyone agreed, and he thought they could all be on the same side on this issue. He said that even climate change and climate resiliency did not guarantee that everyone would agree, but water quality did.

Ms. McKeel said that she believed that it got to the point Mr. Pruitt was making about why they had a Development Area and a Rural Area. She said that that was the original intent. She said that Mr. Pruitt had learned this at some point, and she believed many people did not consider this when they moved in. She said that they did not realize why they had separated out the Development Areas and Rural Areas.

Mr. Pruitt said that they stated the goals they were trying to achieve with their Rural Area, and those were true. He said that however, when someone from outside the community came in and saw those goals of the plan, it did not say that if they were to abandon it, individuals would no longer have access to safe drinking water, but that was also true.

Ms. McKeel said that she believed it could be easily tweaked.

Ms. Swartzendruber said that staff would be happy to proceed with revising the language, as it seemed to align with the Board's overall intent. She said that she would propose some language at their next meeting, allowing them to review and refine it before returning to the Board.

Mr. Andrews said that in addition, there had been inputs from other community members, including the PEC, SELC, and other stakeholders, which should also be considered.

Ms. Swartzendruber said that she should have reviewed this before they began their discussion, but they did hear some feedback from the PC regarding the Growth Management Policy. She said that housing affordability was a significant concern related to their policy, and their community would not meet its vision of being welcoming and equitable without providing housing choices and affordability.

Ms. Swartzendruber said that they should also include more of the rationale behind the policy, including cost efficiency, providing public services and infrastructure in designated Growth Areas, and avoiding sprawl and its associated negative impacts. She said that to enhance the Comprehensive Plan, they recommended adding more explanation of the different land uses and environmental features in the Rural Area on the maps.

Ms. Swartzendruber said that the Growth Management Policy was carried forward in this Comprehensive Plan as a means to continue to accommodate growth in the Development Areas while protecting the Rural Area. She said that they had a variety of tools to implement the Growth Management Policy and influence the performance of the Development Areas, including revising current land use designations through area plan updates, which they would discuss further in a few minutes.

Ms. Swartzendruber said that they could include public investment and infrastructure, as well as amenities, to catalyze and support development in the activity centers. She said that they could also update the Zoning Ordinance to support high-quality mixed-use and dense development, including a variety of housing types. She said that finally, they could expand the Development Area boundaries.

Ms. Swartzendruber said that, however, they first needed to determine their actual build-out and land capacity in the Development Areas. She said that while the most recent land-use build-out analysis conducted in 2022 indicated sufficient capacity to accommodate projected growth over the next 10 to 20 years, this depended on projects that built at the high end of recommended density and intensity of uses. She said that in the past, they had seen that rezoning projects had been built at 58% of the maximum recommended density per the future land use category.

Ms. Swartzendruber said that monitoring the capacity of the Development Areas to accommodate projected growth and demand was a key component of a long-range planning effort and implementing the Growth Management Policy. She said that staff proposed a Development Areas utilization review every two to three years to monitor actual build-out and capacity and evaluate whether they were meeting the goals for the Growth Management Policy.

Ms. Swartzendruber said that this review would take the form of the land use build-out analysis and would include the factors listed on the screen. She said that these factors can be reviewed by the Board to assess the performance of the development within the Development Areas and help determine when and which adjustments are needed, potentially using the tools mentioned on the previous slide. She said that they can revisit the slide to answer the question of whether these factors are sufficient for their review of the performance of the Development Areas.

Ms. Swartzendruber said that with the future area plan updates, the PC indicated the need to increase the use of higher-density future land use categories on the future land use map (FLUM). She said that a significant amount of Development Area land is currently designated as neighborhood residential, which is not sufficient use for the limited Development Areas land. She said that the review criteria should prioritize how well development in the Development Areas meets the objectives of the Comprehensive Plan.

Ms. Swartzendruber said that the PC also recommended that there be quantitative benchmarks

for this criteria and an explanation of the actions the County will take if certain thresholds are reached, and that the County ensure that the plan implements the development and efficient use of land that the County wants to see in the Development Areas, including incentivizing density, building height, and redevelopment of underutilized sites such as malls and parking lots. She said that achieving the vision for the Development Areas, particularly the activity centers, will require public investments and projects.

Mr. Pruitt said that he now had a slightly better understanding of how they were breaking down the document. He said that upon reviewing it, he gathered that comments on page three and the top of page four may have been more appropriately included in the previous section, as they still fell under the Growth Management Policy before it was broken down.

Mr. Pruitt said that setting that aside, he wanted to mention something that he should have brought up earlier but did not realize they were discussing it yet. He said that this alluded to the fact that prior to the existence of a Comprehensive Plan in 1971, they had a Development Area that was larger. He said that he had not seen that, but it alluded to there being a much larger acreage set aside for development that had since been shrunk down significantly.

Ms. Mallek said that prior to zoning in 1980, the entire County was considered a Development Area. She said that to address watershed protection, a downzoning was implemented. She said that this was approved by a referendum in 1980, which took two-acre lots and made them 21-acre lots and more in the whole watershed in the western and northern parts of the County. She said that this was where the reduction in acreage came from.

Mr. Pruitt said that he thought he understood now. He said that to gain a better understanding of the changes, he would like to see the original version.

Ms. Mallek said that there was a map somewhere with black dots representing every development right, and one could not see any white; it was quite shocking. She said that someone may be able to help them figure that out.

Mr. Pruitt said that he would like to inquire about the separate section that outlines notional uses and a preliminary FLUM. He said that he wondered if this section would be included in a subsequent review section following this one.

Ms. Swartzendruber said yes, it would be previewed tonight, and they would discuss it further and provide more details in approximately three weeks, on November 6.

Mr. Pruitt said that he was still trying to grasp the new feedback process in this section. He said that it was relatively easy to anticipate how he could structure his feedback to staff in the previous format with criteria. He said that they would identify specific criteria and discuss them. He said this was not feedback on the plan itself, but rather his observations on the process and how he was realizing that some of his notes may not be applicable for tonight. He said that he did not think this was anyone's fault, but rather a learning experience they were going through together.

Mr. Pruitt said that he thought the two-year build-out analysis repeated iterative process made sense. He said that however, he also agreed with the PC's feedback. He said that at some point, there needed to be a forcing function. He said that he believed it was the instinct of political actors, himself included, to avoid the biggest question in the room. He said that they had discussed this before, and the data suggested that they may be nearing reasonable capacity, with only 7% of their available 4% of Development Area remaining available for development. He said that however, not all of that space was contiguous, reasonable, usable, or economical.

Mr. Pruitt said that at some point, there needed to be a forcing function, and they would continue to avoid it unless these two-year iterative processes had alarm lines on the end of them or they committed to taking action in certain capacities. He said that they may state that because it was not suggested in the Comprehensive Plan, they could decide to push it off onto the next Board. He said that assuming their growth patterns did not change, he believed the whole Board recognized that the Development Area would need to change. He said that he was not saying this was something they needed to decide today, but it was something that would eventually need to happen, assuming there were not any catastrophic macroeconomic factors that altered their growth patterns.

Mr. Pruitt said that with that in mind, he would also like to express his concern that their Comprehensive Plan did not adequately address the "when," the "where," or the "how" of development expansion. He said that while the document and the build-out analysis did talk a bit about the "when," it seemed that they had not given enough thought to the "how," and there definitely was no discussion about the "where." He said that something they talk about in the Development Area build-out and utilization section was their desire to create walkable communities, services that could be accessed by transportation, and low-carbon impact.

Mr. Pruitt said that he worried that their instinct for a conservative approach to development expansion may actually disserve these purposes. He said that many people, including himself, tended to focus on nibbling around the edges of existing development, rather than making more significant changes. He said that this approach may have led to a more spread-out community, rather than contributing to any node-building or decisive placemaking.

Mr. Pruitt said that he would like to bring this to the attention of the Board and share it with key

Planning staff. He said that he had been researching the 2014 Wolfson Prize award-winning submission, Uxcester Garden City, which addressed a similar issue in the UK. He said that this study examined a hypothetical city and compared it to Oxford, a city that shared many similarities with theirs. He said that this area was bounded by green space owned largely by small farmers and was nearing development capacity, with a university serving as a key anchor. He said that the comparison was striking, and it examined how to thoughtfully and sustainably expand such areas by taking a confident bite rather than nibbling around the edges. He said that this approach, which involved using a snowflake-style development pattern, involved taking out a significant node and building periphery services around it, ensuring that the area remained well-connected through transit services.

Mr. Pruitt said that this approach could reduce overall consumption of the greenbelt and improve the achievement of other goals, such as equity. He said that it also helped combat issues related to place, including how one fought off speculation and sudden land rent rises, which could occur when making incremental changes. He said that in contrast, a confident bite would not allow time to speculate the prices up when there were so many development rights that multiplied up. He said that the bigger point was that none of this appeared to be contemplated in the Comprehensive Plan.

Ms. Jodie Filardo, Director of Community Development, said that Mr. Pruitt was spot on but a bit ahead of the game here. She said that what they were doing today was really setting the overarching framework for the plan, which was the largest-scale, 30,000-foot level of what they wanted to accomplish across the entire County. She said that the how and the specifics what's were in parts two and three. She said that in the Development Area land use chapter that they had sent out at the beginning of this meeting, she was hopeful that they would see in that draft more of what they were hoping to accomplish. She said that they were starting tonight with the biggest picture, then would start drilling down with the subsequent chapters.

Mr. Pruitt said that he had a few additional comments, but they would primarily relate to the FLUM, which was closely tied to their discussion on Development Area utilization. He said that he would hold onto the rest of those comments for now.

Mr. Andrews said that if he may, he believed that their current slides were addressing the questions posed at the beginning, which were whether the draft Growth Management Policy met the County's needs and whether the draft factors for monitoring the utilization of Development Areas were appropriate. He said that this was where he thought they were currently. He said that he thought it would be a good idea to pause here, but also to hold off on moving forward to the FLUM and other topics.

Mr. Pruitt said that he wanted to add one more comment to this discussion. He said that he had grouped it with a later section, but he believed it was more relevant here. He said that he thought he had mentioned this in earlier discussions, and he saw it as one of the PC's comments, to ensure that they were not treating the raw utilization of land as the deciding factor, but rather on the extent of its effects. He said that they should not simply say that they still had more land to build but rather conduct a thorough analysis of what could be built, and the impact it would have on development costs, livability, and affordability.

Mr. Pruitt said that he believed they had not fully addressed in previous discussions, and he wanted to stress that this should be a central factor, as he did not believe they would ever develop the final 2% of the existing Development Area. He said that developers would likely leave this land untouched, waiting for future opportunities, and he would not invest until there was a viable project. He said that he hoped they would focus on understanding how this affected lives and investments, rather than simply considering the amount of land available for development.

Mr. Gallaway said that he wanted to present some thoughts and ideas regarding this Development Area utilization review. He said that given the complexity of this document, he had tried to organize his notes, but he may not have achieved a cohesive flow. He said that he did agree, and it was interesting to note that two Planning Commissioners had expressed differing opinions on the expansion of the Development Area. He said that one Commissioner was in support, while the other was not. He said that this was interesting to him, knowing those two individuals and why they believed what they believe.

Mr. Gallaway said that in maximizing the Development Area, he did not think they could afford to conduct a development utilization review that the Board only received every two years. He said that on certain elements, such as the housing reports and building permits, they could do a comparison of what was happening in the Development Area versus the Rural Area, so they may not need that more regularly.

Mr. Gallaway said that he thought it was time to require a development utilization review as part of the application review process for rezonings and upzonings in the Development Area. He said that this would enable them to evaluate the potential impact of each project on the overall density of the Development Area. He said that for example, if they approved an application at 60% density, they could assess how it would affect the Development Area's density, potentially moving it from 58% to 56%.

Mr. Gallaway said that he believed the development utilization review process needed to be more of a tool for measuring capacity in each project. He said that it should also include metrics on the progress of affordable housing units and economic impact. He said that this was similar to what Greene County required in their rezoning requests, where applicants must provide an economic impact report. He said that however, Albemarle did not currently do this. He said that he recalled a developer who met with him when he first got on the Board led with that, but it was never discussed further.

Mr. Gallaway said that given that they had stated they would not expand the Growth Area, he was concerned about how they could make informed decisions on each application, whether it was for 10 units or 500 units, in real-time. He said that this was particularly relevant when considering the Rio Point project, which he had been against due to his concerns about higher density. He said that when analyzing the immediate area around Rio Point, he realized that allowing an extra 100 units would have significant implications for the Development Area as a whole.

Mr. Gallaway said that this would have likely led to more opposition from those they were lobbying against. He said that he did not recall them discussing the potential consequences of not approving the extra 150 units in that conversation. He said that it was possible that approving it would have given them two extra years to consider whether the Growth Area needed to expand. He said that the lack of nuance or data-driven approach made it difficult for the Board to fully understand an applicant's request.

Mr. Gallaway said that he was thinking about Glenmore's Breezy Hill, which was a more recent example of a development that was uncomfortable for the Board. He said that he was baffled when they approved one unit per acre in a Development Area. He said that he was not trying to judge those who voted differently than he did; however, in that conversation, they should have clarified that if they only approved one unit per acre there, it had significant implications for the rest of the Development Area. He said that he believed they had been receiving valuable information and feedback from the public on what should be included, and perhaps there could be a larger thing that came to the Board every two years, but this real-time information must be considered for land use decisions every time an application came before them.

Mr. Gallaway said that with the economic report they received today, which included commentary on lowering wages, poverty rates dropping, and higher incomes, it indicated that people were leaving the area. He said that if they did not address the housing piece, which they all believed density would solve, whether it was affordable or not, more units helped the affordability conversation. He said that they would have to deal with it when an application was before them. He said that they had time to figure out whether that would be the applicant's responsibility or the County's, but he thought it was essential to state that the Board would consider the application, but also the ramifications, not just for the local area, but for the entire Development Area.

Mr. Gallaway said that they had such smart people on their PC, and that was where this idea originated. He said that if he was stealing it, he apologized for not giving the Commissioners credit. He said that this was about moving forward and avoiding status quo while also not panicking and suggesting that they needed to expand the Development Area by 5% or 6%. He said that instead, he thought they needed to consider if the Development Area could shift.

Mr. Gallaway said that the other piece related to this, which the PC had discussed, and the Village of Rivanna would be part of it, was that they tended to focus on whether the Development Area should expand, rather than exploring whether it could shift. He said that they were not getting the desired density from the Village of Rivanna, a defined Development Area, they should explore where they could find that density without necessarily changing the 5%. He said that utilization review was likely needed to help them figure that out.

Mr. Gallaway said that there may be reasonable conversations that could be had without changing the overall number, such as rotating development in a way that made sense. He said that there were still places for redevelopment within the existing Development Area to get some density. He said that the County could not force it, and they had to wait for applications to come in. He said that his thoughts on utilization review were focused on what actions they could take to help them get what they want if they agreed to maximize density. He said that they were only going to get so many stories because the costs increased once they went to high, and developers were unlikely to invest in high-rise development in this area.

Mr. Gallaway said therefore, they needed to find alternative ways to encourage development. He said that when they received advocacy letters, they often suggested simply allowing redevelopment of certain areas. He said that they could not simply flip a switch. He said that one option was to use the small area plan, which was an overlay that made it easier for developers to move through the process. He said that no one had yet attempted to really use the small area plan for Rio 29. He said that they must consider what other things they needed to do.

Mr. Gallaway said that the PC had discussed two main points, which he believed were brought up by Mr. Bivins. He said that one of these points was about how they currently incentivized landowners to keep their property rural and not develop in the Rural Area, so they must consider what comparable tool could they use in the Development Area to encourage development of that area. He said that went beyond developer incentives and was targeted toward affordable housing, which was his next point; the analysis of whether their inclusionary zoning helped them.

Mr. Gallaway said that although this was outside the Comprehensive Plan. He said that they were now eight months in, and he was not aware of any applications that had been submitted to the Board yet, with most being limited to 10 or 12 units. He said that he was concerned that their inclusionary zoning may not be helping. He said that at some point, they needed to decide whether to continue with this policy or not. He said that however, given the Development Area's current utilization, they could not have a policy that inhibited or contradicted their goals in the Development Area.

Mr. Gallaway said that they may need to pivot and figure out a new approach. He said that he believed Housing Albemarle would need to have a conversation about the developer incentive piece. He said that he still believed that many people did not fully understand this policy, so he was not ready to dismiss it. He said that until they received applications at the 200, 300, 400, or 500 level that included this incentive package, he was not confident that anyone would.

Mr. Gallaway said that the last thing he would like to mention was when their infrastructure would allow for better utilization of land. He said that in the past four to five years, and before the pandemic, the argument was that they could not wait for the infrastructure to be built before approving high-density projects. He said that he agreed with this argument to some extent.

Mr. Gallaway said that, however, he would ask at what point did the lack of infrastructure hinder or prevent them from achieving their maximum density goals, forcing them to settle for 58% or 60%. He said that some of this was driven by political will. He said that he was not suggesting that it was not driven by politics. He said that sometimes, they needed to vote for it and hope that the infrastructure followed. He said that he would use Rio Point again. He said that the approval of Rio Point had helped them secure the roundabout and the Belvedere improvements.

Mr. Gallaway said that, however, there were still thousands of units being built, and they would soon come online. He said that they had stated that the infrastructure planned for this area would accommodate that growth, but he would ask what happened when the next density increase arrived, and they had already planned for that previous density. He said that at some point, he believed they needed to have some infrastructure in place to support the transition from 300 units to 500 units, allowing for better utilization of the development.

Mr. Gallaway said that this could involve public investment, such as small area plans, where they committed to public areas and took on maintenance responsibilities to stimulate growth. He said that however, they were currently in a wait mode to see this happen. He said that he thought this infrastructure issue needed to be considered as they moved forward. He said that he was not sure if small area plans were the solution to maximizing Development Area capacity, but that conversation should wait until they discussed the land use maps.

Ms. LaPisto-Kirtley said that she agreed with many of the points Mr. Gallaway made, and she thought the problem lay with them, at least with the current Board, minus Mr. Pruitt. She said that they had not approved the density that the developers wanted, and instead, they had backed down and compromised. She said that she was guilty of that as well. She said that unfortunately, she thought that was something they should have done.

Ms. LaPisto-Kirtley said that she believed they were probably getting better at this, and she was not one who wanted to see the Development Area expanded at this time. She said that she had expressed this before, and she had told people that maybe 10 to 20 years down the road, but she thought they needed to make use of what they had right now. She said that she was always in favor of going higher, but that was something the developers would have to decide. She said that they could go for seven stories, which would be more expensive, and the rents would be higher.

Ms. LaPisto-Kirtley said that alternatively, they could go for five or six stories. She said that in either case, it would bring the transportation aspect into play. She said that when they had concentrated density, it was easier for transportation to get there. She said that when it was spread out, they would not have transportation. She said that it was just not feasible. She said that higher and denser would give them the ability to have better transportation options, including pedestrian, bike, and especially bus services, to bring people into work and other areas.

Ms. LaPisto-Kirtley said that she noticed they had mentioned housing types. She said that from what she had seen, they had a variety of housing types. She said that she was wondering if they were suggesting more types of housing.

Ms. Swartzendruber said that she believed they had been discussing the concept of the "missing middle," which referred to the buildings between townhomes and smaller lots, typically ranging from 0.5 acres to a 0.25 acres. She said that this concept could manifest in various forms, such as smaller cottage homes with reduced lot sizes, smaller home footprints, and multi-unit dwellings like fourplexes and duplexes, potentially allowing those housing types in more locations.

Ms. LaPisto-Kirtley said that she thought that the developers would be more interested in building a four-plex or six-plex in a small area, rather than just a single cottage, as that would not effectively address their housing problem. She said that the other way, and again, more density. She said that in the Rural Areas, bringing in water and sewer was extremely expensive, and in order to expand Development Areas, such as Avon or Scottsville areas, that would be very expensive.

Ms. LaPisto-Kirtley said that one of the other factors to consider was the timing of permits and the length of time it took for developers to complete projects. She said that she was aware that they had lost the RST project due to the lengthy permitting process and the pushback from constituents, which ultimately resulted in the loss of federal funding and the sale of the project to another company that was building fewer homes.

Ms. LaPisto-Kirtley said that she liked the direction staff was going with this plan, but she believed

they needed to focus on increasing density and, as a group, be able to work with developers to achieve their goals. She said that Mr. Gallaway was correct that they must wait and see what the developers proposed, and it was unlikely that they would be able to request a developer to build a specific number of units. She said that instead, they may need to accept whatever they offered.

Ms. LaPisto-Kirtley said that streamlining the permitting process could be a way to improve things, and then they could reassess and move forward from there. She said that she did not want to do a little bit here and a little bit there, and that it may be 10 to 20 years before expansion of the Development Area was needed, but if they built cottages, it may take around two years. She said that however, if they built high-density housing with multiple units per lot, such as four-plexes or six-plexes, and the County took advantage of smaller parcels, they may not need to expand the Development Area.

Mr. Gallaway said that it was not about a developer going up an additional floor; taking on the expense meant they had to double up. He said that they could not just go to seven, but they had to go up even higher. He said that he was not sure of the exact number and developers would have to help them understand that. He said that he was aware that was why developers did not propose projects beyond that point.

Mr. Gallaway said that if the Board were to consider a 14-story project, it would be a significant departure from their current practices. He said that when they discussed four-plexes and six-plexes, they were not just talking about new developments, but also the existing R-2 areas, such as Huntington Road, Old Brook Road, Northfield in Jack Jouett. He said that these areas currently allowed one unit per 0.5 acre, but they should consider allowing four to six or six to eight units on those lots.

Mr. Gallaway said that this was the missing middle. He said that there was advocacy for the County to allow that by right in Development Areas, without discretionary review. He said that they had seen this in Crozet and at Penn Park Road. He said that this was what the advocates was pushing them to do: to increase density in the Development Area. He said that this was what the City did, and they wanted them to do what the City was doing. He said that he was not taking a stance on this issue, but he just wanted them to be realistic.

Mr. Gallaway said that he wanted to emphasize that this was not about a vacant lot where they could allow six to eight units. He said that this was about making a decision that affected a specific neighborhood, where 40 houses were currently situated on 0.5-acre lots, and they were considering allowing 10 of them to be converted into six-unit structures, mixed in with the others on 0.5-acre lots. He said that they needed to consider the implications of this decision and take them into account when evaluating the utilization of this land.

Ms. LaPisto-Kirtley said that there was a political will. She said that where she was considering higher and denser areas were along Route 29 in the Development Area.

Mr. Gallaway said that everyone thought that, and they also thought they had transit and walkability. He said that they could get rid of cars in the urban ring, but they did not.

Mr. Andrews said that he felt that the purpose of today's meeting was to examine the factors to consider in the utilization review of Development Areas and to review the Growth Management Policy. He said that he had been hearing a lot of discussion about increasing density to address the issue, but he was not sure they were adequately addressing the questions being asked about the utilization review factors and whether they aligned with their goals for future development. He said that he felt a disconnect between the current discussion and what he initially thought they were reviewing.

Mr. Barnes said he thought that was a well-stated point. He said that what they would bring the Board next would be the Development Area Land Use chapter, and they would be able to review a strategy that, broadly speaking, looked to try and create more focus on several centers and took advantage of the strategy of trying to do the Route 29 and other heavily-parked areas and try to infill them. He said that for now, staff was giving the Board a series of factors to consider how well they were utilizing the Development Area and if it was building out and would they need to think about doing something that would change the boundaries of the Development Area.

Mr. Gallaway said that in a development utilization review, if they were discussing capacity, they needed a baseline. He said that it was a policy decision to allow redevelopment from R-2 to R-6 by right, and if it allowed the Development Area to remain unchanged for a longer period, they needed to understand what that meant. He said that therefore, in the utilization review, he believed that analysis needed to be conducted.

Ms. Mallek said that she was looking at the red boxes in order to answer staff's questions. She said that this was number five, the Development Area utilization review. She said that to start, several people at the PC and other constituents had suggested that "F" should be "A" to make sure that "how well Development Areas are meeting their objectives" was the very first thing they looked at. She said that additionally, they should know what obstacles were preventing it.

Ms. Mallek said that she knew that in the 1980s, the 36 development units per acre standard had come from who-knows-where, and now it was treated like something out of the bible and has no basis in fact. She said the only place with 19 units per acre in the Crozet area was the apartment complex in Old Trail. She said that if they were considering 36 units per acre, they were essentially talking about six-story apartment buildings everywhere, which was a flawed approach. She said that she hoped they would not

get too caught up in the 58% figure, which may not have a solid basis.

Ms. Mallek said that regarding the comparison of demand, she had heard concerns from several people that they should track the actual use of Development Area spaces, rather than relying on outdated models that may have had flaws in their capacity analysis. She said that if they were excluding large tracts of property in the Development Area from consideration for future capacity, that was a problem for her.

Ms. Mallek said that she would like to know more about the details of this and why certain factors, such as under A, "potential growth limitations like the available land costs of development or environmental constraints" were not being considered. She said that they should be taken into account if they were going to have a valid capacity. She said if something was at 40% slope or had environmental issues, they should not consider it, but they should also recognize that redevelopment could occur when there were the right constraints in place to make it happen. She said that one of the reasons they had not seen the kind of Growth Area development that people had envisioned for 20 years was that there was always a green field to go to that made it so much easier to develop.

Ms. Mallek said that about 10 or 15 years ago, a developer had told her that they were this close to making it happen, but a little tax incentive would be needed to make a parking deck affordable due to the cost of land going up so much. She said that Arlington County was already building underground parking under many grocery stores due to the high cost of land. She said that in their capacity discussion, they had not taken into account these places with large parking lots, which she believed was a problem. She said that she was struggling to understand how to address this issue.

Ms. Mallek said that for 5C, having a map would greatly help her understand where those spaces are that are not being considered. She said that for the introduction to the review, "revising future land use designations, making more places Office/Flex/LI (Light Industrial)/R&D (Research and Development)," she wanted to note that Fairfax County was facing a significant budget problem due to tens of thousands of square feet of empty, 10- to 15-story office buildings. She said that they needed to be cautious about what they asked for, because she had talked to developers who had told her they were having trouble finding tenants for their commercial space. She said that North Point should be grateful that they did not rush through the process, as they would have invested millions of dollars in earthmoving only to see it fall under the recession.

Ms. Mallek said that even after all these years, the five major rezonings completed between 2004 and 2008 were still unfinished because there was not enough demand to complete them. She said that Stonefield was in the gate first, the owner died, and it took 3 or 4 years to get going again. She said that they were one of the closest to getting finished, but it was 22 years. She said that when she was going to pieces about the approval for the Hollymead Town Center in 2004, one of the senior staff members at the time had reassured her that it would take 20 years to complete. She said that she had been looking at 60 acres of red mud, denuded of a forest, with nothing happening. She said that those 60 acres remained there, still covered in red mud, with weeds now. She said that it was going to take a long time. She said that this was a concern of hers.

Ms. Mallek said that regarding cost and vacancy trends, she recalled a long-standing issue in the past, where an occasional warehouse company would relocate to another County. She said that to her, they did not need to have every warehouse or distribution company in Albemarle County, and they should not be having a nervous breakdown when a company decided to leave.

Ms. Mallek said that she was sorry to see Patriot Aluminum go, as they were actual manufacturers, not just warehouses. She said that sometimes, businesses needed bigger space and truck access for tractor trailers, so they may need to go elsewhere. She said that she hoped that was not driving their decision-making process here. She said that their neighboring communities deserved some businesses too.

Ms. Mallek said that she thought the comments from several people were compelling about validly tracking capacity in the Development Area and not the findings of the build-out analysis as a starting point to ensure they were starting with a solid foundation, not a flawed one, and then moving forward from there.

Ms. LaPisto-Kirtley said that as she had been advocating for higher density development, she wanted to make it clear that she did not think that would be suitable for Crozet. She said that in her mind, she had envisioned a different approach, with higher density being more acceptable along Route 29, from the northern point near the Proffitt area, down to the southern point near Hydraulic.

Ms. McKeel said that she was in agreement with the information presented by staff. She said that however, two years was a long time to wait. She said that she agreed with the idea that Mr. Gallaway had proposed, as it was the most effective way to help them understand the situation. She said that she did not realize until recently that they were only approving projects at 58% of their potential. She said that it would be beneficial to have this data as they evaluated projects. She said that if they could start receiving this information as they reviewed them, that would be great.

Ms. McKeel said that they said they wanted the Development Areas to have a high quality of life and be a place where people want to live.

Ms. Swartzendruber said that it was difficult to measure.

Ms. McKeel said that she understood, but it was about sidewalks and connectivity. She said in her district, she had very few sidewalks, while new developments often had them. She said that, however, when looking at older areas like the Rio and the Jack Jouett District, which were in the Development Area, they had some of the oldest neighborhoods without sidewalks. She said that this affected quality of life, which was easy to quantify by examining these older areas.

Ms. McKeel said that she was not opposed to the focus on new developments, but it would be helpful to occasionally consider the needs of older neighborhoods, such as the people in Berkeley who may require sidewalks. She said that they had done this occasionally, but she believed it would be beneficial to regularly assess quality of life in these areas to determine how to improve it.

Ms. McKeel said that if they wanted people to live in the Development Area, they needed to make it attractive. She said that what she saw was people leaving due to the lack of parks, which were mostly located in Rural Areas. She said that she was not trying to prolong this discussion, but she thought it would be helpful to explore ways to address this issue, particularly for her magisterial district, the Rio area, as well as Crozet.

Ms. McKeel said that she agreed with the idea that Mr. Bivins had proposed, and Mr. Gallaway had mentioned, about using a parcel at Rivanna that was never going to be built out and had been sitting for a long time. She said that if they could find a way to utilize this land without expanding, perhaps by trading it with another parcel, it could be a viable solution. She said that she completely agreed with flipping "A" and "F." She said that she believed that was a great idea because, although they often said that order did not matter, it actually did.

Mr. Andrews said that he agreed that flipping "F" to "A" was a good idea. He said that he did not initially consider it a priority, but he viewed "F" as a broader indicator. He said that he would actually modify it to say "how well development and redevelopment" so that they were not only considering new developments, but also redevelopment and other improvements in Development Areas in accordance with the Comprehensive Plan.

Mr. Andrews said that from there, he felt that some of this was not examining things in the way he thought they should be. He said that he would jump around a bit. He said that regarding the comparison to the estimated demand for residential and non-residential land uses with their estimated capacity, he generally agreed with the comments being made, and he also agreed with the comment that potential growth limitations, such as land availability and development and environmental constraints were not considered. He said that he was not sure why this was included, and he did not think it helped them in this particular area.

Mr. Andrews said that moving on to B, the intensity and density development through rezonings and special use permits compared to recommended density per future land use categories directly addressed the 58% issue that he had been hearing a lot about. He said that as a relatively new member of the Board, he was still learning about the origins of this 58% figure, and at this point, it was essentially a given. He said that from 2016 to 2021, it was a five-year period, and he had been on the Board for almost three years now, but it had still not been updated. He said that unfortunately, because the data had not been updated, he was not sure how accurate it was. He said that he strongly agreed that they needed to update this more frequently than they had been. He said that perhaps they could incorporate this into the current process to ensure they were tracking capacity accurately. He said that he liked the idea of receiving applications that provided insight into every development project they reviewed. He said that this would help them understand whether they were on track with the recommended densities for the future land use category. He said that he believed it was important to track capacity, as several others had mentioned, as opposed to the buildout analysis. He said that when he first joined the Board, he learned that in that 58%, there was extensive analysis of the Development Area's capacity and expected needs. He said that at that time, the Board had concluded that the Development Area did not need to be expanded, with the caveat of whether they were building at 58% capacity.

Mr. Andrews said that tracking the capacity was the way they should be looking at this, and take it from there. He said that the remaining percentage of the Development Areas estimated to have capacity, there was an actual acreage of undeveloped land and its potential capacity. He said rather than relying on percentages seemed to be a way to make an argument that did not necessarily provide the information about what was available out there. He said that he would rather see the remaining area looked at and its capacity, rather than percentages.

Mr. Andrews said that he wanted to make a comment regarding the utilization review. He said that regardless of whether a future Board decided to increase the Development Area or not, it was not as if inevitability was something to be expected. He said that in fact, the City of Charlottesville, now that they had an agreement, would not expand their Development Area because they could not. He said that for the County to state that expansion was inevitable, they were essentially expressing their own opinions about the area around the Development Area and what they wanted to do with it. He said that if they were an island, they would not have that choice either. He said that he wanted to keep this perspective when evaluating the Development Area.

Mr. Andrews said that regarding the ratio of dwelling units being built in the Rural Areas compared to the Development Areas, he worried that the ratio may not be providing sufficient information. He said it had been looked at in past analyses that if they had more homes going up in the Rural Areas than Development Areas, they were doing something wrong, but the simple ratio did not tell him what that

was. He said that he was concerned that “D” not being specific enough in terms of what it was they were trying to get out of that ratio. He asked what information he was trying to get out of whether people are building homes in the Rural Area or not. He said that he was not convinced that it was wrong, but he did not fully understand it.

Mr. Andrews said that those were his main comments regarding the utilization review. He said that if they reviewed the previous slide, which was also part of their discussion, it was the steps towards number four, the potential expansion of the Development Area. He said that they had been discussing some of those points, such as revising current land use designations, exploring public investment, and updating the Zoning Ordinance to support high-quality development.

Mr. Andrews said that he believed what was missing from the list, which should be included as number four and move the others down, was a more comprehensive study of quantitative benchmarks, followed by an examination of what else could be done to increase density in the Development Areas, thereby allowing for more homes in those areas. He said that several commenters had suggested establishing a Development Area task force to help them better utilize their tools, increase efficiency, and create incentives for developing in a more appropriate manner. He said that he would encourage adding an additional number to allow for feedback and a more thorough review of the situation before moving forward to number four.

Ms. Mallek said that she wanted to support and build upon Ms. McKeel's comments regarding quality of life. She said that without people's willingness to live in a place, everything would ultimately fail. She said that this was reflected in the "can of sardines" concept, where as more people were packed into an area, some would inevitably leave for more space. She said that there were also examples of her Earlysville neighbors moving to the Urban Area because they valued the convenience and proximity to schools.

Ms. Mallek said that another concern when looking only at numbers, there was the potential loss of affordable housing, particularly the naturally occurring affordable houses built in the 1940s for J.B. Barnes Lumber workers. She said that these homes, with lots big enough for gardens, surrounded Crozet Park and were cherished by neighbors. She said that when these units were lost to make way for more expensive housing, it set back progress on affordable housing and risked losing a significant segment of the population. She said that she always had to balance these competing factors.

Ms. Mallek said that she was convinced that one of the major concerns people had about higher density in their neighborhoods was the lack of infrastructure, including sidewalks, pedestrian spaces, and adequate traffic management. She said that this combination of pre-existing and planned infrastructure issues could significantly impact people's discussion about any of this new stuff. She said that some individuals felt that their options were limited, and their only option was to say “Please don't do this to me anymore because I cannot get out of my neighborhood for 30 minutes”.

Ms. McKeel said that hers and Mr. Gallaway's district had many older neighborhoods as well. She said that these neighborhoods were very affordable, often consisting of one or one and a half acres. She said that maintaining these neighborhoods was crucial, as they held significant value in their current state. She said that she was not suggesting that they did not need density in other areas, but rather that these older neighborhoods were worth preserving.

Ms. Mallek said that the “where” was the hard part. She said that in the Crozet Master Plan, there was an element to try to have an overlay district to protect the oldest neighborhoods in Crozet, but it did not make the final draft. She said that it was needed in all of the districts around the core where they had a lot of older homes.

Ms. McKeel said that she believed there was value in knowing what was being built in the Rural Area. She said that sometimes she was driving through her district's Rural Area and was surprised by the rapid development, with roads being built up in a remarkably short period of time.

Ms. McKeel said that she did not want to be uninformed about what was being built in the Rural Area. She said that although they may not be comparing it directly to the Development Area, and she did not want to know the ratio, she wanted to know information about the Rural Area.

Ms. Mallek said that monthly or quarterly reports would be greatly valued.

Ms. LaPisto-Kirtley said that the one she disagreed with was regarding the ratio. She said that she did not mind knowing how many units were being built in the Rural Areas versus the Development Areas, given that they had 95% of the land in Rural Areas. She said that she thought the ratio would be difficult to do; however, she did not care about the ratio itself. She said that she did want to know how everything was being used.

Ms. LaPisto-Kirtley said regarding Slide 18, the Board had previously agreed not to expand the Development Area boundaries. She said that if it was in there, it implied that they were considering expanding the Development Areas, which would likely cause concern for the public. She said that eventually, the Development Areas would be expanded, and the boundaries would be adjusted. She said that she was not sure when that would happen. She said that currently, they had 10 to 20 years before they needed to consider it. She said she thought that saying that would cause concern among residents, so she would rather it say “when necessary” when looking at expanding the Development Area.

Mr. Andrews said that he found that language alarming, but at the same time, he believed it may be more appropriate to refer to changing the boundaries of existing Development Areas. He said that this approach may be more suitable, as it acknowledged that a shift in Development Areas could be a more appropriate solution.

Ms. Mallek said that this actually happened in Crozet, north of 240 along the Beaver Creek Reservoir, to move south towards Route 250, just beyond the trestle. She said that that had at least happened before.

Mr. Pruitt said that they had invoked the Village of Rivanna a few times. He said that in his experience, the residents of the Village of Rivanna would likely be eager to move away from being considered a Development Area. He said that, as a supervisor, he must admit that he did not fully understand what that would entail, or what the meaningful difference on the ground would be.

Mr. Andrews said that they were not. He said that they were simply identifying it as something to be considered.

Mr. Pruitt said that he wanted to highlight that they should consider what that meant, because he did not. He said that they already had water and sewer sources, so he wondered if they would dig it up. He said that he wanted to add onto Mr. Gallaway's suggestion of an iterative process during the ZMA (Zoning Map Amendment) process.

Mr. Pruitt said that some of them were often reminding themselves and the public when these came before them. He said that implementing this process would be prudent. He said that another aspect he had tried to emphasize was the reason they relied on ZMAs was because their Comprehensive Plan and zoning code were discordant. He said that they were planning for a density level that was not reflected in their land use map and zoning code.

Mr. Pruitt said that ideally, as part of this Comprehensive Planning process, that would be something that was amended. He said that this would make reviewing ZMAs less frequent, as they would be considered by right. He said that the fact that these developments were not by right in their zoning code was an oversight that occurred because they had updated their Comprehensive Plan more recently than the zoning code. He said that he did not intend to criticize, but it was an error that these developments were presented to them in this manner.

Mr. Pruitt said that he wanted to express his support for looking at the ratio piece, which he had previously advocated for. He said that this concept highlighted the issue of cost of development in the Urban Area. He said that they specifically highlight how it did not play a role in the capacity analysis, but intuitively, it seemed that if development became more expensive in the Development Area, opportunities for development would dwindle, leading to a concentration of development in the Rural Area.

Mr. Pruitt said that this would not only harm their affordability goals but also their climate and aquifer protection efforts. He said that he believed this should raise alarm bells. He said that Mr. Andrews' gesture towards this issue was consistent with his intuitive reasoning, although he did not have concrete data to support the claim that those people would then go into the Rural Area. He said that he would continue to monitor this issue until more information became available.

Ms. LaPisto-Kirtley said that she did not understand. She said that developers in the Rural Area were typically building single-family homes.

Mr. Pruitt said that driving by Ivy, there were subdivisions of single-family homes that were sufficiently on large enough plots, although they had limitations, still were a development posture that things took in the Rural Area, and they allowed for it.

Mr. Gallaway said that he thought number two on 18 should be a public investment. He said that infrastructure seemed to cover roads and other things they did, but they should add land to that section as well. He said that for example, they had recently purchased 400 acres for economic development. He said that purchasing land by the government to effectively address affordable housing was a viable path forward. He said that they had never done it for economic development, but they had just recently started to. He said that Ms. Pethia was at their last meeting to discuss a piece of property they already owned near Monticello they were going to review to see if they could put housing on it. He said they should consider purchasing land to land bank or to take out the most expensive cost of the land. He said that he was not suggesting they get into the development business, but land investment in Albemarle County was a low-risk option that could help them achieve their goals, while also having CIP implications to consider.

Mr. Gallaway said that he realized that in the utilization review of the capacity of the Development Area, the Rural Area had pressure from different avenues, including scenic areas, ecosystems, and water quality concerns. He said that however, in the Development Area, the pressure was both residential and commercial, as they aimed to achieve high residential density and commercial density simultaneously.

Mr. Gallaway said that he and Ms. McKeel often got concerned when commercial projects converted to residential, such as the project that was deferred at the last meeting that had a small commercial component converted to residential in a prime commercial area on Route 29. He said that in this utilization review, they needed to ensure that they understood the capacity of the Development Area, not just in terms of its overall capacity, but also in terms of its residential and commercial capacity. He said that when these two competed, they must have a clear understanding of that.

Mr. Gallaway said that, for instance, the small area plan at Rio was not intended to deliver restaurants, steakhouses, and coffee shops. He said that there should be a few floors of productive businesses with people living above them. He said that the mixed-use piece was baked into the plan; however, he felt concerned when they started removing commercial tracts from the Development Area, which were primarily commercial buildings. He said that although office buildings were not currently fully occupied, it did not necessarily mean that this trend would continue in the future.

Mr. Andrews said that it may involve beefing up "E" to include more than just cost and vacancy trends, somehow capturing capacity.

Mr. Gallaway said that he was raising this issue because he felt he was earlier too focused on residential units. He said that however, the capacity of commercial density must also be achieved in the Development Area. He said that some individuals were now advocating, such as Rob's comments about what constituted appropriate business in the Rural Area. He said that he was unclear about what "appropriate" meant and who defined it.

Mr. Gallaway said that as a result, he was uncertain about his feeling about that word, but they were stating that the densest bit of commercial should exist in the Development Areas, and they needed to ensure they understood that. He said that it may be easier to track than applications, because they did not get as many commercial if they were doing it in a by-right commercial project. He said that it may fall into the Development Area or Rural Area piece, or maybe it did come back on a different basis.

Ms. McKeel said that they used to ask Roger Johnson, former Director of the Economic Development Office (EDO), to provide his feedback on every rezoning regarding economic development so that they could assess the impact. She said that the practice had fallen by the wayside, but that got to what Mr. Gallaway was talking about.

Mr. Gallaway said that anecdotally, he had noticed that some homes for sale on Northfield were priced under \$500,000. He said that these were typically 0.5-acre lots, which were considered to be the more desirable land in the area. He said that however, there was only one unit on each of these lots. He said that Ms. Mallek's and Ms. McKeel's points were valid, as these 0.5-acre lots were actually the most affordable houses in his Rio district.

Mr. Gallaway said that in contrast, townhouses in Belvedere along Rio Road were priced significantly higher, ranging from \$600,000 to \$800,000. He said that meanwhile, a 2,000-square-foot home on a 0.5-acre lot could be purchased for around \$490,000 or \$480,000, making it a more affordable option. He said that the same situation was true in Woodbrook, although those were not 0.5-acre.

Mr. Andrews said that he would make one more comment on the ratio of dwelling units in the Rural Area compared to the Development Area. He said that he wanted to recognize that they would be having discussions about the Rural Area and examining the effectiveness of the 2-acre, 5-acre, and 20-acre building rights, and whether those were working as intended. He said that this discussion would help them understand whether they were pushing things into the Rural Areas that they did not intend.

Mr. Andrews said that he believed it was important to understand how things worked in the Rural Area. He said that they were not simply being "squeezed out," but rather, they were subject to restrictions imposed by zoning, which may or may not be revisited at some point. He said that they would continue this discussion and hear comments from the public.

Mr. Barnes said that the next set of slides will provide information that they had aimed to share with them in advance, so they could become familiar with it. He said that this information will be discussed in more depth at their November 6 meeting, where they will delve deeper into the topic. He said that they were open to answer any questions they may have, but he wanted to give them a sense that this was more introductory, to that extent.

Ms. Swartzendruber said that they would review the two major land use tools that influence the effectiveness of the Growth Management Policy. She said that these were the future land use categories and how they were applied to the FLUM, and the activity and employment centers. She said that other tools would be included in the Comprehensive Plan recommendations, such as updates to the Zoning Ordinance for development in the Development Areas and encouraging the use of conservation easements in the Rural Area.

Ms. Swartzendruber said that they had previously discussed these concepts with the Board last fall. She said that they would like to preview the consolidated land use categories, map, and activity centers, as Mr. Barnes had mentioned, which would be presented to the public on October 30. She said that the land use categories map and activity centers supported the objectives of the Growth Management Policy and were intended to foster the desired features of the Development Areas, which were based on best practices and community input, including housing and transportation choices, a variety of land uses, walkable neighborhoods, and parks and amenities.

Ms. Swartzendruber said that future land use categories provided recommendations for future land uses and the general form and scale of future development. She said that these categories were used during the review process for rezonings and special use permits as part of the consistency with the Comprehensive Plan review. She said that future land use categories were applied to a FLUM with different colors for each category.

Ms. Swartzendruber said that the uses were recommendations for development, and were distinct from zoning districts and the Zoning Ordinance, which had requirements for development that must be followed. She said that more definition of these tools would be brought to the next meeting, and they would end up treating development review of projects differently depending on whether they were located in an activity center or not. She said that the activity center would function as an overlay. She said that she would elaborate on this further in a moment.

Ms. Swartzendruber said that the current Comprehensive Plan had over 20 land use categories across five area plans: Places 29, Southern and Western, Pantops, Crozet, and the Village of Rivanna. She said that many of these categories were very similar, but with slightly different names and recommendations. She said that the overlap and number of categories could make administration and clarity challenging.

Ms. Swartzendruber said that one of the anticipated outcomes of AC44 was having a consolidated and updated set of standard future land use categories that were applied across the Development Areas in a matching approach. She said that this was intended to standardize the designation of categories on the FLUM and provide needed clarity. She said that the 11 future land use categories can be organized into the following general sections: primarily residential, mixed use, commercial and employment, and industrial and public uses.

Ms. Swartzendruber said that the provided map illustrates how the proposed land use categories, the 11 standard, as well as the three legacy categories, are applied across the Development Areas. She said that with AC44, the updated land use categories have been applied in a matching approach, as she mentioned. She said that for example, properties currently designated as Urban Residential remain Urban Residential.

Ms. Swartzendruber said that more significant changes, such as changing a property from Urban Residential to Community Mixed Use, would typically be done during an area plan update. She said that this is the first graph shared of an updated FLUM. She said that in phase two, they shared the actual categories. She said that the Board packet includes detailed descriptions for each future land use category and how the current master plan designations translate and apply to the proposed FLUM. She said that they will discuss these designations and categories in their next work session in two weeks.

Ms. Swartzendruber said that activity centers are places that offer a variety of businesses, services, and housing options. She said that they help identify core areas of higher intensity mixed-use development, which also helps to prioritize infrastructure projects and investments. She said that each activity center acts like a land use overlay, providing additional guidance for development, along with the underlying future land use categories. She said that currently, there are 30 draft centers proposed with AC44.

Mr. Swartzendruber said that in previous area plans, there were as many as 50, so they have consolidated those. She said that many of these centers were small and not currently or anticipated to be mixed use. She said that this consolidated set of centers helps focus development and public projects. She said that centers were identified based on existing development patterns, known planned development projects, recommendations in the area plans, and estimates for current and future job and housing totals.

Ms. Swartzendruber said that there are four center place types. She said starting with the most dense and intense to the least, they are regional, which are shown in red. She said that for example, at Rio 29. She said that a community center was shown in blue, and an example could be Hillsdale Drive, which parallels Highway 29 to the west. She said that an employment center, such as Sentara Martha Jefferson Hospital in Pantops, was shown in purple. She said that a local center, such as Southwood, was shown in orange.

Ms. Swartzendruber said that their initial focus for public investment and services would be at regional centers, where they would increase transportation options, residential density, and commercial intensity. She said that the circles and ovals on this map would be refined as part of an area planning process to take place in the future. She said that in the packets they would find a center's quick guide that provided details on the expected features of each type of activity or employment center.

Ms. Swartzendruber said that this final slide was about their next steps and when they would be seeing the Board next. She said that currently, they were discussing the Growth Management Policy on October 16, in the blue box. She said that they would then attend a joint CAC meeting on October 30, here in Lane Auditorium. She said following that, they would return to the PC on October 22 to discuss the land use tools and policy in more detail, and they would be back in front of the Board on November 6.

Ms. Swartzendruber said that they would be discussing, in more detail, the goals, objectives, and actions for the Development Area land use in mid to late November and would begin discussing Rural Area land use policy starting mid-November to mid-December. She said that they were still discussing the date for the Board meeting for the Rural Area, due to the holiday break, and would provide an update on that at a later time.

Mr. Pruitt said that he thought it should evoke a sense of concern when they examined the notional FLUM, particularly as they continued to claim that they would build up and densely develop to preserve their Rural Areas. He said that upon reviewing the map, he was struck by the large amount of

yellow, which was indeed evocative and should be frankly chilling.

Mr. Pruitt said that as they continued to say they would build up and densely develop, he thought they needed to seriously consider how they were going to make use of that space and whether that would involve changes to the FLUM that would encourage greater density in a broader area of locations, recognizing that the R-1 designation in the map was mostly already developed. He said that this may require them to explore alternative ways to use things that did not necessarily touch the FLUM, such as by-right accessory uses. He said that given the extent of the existing development, he believed they needed to take this seriously.

Mr. Pruitt said that he liked the centers framework as a way for them to think through how to structure their planning and development resources. He said that he found this helpful. He said that, however, he would like to know more about what that would entail as they got closer. He said that specifically, he would like to know if there would be overlay plans, restrictions, or expectations for landowners in those areas.

Mr. Pruitt said that once they had a better understanding of the geometries of those areas, he was confident that they would have lively debates over where to draw the lines, as that would determine what their Urban Areas needed. He said that amenities were essential, and those amenities should include features like sidewalks, but that meant they would discuss whether to prioritize sidewalks in those centers. He said that he could see that being the logical step in defining what a local center meant. He said that he thought they would likely become deep in the weeds of how to draw those boundaries.

Mr. Pruitt said that in Charlottesville's experience with their FLUM alone, which included center-type things, had taken over a year to negotiate individual boundaries. He said that in Charlottesville, individual Planning Commissioners and City Councilmembers had strong opinions about the street lines and boundaries, which ultimately determined who would receive a sidewalk next. He said that given their limited resources, he believed that this framework made sense. He said that he anticipated that once they had more information and context, he would have many more thoughts on the matter.

Agenda Item No. 14. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Mr. Andrews asked if any members of the public wished to speak at this time.

Ms. Claudette Borgersen, Clerk, confirmed there was no one signed up online or in-person.

Mr. Andrews said that he would close matters from the public and the Board would continue their discussion.

Agenda Item No. 11. **Work Session:** AC44 - Community Vision and Growth Management Policy, *continued*.

Mr. Gallaway said to clarify, the activity centers seemed to be similar to their Rio Small Area Plan. He said that staff mentioned it was an overlay, so he wondered if they functioned in a similar manner. He asked if he were to redevelop in the small area plan, he would have a voluntary overlay, which was cataloged in approach. He said that this would be pre-approved by the ARB and all of that. He said that he was curious to know how these activity center overlays worked in comparison.

Mr. Barnes said that it was essential to remember that the Comprehensive Plan served as a guide, not a regulatory vehicle. He said that unlike the Zoning Ordinance where they had the Form Based Code, which had become a rule, the intent of these things was to help them focus their resources and was hierarchical in nature. He said that regional centers, for instance, were fewer in number and tended to be areas of redevelopment. He said that he believed their goal with activity centers was to align with the underlying land use categories, which ranged in intensity. He said that when rezoning, they aimed to move towards the higher end of that range of residential density and commercial intensity.

Mr. Barnes said that this guide also informed the public sector's investments in their Development Area, helping them determine transportation investments such as sidewalks, connections between centers, and transit options. He said that the idea was to create walkable nodes within a Development Area, which was needed to create a walkable dense area. He said that by focusing on regional centers with high density, they could identify areas suitable for public investments and future redevelopment efforts, ultimately aiming to create an area conducive to more residential development and intensity.

Mr. Gallaway said that when they discussed activity centers, it sounded like transit, and he thought of lines. He said that however, when he reviewed the document in their packet, it stated that the land use overlay was designed to encourage more mixed-use and higher-intensity development. He said that the voluntary overlay of the small area plan was intended to benefit those who opted into it, providing a kind of "runway" for approval if they met certain criteria. He said that he wanted to clarify this point that he did not want to confuse activity centers with those types of overlays. He said that maybe they wanted these overlays; if they were going to use the words "encourage more mixed use and higher use development," than it should be more than just defining the area, and the overlay should provide an incentive, similar to what the small area plan did.

Mr. Barnes said that their intent was to not define the exact specifics at this level. He said that the small area plan would ultimately define that boundary, and the intent of the regional center would be to support and encourage development in these specific areas.

Mr. Gallaway said that process-wise, the activity center should give an incentive as encouragement for the desired type of land use.

Mr. Barnes said that eventually, they would become additional form-based code centers.

Mr. Gallaway said that was what he was wondering. He thanked Mr. Barnes. He asked if staff could choose a different color than blue on the map because it looked like bodies of water rather than a type of land use.

Ms. Swartzendruber said that there were some standard colors they used for specific land uses, but could work on having a greater difference between the two blues.

Mr. Gallaway said that additionally, he would like to clarify the concept of "recreation and open space."

Ms. Swartzendruber said that she would ask for further clarification from her colleagues, but she understood that in their previous plans, they were part of the green systems.

Mr. Gallaway said that they had open space and green areas generally, but when he saw a land use map they were planning, they had areas marked that they had no control over. He said that it made it look like the Development Area had all of this wonderful open green space people could enjoy, but much of it was privately owned and not community spaces. He said that it was misleading to display this area as if it was accessible to the general public. He said that the Belvedere area might pull in because he thought some of that would convey over to help with the trail system, but he questioned how some of that recreation and open space should be defined. He said that for some park-like amenities in the Development Area, it may be appropriate to mark it as green, but others should be recategorized.

Ms. Mallek said that they needed to clarify between public access versus private.

Mr. Gallaway said that there was a lot of private property on the map, but when he saw recreation and open space in a government document, it seemed like it suggested it was under the control of the government, and they were providing that to the public. He said that in fact, they were not. He said that however, where they were, they should identify that.

Mr. Barnes said that in their previous planning exercises, it was decided to incorporate areas that were previously flood plains or critical slopes into the green space. He said that as a result, some parcels would include critical slope areas, HOA open space areas, flood plains, and some of their parks. He said that Mr. Gallaway's point was well taken. He said that this decision was made in the context of previous plans, and what they were trying to achieve here was to maintain fidelity with those mapping exercises that went forward. He said they were not attempting to make significant changes to the land use planning itself in the previous plans.

Mr. Gallaway said that he did not want people to misconstrue what their public amenities were. He said that he was just suggesting that they track this information to better understand the situation. He said that he thought it would be beneficial to reevaluate the labeling of certain areas, such as North Point, which was currently under the community center designation. He said that similarly, he was questioning the employment center labeling of North Fork, which had recently received rezoning and would feature a mix of residential and employment elements, although not in the same way as Hollymead Town Center. He said that he was wondering if the labeling of North Fork was accurate, and if it would be treated similarly to North Point in the future.

Ms. Mallek said that North Fork had 90% employment and 10% residential, which may need to be taken into account with those labels.

Mr. Gallaway said that when it was built out, he was unsure whether that would be the percentage. He said that they approved 1,500 units there.

Ms. Mallek said there was no acreage taken away from the employment center, which was five times bigger.

Mr. Gallaway said that they would lose the residential aspect of it.

Ms. LaPisto-Kirtley said that the north part was residential and there would be a school there.

Mr. Gallaway said that he was pointing it out for further scrutiny based on that rezoning.

Ms. LaPisto-Kirtley said that regarding staff's two questions, she approved.

Ms. Mallek said that she thought that she had belabored the concerns she had with the various questions, and she was all set.

Ms. McKeel said that regarding page 22, she had already begun receiving emails from concerned

citizens who were expressing concerns that there was no designation for residential one and two units per acre. She said that this was all for new, and she wanted to reassure people that this was not retroactive rezoning, but rather new zoning. She said that to clarify, they were not going to go back and retrofit some existing areas with these new designations. She said that the zoning they currently had would remain unchanged.

Ms. Swartzendruber said that was correct.

Mr. Andrews said that this was a Comprehensive Plan, so if someone came in with a proposal to rezone, they would refer to the Comprehensive Plan for what the lot should be rezoned to. He said that they were not rezoning at this point. Mr. Andrews said that regarding Mr. Gallaway's point about what to label these centers, only "employment center" excluded the idea of residence, but he did not believe any of them were intended to be exclusive. He said that they were meant to be designations indicating areas with high employment potential. He said that the employment centers might get confusing if there were residences in there, but with the other centers, there was a mix of use anyway. He said that he did not see the two maps saying the same sorts of things about land use.

Mr. Jeff Richardson, County Executive, said that he would like to invite Quin Lunsford forward. He explained that Mr. Lunsford is the newly appointed Director of the Albemarle County Service Authority (ACSA). He said that he wanted to give him the opportunity to speak to the Board this evening to talk about his role and ACSA's work with the County. He noted there was a strong connection between Mr. Lunsford's work and the Board's current Comprehensive Plan discussions.

Mr. Quin Lunsford, Director of ACSA, said that he began his tenure with the ACSA in 2014 as the Director of Finance. He said that since then, he had the opportunity to serve under Gary O'Connell during his tenure. He said that Mr. O'Connell had served with the ACSA for approximately 15 years, and his guiding principle was safe, clean, reliable water. He said that he could assure the Board that they would continue to uphold this standard.

Mr. Lunsford said that their goal was to become a world-class utility, focusing not only on providing exceptionally clean and reliable service, but also on how they interacted with customers, met their needs, and collaborated with the community, the County, County staff, the Board of Supervisors, Rivanna Water and Sewer Authority, and the City. He said that they saw themselves as a contributing member to the Board, and they aimed to provide the necessary information to support their work.

Mr. Lunsford said that the team of 83 at the ACSA was deeply passionate about the service they provided, and they were proud of the positive impact they had on the community. He said that this opportunity allowed him to introduce himself. He asked the Supervisors not to hesitate to contact him with any questions from their constituents or about the County's perspective. He said that he looked to continue their very good relationship with the County.

Mr. Gallaway said that he was glad they had someone who had internal experience of the system. He welcomed Mr. Lunsford and wished him luck.

Agenda Item No. 12. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said that he would present the October County Executive Report. He said he would like to extend his gratitude to Ms. Abbey Stumpf for her outstanding work in compiling meaningful information for the Board's review this evening. He said that as is customary, Ms. Stumpf will package and distribute this report to all Board members, along with talking points, after the meeting. He said that if the supervisors needed to borrow this information for community meetings or to send to constituents, he encouraged them to do so.

Mr. Richardson said that he would begin by discussing the Fire Prevention Week. He said that to recognize Fire Prevention Week, which took place from October 6 to 12, the Fire and Rescue Department launched a County-wide campaign to share prevention tips and engage with community members. He said that throughout the week, volunteer and career members hosted open houses at fire stations, set up pop-up tables at retail locations, and organized two large community events, one at 5th Street Station and one at the Hollymead Town Center.

Mr. Richardson said that as a result, they connected with over 1,800 community members. He said that the photo accompanying this report shows a family that developed an escape plan for their home, thanks in part to their efforts during Fire Prevention Week. He said that it was an important reminder of the importance of family safety.

Mr. Richardson said that he would also like to acknowledge the presence of Ms. Shifflett and Mr. Jacob Sumner this evening. He said that the County staff recently attended the ICMA conference in Pittsburgh, and he had provided a preview of their participation. He said that Ms. Bailey, Ms. Shifflett, and Mr. Sumner gave a presentation titled Harnessing the Strengths of the Local Economy, Integrated Planning and Strategic Action in Albemarle County, which was attended by thousands of local government management professionals over the course of four days. He said that he would like to express their appreciation for their continued support of their continuing education efforts.

Mr. Richardson said that he would like to discuss their CIP (Capital Improvement Plan) agreement for Bennett's Village. Bennett's Village is an all-abilities play space under development at

Penn Park, covering three acres and featuring fully accessible play structures, a treehouse, a sensory garden, a cableway, a water play area, a restroom pavilion, and native landscaping. He said that the project is being completed in multiple phases. He said that Bennett's Village has successfully fundraised for Phase 1, which included the accessible treehouse. He said that they were now moving forward with Phase 2, the central play space. He said the County had approved a one-time payment of \$65,000 to cover a portion of the construction documents needed for the remaining phases.

Mr. Richardson said that in staff development news, Captain Kevin Miller had recently graduated from the FBI National Academy, a 10-week program that was highly competitive on a national and international level. He said that Captain Miller was among 254 graduates, representing the Albemarle County Police Department (ACPD) with law enforcement officers from 26 countries, members of the military, and federal organizations. He said that the training academy was located in Quantico, Virginia, and was also the site where the FBI trained its special agents and intelligence analysts. He said that the County was proud of Captain Miller's achievement.

Mr. Richardson said that his next item was regarding an accomplishment as part of their continued efforts in continuity planning, which they had discussed extensively. He said that over the past year, they had focused on improving and operationalizing their continuity of operations planning to ensure the County could deliver critical services during any unexpected circumstance. He said that phase one accomplishments had included training staff on continuity planning, analyzing department functions, and appointing 17 continuity liaisons to help with the planning process.

Mr. Richardson said they had identified critical functions, key personnel, and established orders of succession for 79 key positions. He said they had developed an enterprise continuity plan and draft plans for individual departments. He said that phase two goals included conducting quarterly continuity program meetings, providing department-specific continuity plan trainings and individual department exercises, and implementing plan improvements based on feedback. He said that they also planned to conduct a County-wide continuity exercise one year from now.

Mr. Richardson said that the photo provided on the screen had been taken last Friday. He said that a training session had been held to raise awareness and understanding of the County's prioritization of emergency planning and training. He said that this seminar had taken place in Lane Auditorium and had been attended by approximately 60 County staff. He said they had been joined by a retired police captain from Virginia Beach, who had walked them through a half-day of work on a case study of a critical incident in Virginia Beach several years ago.

Mr. Richardson said the incident had involved a shooting within the City of Virginia Beach's public works department, and all of Albemarle's departments walked through what they had learned from this experience. He said that the case study had covered the days and weeks following the event, and they were beginning to grasp the importance of emergency management in involving every single department in the County.

Mr. Richardson said that when an emergency event occurred, all departments came together to respond. He said that this was a significant shift from years ago, when departments like Parks and Recreation, Social Services, and Community Development may not have been as actively involved in emergency management activities. He said that in contrast, Police and Fire Departments had traditionally played a more active role. He said that however, they were continuing to strengthen their emergency management capabilities.

Mr. Richardson said that regarding the Yancey community events for September, he wanted to take a moment to acknowledge Ed Brooks, who was present earlier this evening. He said that throughout September, Yancey had hosted multiple volunteer groups, including Sentara Martha Jefferson Hospital, the Church of Jesus Christ of Latter-Day Saints, and the UVA Radiology Department, which had contributed a total of 146 hours of service.

Mr. Richardson said that volunteers had assisted with maintaining the Yancey Community Garden, supported the curbside no-cost food stand distribution, and handed out 75 bags of fresh vegetables. He said that additionally, the Health Department staff had conducted a free flu vaccination clinic on September 30. He said that this was a highly active area in the County.

Mr. Richardson said that the next picture on the slide was taken last week, and it showed the ACPD's meet and greet with Sin Barreras to celebrate Hispanic Heritage Month. He said that the ACPD and Police Foundation had hosted a lunch meet and greet at Sin Barreras' office. He said the event had provided an opportunity for the police officers and local leaders to connect and discuss important issues within the Hispanic community, celebrating the long-standing partnership between the local Hispanic community leaders and the ACPD. He said the event had seen a strong turnout, and he appreciated the Police Department's outreach efforts.

Mr. Richardson said that he wanted to take a moment to mention to the community that two weeks ago, on October 2, Afton Scientific had announced a \$200 million investment to expand its operations in Albemarle County, enhancing local biopharmaceutical manufacturing. He said that this expansion would boost production and increase access to life-saving injectable medicines for patients, creating 200 new jobs.

Mr. Richardson said that Governor Youngkin and the Virginia Economic Development Partnership had provided state resources to support this project, highlighting the region's growing biosciences sector.

He said that they were proud to have a strong, growing biosciences sector. He said that he wanted to express his appreciation to Afton Scientific's CEO, Tom Thorpe, for his commitment to the community.

Mr. Richardson said that his 30-year investment in their community was truly remarkable, and it was evident in his dedication to his workforce. He said that he appreciated the leadership of their Economic Development team and the efforts of their Board and the Economic Development Authority (EDA). He said that the community was well-represented, and the energy was palpable. He said that he would like to thank everyone involved.

Mr. Richardson said that he would also like to remind the community of several upcoming events and deadlines. He said that the speed camera warning period was ending on October 21. He said that Trunk or Treat at Claudius Crozet Park was scheduled for October 24, from 4:00 p.m. to 7:00 p.m. He said that they were also hosting Drug Take Back Day on October 26, from 10:00 a.m. to 2:00 p.m. He said that the application deadline for Tax Relief for the Elderly and Disabled was Thursday, October 21.

Mr. Richardson said that he would like to highlight that the 45-day warning period for school zone speed enforcement cameras was set to expire on October 21. He said that it was important that their community began to slow down in these school zones.

Agenda Item No. 13. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said that at the last Thomas Jefferson Planning District Commission (TJPDC) meeting, for FY24, he would like to provide some context regarding their Blue Ridge Cigarette Sales Tax Board. He said that in FY24, the total number of packs sold in the region was approximately 8.5 million in the region. He said that in August of 2024, that was 764,000. He said that this represents a 9% decline from FY23.

Mr. Gallaway said that the trend was downward, and this decline was also observed nationally. He said that it was worth noting, however, that this data did not account for vaping, and he wondered if the cigarettes were being replaced by vaping. He said that in FY24 in Albemarle, they sold 2.2 million packs, which was surpassed only by Augusta County, which reported 2.6 million. He said that as a result, they collected \$824,485 from the cigarette tax, after deducting costs.

Mr. Andrews reported that at the Solid Waste Alternatives Advisory Committee (SWAAC) meeting, they recognized from their Climate Action Plan that one of the low-hanging fruits for solid waste alternatives was not traditional recycling, but rather composting and solid food waste. He said that Loaves and Fishes Director Jane Colony Mills' involvement with the SWAC was significant, as they were addressing food waste. He said that during the meeting, there was a discussion about considering a joint effort with the City to study a pilot program for compost pickup. He said that there was also a discussion about potentially coming to them for more information on haulers of trash, their methods, and where they took the waste. He said that these topics would be explored further in the future.

Ms. Mallek said that many food producers threw away edible food into the trash rather than donate it to local food pantries. She said that she was unsure if there were laws about that, but she recalled restaurants and other food producers would share their leftovers at the end of the day. She said that she believed this should be considered when determining solutions for avoiding food waste.

Mr. Andrews said that Ms. Mills had mentioned the difficulty of using prepared food in food pantries, so there were certain complexities they had to consider.

Agenda Item No. 15. Closed Meeting.

At 7:08 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 (7), to consult with legal counsel and receive briefings by staff members pertaining to actual litigation concerning a contract claim, in the case styled S.L. Williamson Company, Inc. v. County of Albemarle, Virginia, where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and
- under subsection (8) to consult with legal counsel regarding specific legal matters requiring legal advice related to homestay requirements

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. 16. Certify Closed Meeting.

At 8:08 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.

Agenda Item No. 18. Adjourn.

At 8:09 p.m., the Board adjourned its meeting to November 6, 2024, 1:00 p.m. in Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA, 22902. 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: 09/03/2025
Initials: CKB