

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 19, 2022 at 1:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection, due to the COVID-19 state of emergency.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Greg Kamptner; Clerk, Claudette K. Borgersen; and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m. by the Chair, Ms. Donna Price.

Ms. Price said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." She said that the opportunities for the public to access and participate in the electronic meeting were posted on the Albemarle County website, on the Board of Supervisors' homepage, and on the Albemarle County calendar. He stated that participation included the opportunity to comment on those matters for which comments from the public would be received.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price said there were a few additions to make to the agenda.

Mr. Andrews said he had a resolution in support of a letter being sent out by the Community Climate Collaborative to the General Assembly relating to environmental matters that were consistent with their Climate Action Plan and the stances they have taken in the past on legislation relating to climate. He said it was a timely matter since the legislature was meeting, so he was proposing they added it to the agenda.

Ms. Price said that would be under Item 22, From the Board.

Mr. Richardson said he was in constant communication with the Board on Friday and staff into Saturday. He said last Saturday, they made the decision to issue a local declaration of emergency based on information they were receiving not just from the regional but local emergency management function. He said a determination was made that it would position Albemarle County as it related to resource deployment and turnaround time to move quickly through the community if conditions continued to worsen, which at that time was expected over the course of the next three days. He said today, he would ask the Board to come back and pass a resolution back to Saturday to affirm this local declaration of emergency.

Ms. Mallek asked if the declaration were currently in effect and if it could stay in effect for a while. She said this coming Saturday, they may get half an inch of ice and need all that preparation they made.

Mr. Kamptner said the Board could issue a new declaration, or the County Executive could do so if the circumstances warranted it. He said the declaration issued last Saturday was tied to a specific storm, so it would need to be updated. He said that Chief Deputy for Fire Rescue John Oprandy confirm that all of the services that needed to be provided. He said that resolution showed up on the posted consent agenda as Item 8.4.

Ms. Price said what was before them was a proposal to amend the final agenda to include Item 22, From the Board, a resolution endorsing the Community Climate Collaborative letter to the Virginia General Assembly. She said separately under the consent agenda was Item 8.4., which they would address when they received the consent agenda. She asked if there was any further discussion.

Ms. Mallek **moved** to adopt the final agenda, as amended.

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

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

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

Ms. McKeel said she saved an article from The Washington Post from January 1st that said that Fairfax and the City of Alexandria had joined the other counties that had already implemented a

surcharge on plastic shopping bags. She said there were a good number of counties now doing this in Virginia. She said she had asked Anthony Haro the Thomas Jefferson Area Coalition for the Homeless (TJACH) to get an update for what was going on at Premier Circle. She said they had received at least one email concerned about the safety of homeless people walking on the ice of the medians in the road. She said his response was that "Premier Circle was currently operating with 70 units and were currently working with Martin Horne to bring an additional 20 within six weeks. The program is currently full and there is a waiting list for a room in the program of about 20 people." She said she had been wondering what had been going on there so she wanted to share. She said their involvement was just a zoning adjustment, but she knew they were all interested in the community, which involved multiple nonprofits that worked together to sponsor it, including the Piedmont Housing Alliance (PHA), TJACH, and the Charlottesville Area Community Foundation (CACF).

Mr. Gallaway addressed Ms. McKeel and said he assumed that was all the temporary housing. He said he wondered if they were addressing the waitlist for rooms with places outside of Premier such as hotel rooms, like they had provided at the beginning of COVID.

Ms. McKeel said she had only asked about Premier so she did not receive any information about other places, but she could ask that question and share the answer with everyone.

Mr. Walker said they had a formal and comprehensive update about the Premier Circle project coming to the Board, which was scheduled for an upcoming information item in February. He said the timing was good, and while there may still be questions in the meantime, the update would be before the Board soon.

Ms. LaPisto-Kirtley asked Mr. Walker if the update would address Ms. McKeel's comment regarding people in the median panhandling and what they could do regarding that.

Mr. Walker said he was not specifically that he was aware of, and the update was specific to the project out in Premier Circle and what had been approved, and where the project stood in its implementation. He said he would imagine individuals would be available to speak to questions the Board might have about that project, including the individuals they were seeing panhandling. He said they did know from working with the County Attorney in the past that their ability to regulate individuals being in the median was limited, but that did not mean that there were not individuals whose needs could not be addressed specifically by connecting them to services.

Ms. LaPisto-Kirtley asked if they had the authority to put up signs in the median that could direct people to services they may need.

Mr. Walker said other communities had done that, but he would defer to the County Attorney for more information on that. He said this was a potential project that had been identified previously by members of this Board. He said the status that project was unknown at this point, but there were certainly efforts that had been made in other communities around this issue that had been explored. He said the legal basis would have to be provided by the County Attorney.

Mr. Kamptner said yes, signs could be erected. He said other Virginia localities provided examples that had different types of approaches. He said they needed permission from the Virginia Department of Transit (VDOT) if signs were to be put in a VDOT rights-of-way. He said Mr. Walker was correct, that there was a pilot program that was going to be started but he did not know if it was halted during the pandemic or for any other reason.

Mr. Walker said the individual who was working on that project was no longer with the organization and they had not yet filled that vacancy.

Ms. Mallek said she hoped they could reinvigorate that pilot program because it was a concern for people traveling through the area. She said felt like they dodged a bullet with the last storm, but she was grateful for the work the staff had done to establish all these processes under a tremendous deadline because they were now prepared. She said she had wide circulation on the flyer that Emily Kilroy and her team put together in newsletters being forwarded to several thousand people who were glad to have it all in one place. She said from the last bad storm, new processes were already underway to get better communication with senior housing providers and emergency folks in the County so that there was at least awareness that if someone could not provide services for their tenants, they had to notify someone and could not do nothing. She said that was an important step forward and she looked forward to the increased safety for residents.

Ms. Mallek said at the end of the meeting, she would love to have an update on where they were on the timetable for adopting something in order to require sidewalks to be shoveled. She said yesterday she received a phone call from a high school student who was going by Hydraulic Road and saw there were hundreds of people walking in the street because the sidewalks were now a foot deep in frozen ice where the high school is to the rock store. She said Mr. Kamptner said they had not adopted it yet, so she would like to have an update on that at the end of the meeting.

Ms. LaPisto-Kirtley said she thought everyone pitched in to do what they could during both of the storms. She said people also needed to realize they could not control or predict nature. She said the main thing was for people to continue to be prepared and check in on each other when things like this happened.

Mr. Gallaway thanked VDOT and Carrie Shephard for removing the two trees in the storm drains on Rio Road that he brought up the week before. He said in the larger scheme of dealing with storms, that was a smaller issue, but they were able to get them removed, which he was grateful for. He said when he thought of requiring sidewalks to be cleared, someone may not be able to clear their own sidewalk and could be dangerous for them shoveling as well. He said it seemed that that piece of it, when the ordinance was placed in the City, there was no backup plan or thinking through of those things, but they should not put people in danger by doing activities that may be problematic for themselves, so he wanted that to be part of the conversation. He said he received some emails that when people cleared their driveways, plows would come by and re-fill their driveway with snow. He said years ago, he had sent out a diagram of how to shovel at the end of the driveway so that when the plow did come by, the snow would not block the driveway again. He said whether it was a County or VDOT recommendation, it may be good general guidance to email out to people to prepare for these snow events.

Ms. Mallek said she hoped people had a chance to learn that the Albemarle High School's rowing team was shoveling people's driveways. She said she was sure there were many community members who would like to help take care of elderly neighbors. She said for those who had large commercial properties, if the sidewalks were tended with a small machine quickly, it would not become a disaster of ten inches of frozen snow. She said she understood they had to be careful with individuals, but for the people that had the means to do this, she hoped they would find a way to carry it forward.

Mr. Andrews said he was thankful that all the ongoing projects of the County were being handled so well by staff. He mentioned that reassessment mailings had started to be mailed out, and he wanted to point out that the numbers on the reassessments about taxation were not determined and were simply instructive of what the reassessment was as a value of the property and not what their tax amount would be.

Mr. Richardson said he thought at least three Board members had expressed interest in staff members coming back sooner rather than later on revisiting the issues of the public right-of-way areas and the panhandling in Albemarle County. He said previous research done with the Attorney's Office to ensure they were following state laws included looking at signage, and staff would be prepared to take another look at that and explore more options in the budget process.

Mr. Kamptner said related to what Mr. Richardson just said, they would be coming to the Board on its consent agenda to ask the Board to schedule a public hearing for an ordinance to repeal the current panhandling ordinance. He said the public hearing for that should be on the agenda in March, either the 2nd or 16th. He said the current ordinance mirrored Henrico County's former panhandling ordinance, which had been struck down by the Court of Appeals for the Fourth Circuit two years ago. He said the ordinance that was coming before the Board was to clean that up. He said the courts had gone in a different direction since the County's ordinance had been adopted and was out of date. He said it had not been enforced since Henrico County's ordinance had been invalidated.

Ms. Price said she trusted that the community would understand that if they had an ordinance on the books that had been ruled unconstitutional, the County had an obligation to remove that in order to avoid doing their best to uphold only those things that are constitutional. She said she wanted to thank through Mr. Richardson all the work that staff had done through the past couple of storms. She said the community had been challenged already in 2022 with the Omicron variant, the storms. She said the amount of personnel and hours that the staff had put into responding to the first storm and preparing for the second.

Ms. Price said the community may not have seen the results of the preparation for the second storm because the weather gave them a bit of a break, but the work and time and effort put in by County staff deserved recognition, which the Board wanted to share with them. She said she asked the community to remember that when there was ice or snow on their vehicles to please do their best to clear the entire vehicle. She said she was driving up 29-North yesterday and a vehicle passing in the opposite direction had only a small window in the driver's side of the windshield had been cleared but the rest of the car was still covered with snow. She said the wind could cause that snow and ice to come off of the car and cause accidents, injury, or death.

Ms. Price said a minor note that may fall under committee reports was that when recycling, it was important to put items in the bins that were intended for that type of item. She said what she meant was that it was fine to carry tin cans or bottles in a plastic bag, but the bag should be emptied into the bin and not left in there. She said those plastic bags can get caught on the equipment and required the handlers to stop multiple times during the day to clear the plastic bags to continue processing the recycled goods. She said similarly, if mixed paper was in a cardboard box, the box should be emptied into the bin and then throw the box into the cardboard bin. She said recycling only worked when it was done right.

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Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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

Ms. Susan Kruse, the Executive Director of the Community Climate Collaborative (C3), said

because it was the first time she was speaking to them this year, she wished them a happy new year and welcome to the new Board of Supervisors members. She said the 2022 Virginia General Assembly was now in session with new leadership in the House of Delegates and the Governor's office. She said for the past two years, Albemarle County had joined its partnership with other localities across the Commonwealth to advance state legislation to reduce greenhouse gas emissions from electrical and transportation systems, improve energy efficiency, and advance wind and solar energy. She said this year, the gains they had made could be at risk. She said last week, Governor Youngkin signed an executive order to remove Virginia from the Regional Greenhouse Gas Initiative. She said while such a unilateral move was impossible, it did signal what could be expected from legislation that was to come before the General Assembly. She said C3 was asking them to join other municipalities once more to protect the gains they had made. She said the resolution on their agenda today was a letter calling for the protection of key initiatives that made Albemarle County's climate action goals more achievable. She thanked Mr. Andrews for bringing this forward.

Ms. Kruse said they must protect their participation in the Regional Greenhouse Gas Initiative, which encouraged cleaner fuel sourcing for electrical grid, and the revenue generated by the program funded low-income energy efficiency and critical infrastructure projects to support climate resiliency. She said they must also protect the Virginia Clean Economy Act, which put Virginia on the path to a zero emissions electrical grid, which was critical for reaching the County's climate goals, and the Clean Cars Act, which set higher standards for fuel efficiency for automobiles sold in Virginia. She said they knew that transportation emissions were the number one source of greenhouse gas emissions in Albemarle County. She said finally, the letter called for the protection of the most recent capital assistance rule of the Virginia Department of Rail and Public Transportation, which included funding of battery-electric buses and the installation of their electric charging structures. She said this leveled the playing field by eliminating the perverse incentives for fossil fuel powered vehicles, and enabled localities to develop modern, clean transit systems. She thanked them for prioritizing climate action. She said she looked forward to working with each of them this year to advance these and other initiatives.

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Agenda Item No. 8. Consent Agenda.

Ms. Price said there were no items to pull from the consent agenda.

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

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

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

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Item No. 8.1. Facilities & Environmental Services (FES) Quarterly Report – 4th Quarter CY2021, **was received for information.**

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Item No. 8.2. Board to Board, December 2021, A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

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Item No. 8.3. Boards and Commissions Annual Reports: Jefferson Area Community Criminal Justice Board and Thomas Jefferson Water Resources Protection Foundation, **was received for information.**

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Item No. 8.4 Resolution Confirming the Declaration of a Local Emergency and Declaring the Local Emergency Ended.

**By the above-recorded vote, the Board adopted the resolution confirming the declaration of a local emergency and declaring the local emergency ended:**

**RESOLUTION CONFIRMING THE DECLARATION OF A LOCAL EMERGENCY  
AND DECLARING THE LOCAL EMERGENCY ENDED  
(Virginia Code § 44-146.21)**

**WHEREAS**, County Executive Jeffrey B. Richardson, acting in his capacity as the Director of Emergency Management, declared a local emergency pursuant to Virginia Code § 44-146.21 on January 15, 2022 in anticipation of significant adverse impacts arising from a major winter storm (the "Storm") forecast to affect Albemarle County beginning on January 16, 2022.

**NOW THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors confirms the Director of Emergency Management's declaration of a local emergency on January 15, 2022; and

**BE IT FURTHER RESOLVED** that, there being no further emergency actions to be taken in response to the Storm, the local emergency is ended.

Agenda Item No. 9. **Action Item:** Southwood Project Manager.

The Executive Summary forwarded to the Board states that the Board of Supervisors adopted a resolution in October of 2016 supporting a collaborative redevelopment process with Habitat for Humanity of Greater Charlottesville (Habitat) for the redevelopment of the Southwood Mobile Home Village and included Phase 1 of the project as part of its Strategic Plan under Revitalizing Urban Neighborhoods.

In January 2018, the Board approved an action plan and authorized the County Executive to sign a performance agreement on behalf of the County in which the County contributed \$675,000 to Habitat to assist in its costs to prepare and submit a complete rezoning application for Phase 1 of the Southwood redevelopment project, as well as resident leadership development activities.

A performance agreement was approved by the Board in June 2019 to support up to 155 affordable dwelling units for Phase 1. The County's contribution within the performance agreement includes up to \$1.5 million for construction of 75 affordable units, \$300,000 for 80 or more Low-Income Housing Tax Credits (LIHTC), and up to \$1.4 million over 10 years in property tax rebates.

In addition to the rezoning and performance agreement, the County applied for on behalf of Habitat and was awarded a Community Development Block Grant (CDBG) of \$1 million to support 20 affordable units within Phase 1. Habitat was also awarded \$1.5 million in HUD HOME funds to support the project.

Each of the funding streams above is obligated to its own scheduling, compliance, and regulatory requirements. Strong communication about the nuances of the Performance Agreement, as well as State and Federal grant requirements, and coordination of effort between multiple county representatives and Habitat is critical to our collective success. The ability to navigate all of the compliance and reporting requirements of the funding streams will allow Habitat to succeed in reaching its milestones. Delays in reporting or inconsistencies reaching compliance measurements for both State and Federal grants could put the County at risk of not being able to apply for future grants. In addition to impacting future funding opportunities, this may also lead to delays in project deliverables.

Since committing to being a partner in this project, several different County employees have worked closely with the Habitat community. These employees have been spread out among different County departments such as Finance & Budget, Social Services, Community Development, and the County Executive's Office. While achieving great progress as partners, having multiple staff involved in the project has made it difficult to achieve a cohesive understanding of the project as a whole. The addition of one temporary Housing Projects Manager dedicated to the Southwood project would provide the County and Habitat with a dedicated point of contact and key facilitator for the many departments, outside agencies, and Habitat process owners to ensure successful collaboration, planning, scheduling, and coordinating of all work related to the redevelopment of Southwood. The Project Manager for the Southwood Redevelopment Project will be a two-year, temporary position in the Office of Housing within the Department of Social Services.

The Housing Fund has \$1,939,575 in a Housing Fund Reserve intended to support housing initiatives that are one-time costs and will support the County's strategic and housing goals. Staff believes the Project Manager position discussed above meets the intended uses of the Housing Fund Reserve. Should the Board choose to approve the request, the Housing Reserve Fund balance will decrease by \$170,000 for a balance of \$1,769,575.

Staff recommends allocating \$170,000 from the Housing Fund to cover the salary and of hiring a temporary Housing Project Manager for a minimum of two years to support the Southwood Redevelopment project.

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Ms. Stacy Pethia introduced herself as the Housing Policy Manager for Albemarle County. She said the purpose of this agenda item was to request the Board to authorize the Department of Social Services to require a two-year temporary housing projects manager to coordinate the activities associated with the Southwood development project and to approve the use of \$170,000 from the County's housing fund to cover the cost associated with that position. She said as they may know, in 2016, the Board adopted a resolution supporting a collaborative redevelopment process with Habitat for Humanity of Greater Charlottesville for the redevelopment of the Southwood mobile home village and included phase one of that project as part of the strategic plan. She said that subsequently, the Board approved several additional actions in support of the project including the January 2018 approval of an action plan and allocation of \$675,000 from the general fund to support Habitat's development of a rezoning package, approved the addition of a \$2.15 million for a Vibrant Communities Initiative application in September 2018 to support phase one of the project, and the approval of a \$3.2 million performance agreement in June 2019 to support the development of up to 155 affordable dwelling units in phase one.

Ms. Pethia said in addition to the \$6.125 million contribution to the Southwood project described above, the County had also committed approximately \$100,000 in staff time just as Habitat and Southwood residents in the master planning process. She said during the January 18 request to the Board, the Project Management Office identified the need for part-time project management and part-time planner resources to act as dedicated points of contact and keep facilitators for the many departments

outside agencies and habitat process owners to ensure successful collaboration, planning, scheduling, and coordinating of all work related to the Southwood development. She said during fiscal year 2019, these activities were jointly coordinated by the Director of Project Management and the Principal Planner assigned to the Southwood project. She said with management of the Vibrant Communities Initiative grant process coordinated by the County's Chief of Housing.

Ms. Pethia said that since fiscal year 2020, management of the Southwood project had been shared by planning staff and the County's Housing Policy Manager, with part-time support from the Project Management Office and the County's grants unit. She said staff from other departments with specialized knowledge needed to support various components of the project were also called upon as needed. She said while achieving great progress as partners, having multiple staff involved in the project had made it difficult to achieve a cohesive understanding of the project as a whole and had led to, in several instances, multiple staff working individually to address the same project issue. She said the addition of temporary housing projects manager dedicated to the Southwood project would provide the County and Habitat with the dedicated point of contact and key facilitator for all aspects of the project. She said the project related activities the housing project manager would undertake would include, among other things, attendance at all project related meetings, acting as primary County contact for Habitat and other project partners, working with Habitat to address unanticipated issues, including the identification of potential funding sources to help mitigate the problem, and tracking Habitat's progress to meeting project milestones associated with the performance agreement as well as the Community Development Block Grants (CDBG).

Ms. Pethia said the most important aspect of their job would be managing that CDBG grant. She said activities with the CDBG project management included ensuring grant objectives on that were on time and in budget, coordinating weekly inspections by the housing construction specialist, providing weekly updates to the Virginia Department of Housing and Community Development, facilitating monthly project management team meetings, submitting remittance requests to the grant funder, tracking the project budget through the grant process, ensure all grant required forms and reports were completed and submitted on time and filed appropriately, providing technical assistance to Habitat during the relocation of Southwood residents to accommodate phase one construction activities, facilitating the planning design of the Monacan Indian Nation Park included within the project, and coordinate with the Virginia Department of Housing and Community Development to schedule all grant-required site visits.

Ms. Pethia said with the above objectives in mind, staff was requesting the Board authorize the Department of Social Services to hire a temporary housing projects manager and allocate \$170,000 from the County's housing fund to cover the position's salary for a minimum of two years. She said if approved, staff would immediately begin working with the Department of Human Resources to advertise this position and begin the search process. She said she was available for any questions.

Ms. McKeel asked if the position would be housed in Social Services.

Ms. Pethia said that was correct, it would report to her.

Ms. McKeel said she momentarily forgot that Ms. Pethia also was with Social Services now.

Ms. Mallek said the job description was lengthy, so she was worried about the ability of one person to be able to do all of that. She said jumping through all of the hoops for the state funding was very important, and much of their future success relied on them doing things correctly and on time every day, so she was grateful for the renewed focus on that.

Ms. LaPisto-Kirtley said she agreed with Ms. Mallek that this person would be very busy. She asked if the \$170,000 for salary was for a year or two years.

Ms. Pethia said it was for two years.

Mr. Gallaway said he supported having the work being done by one person but wanted to know if they felt competent to find someone who was suitable for this type of position.

Ms. Pethia said that yes, anyone that had previous CDBG grant management would be appropriate for this job. She said they would also receive support from herself, as she was not pulling out of the project completely. She said having an additional staff person available to really focus their efforts on that opens up her ability to work on other housing policy related work.

Mr. Gallaway said anytime something came out of the housing fund in the next few years, the plan to replenish the fund was probably a question worth asking and having discussions over. He said he did not anticipate it would be a conversation for today, but they should discuss it during the budget process.

Mr. Andrews said he understood the need for getting it right when it came to compliance. He asked if this person was doing things that County staff had already been doing amongst a number of different people, or in other words being consolidated into one position. He said that it was a big challenge for them to come on board and understand all of the jobs that had been done by a lot of different people if that was the case. He asked if this was requested by Habitat or was it a County-led initiative. He asked how much of it was contemplated at the time of the performance agreement as these applications went in. He said a little clarification would help.

Ms. Pethia said it was a staff-driven request and Habitat was not involved in this. She said the staff roles in different departments, such as Community Development, would remain the same. She said the same planners would continue to work with Habitat to get their site plans approved and those types of processes. She said what the housing project manager would really be doing was taking over the role of grant management and overall coordination of project activities. She said right now, what happened was that while the planner and she worked together closely, there were still meetings that she would be unable to attend due to scheduling difficulties, so this particular staff person would be able to attend all of those meetings, coordinate all the information, and share information across departments. She said there had been several instances where different people in different departments had talked to Habitat about the same issue, and they were all working individually to try and resolve those issues without realizing it, so this person would be organizing activities.

Mr. Anderson said that he wanted to clarify that because these grants were CDBG grants, this was necessary.

Ms. Pethia said that was correct. She said the Community Development Block Grants must be applied on behalf of a project partner such as Habitat. She said they were responsible for making sure this project was completed to the grant's requirements.

Ms. LaPisto-Kirtley said she was concerned because from what Ms. Pethia said, there was not coordination between her and the other members of the staff, so what she was asking for was another staff person to coordinate everything that should have already been coordinated. She asked if she was interpreting that incorrectly.

Ms. Pethia said that Habitat had reached out to different staff people about the same issue, and the staff did not realize that they were communicating that way, so much communication went unshared between departments and Habitat, so this person would be the sole source of contact for Habitat and to corral everyone weekly, monthly, and get each individual department involved to make sure they were on the same page.

Mr. Walker said that it may help clarify things for the Board to know that the contract for this CDBG grant between the County and the Department of Community Development was just executed last month. He said much of the work and challenges associated with the project were longstanding, and the actual meat of the grant administration was ahead of them. He said that was part of the basis of the timing of getting a qualified grant manager and grant administrator on their team to help make sure they were paying attention to important details with respect to the Department of Housing and Community Development.

Ms. LaPisto-Kirtley said she hoped they would find a qualified person. She said it sounded like coordination had not been taking place, so she hoped they would be able to coordinate better in the future.

Mr. Walker said it was imperative.

Ms. Price said she definitely saw the benefit of having a central point of contact between Habitat or any other entities engaging in Southwood and County staff, similar to how they as Supervisors went through their County Executive's Office in order to coordinate their communications with County staff. She said that it helped facilitate a more uniform approach. She said in their executive summary, under the subject proposal request, it said "request approval to fund a two-year temporary housing projects manager." She said in Ms. Pethia's remarks, however, she stated a minimum of two years, so it took it from a defined two-year period to an open-ended funding. She said she would like some clarification on that.

Ms. Pethia said the CDBG grant was all project activities must be completed within a 24-month period, so this person would cover that 24-month period. She said in case there was some emergency that stalled certain aspects of the project and must push that beyond that deadline, they would potentially be able to stay on. She said they would not come back and ask for more money than what was being allocated or essentially approved today.

Ms. Price said she found it important for the Board to understand if they were to approve a defined two-year period or a two-year minimum that was open-ended. She said at this point, she was willing to provide the support for a defined two-year period and would want to make sure they had consensus from the Board about what they thought of this. She said she would also like to see if there was consensus on the Board's part to have County staff provide to the Board a report or status update on what the County agreed to approve when Southwood was first approved, what their expectation of expenses were, and where they were today, with the understanding that looking at the items listed in their executive summary, there was about \$6.5 million of funding assistance that had been provided from both the County and other sources. She said on top of that, they knew that they recently had to deal with the additional expenses that were coming up from the septic field clearing of thousands of cubic meters of contaminated soil, and after that, leaking fuel tanks in Southwood. She said she thought it was important the Board had a sense of what the Board initially agreed to approve and where they were today with expenditures. She said she would support this request, and while \$170,000 was not an insignificant amount of money, she believed it was an efficiency for such a large development project. She reiterated that she wanted to know where they stood in terms of the overall expenditures of the County so they could evaluate, because they were still at phase one of Southwood, with several more phases to follow.

Ms. Mallek said phase one was where they had been, and it had taken years to do this. She said this was a new experience for Albemarle that was well undertaken in more urban places where they had been ahead of them in terms of dealing with issues like this. She said she would fully expect that there would be other projects with tremendous outside funding returns which they would need to manage equally expeditiously and carefully going forward, so she personally saw this as a pilot to ensure they learned how to do these things and get the right people to run at full speed. She said what brought about her support of this project originally was that there would be more than 400 affordable houses for long-time County residents made a huge impact on their community. She said there were many things they did not know when they first approved it, but taking it step by step to do the best job they could was the only way forward.

Ms. Price said it appeared that there was consensus among the Board to support the \$170,000. She asked if a formal motion was necessary.

Mr. Kamptner recommended that the Board do so.

Ms. McKeel **moved** for the Board to allocate \$170,000 from the housing fund to cover the salary of hiring a temporary housing project manager for a minimum of two years to support the Southwood redevelopment project.

Ms. Mallek **seconded** the motion.

In further discussion, Ms. Price said that the motion was for a minimum of two years and they had funded the amount of \$170,000. She asked if that was the maximum amount being requested even if the project went beyond two years.

Ms. Pethia said that was correct.

Ms. Price asked if there was any other questions or comments from Supervisors. Hearing none, she asked for the roll to be called.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Mr. Andrews, and Ms. Price.

NAYS: None.

Ms. Price asked if there could be some report from County staff about what the Board agreed to and approved when Southwood was approved and where they were today with the total expenditures.

Mr. Gallaway said they had received reports on Southwood in the past and this was something that came back before the Board. He said even if they did not make this request, they would be getting an update at some point. He asked if anyone knew what that timeline was.

Mr. Walker said they would be glad to provide an update. He said that could be done fairly quickly and may prompt other questions from the Board that they could follow up on as needed. He said it may be structured in the context of Chair Price's specific comments and questions.

Mr. Andrews said he would like to see that the report included a sense of the portion of dedicated staff time, including this position, that had already gone into Southwood and would be going into Southwood so that they could understand the full commitment.

Ms. Price asked if there was need for any further clarification.

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Agenda Item No. 10. **Work Session:** Comprehensive Plan Working Group - Overview of Application & Selection Process.

The Executive Summary forwarded to the Board states that on November 3, 2021, the Board adopted a Resolution of Intent to implement an innovative community engagement approach for the upcoming Comprehensive Plan Update that integrates the County's new 'Community' Value and centers equity in the engagement process (Attachment A). A key aspect of this engagement approach includes the formation of an approximately 8-12 member Working Group.

A team of staff from the Office of Equity and Inclusion (OEI), Communications and Public Engagement (CAPE), the Climate Protection Program, and Long-Range Planning collaboratively developed this Working Group (Attachment B) based on best practices and the projects goals to:

1. Conduct outreach and collaborate with community members whose perspectives have not historically been well-represented in County processes (e.g., age, race, place, income, and other demographic factors are considered).
2. Develop and implement a transparent community engagement process.
3. Provide consistent and varied opportunities for community input throughout the update process.

**Option A: Create a Working Group comprised of community members working as temporary project support**

The Working Group's role will be to advise staff on Plan recommendations and engagement



methods and to support community outreach efforts by sharing information with their networks. The expected time commitment for the Working Group members is approximately 10 hours per month, including time to review materials in advance of meetings, attend monthly meetings, attend Comprehensive Plan engagement events, and allocate time to sharing information with others in their networks. Working group members will be selected via a competitive application process that considers applicants' local, historical knowledge, community building skills, and other forms of non-technical expertise.

Staff recommends that Working Group members be compensated for their time and expertise at a rate equivalent to the County's minimum wage (approximately \$15 per hour). For Phase 1, this is estimated to be around \$1,000 per person and, depending on the size of the group, would have an estimated total cost of \$8,000-\$12,000. This funding is available in the Plan budget, which was reviewed by the Board at work sessions in the winter and spring of 2021. If the Board is supportive of this approach, Long-Range Planning staff will collaborate with Human Resources and Finance & Budget staff to structure compensation.

Compensation of Working Group members is based on several factors, including 1) integrating equity and inclusion into the planning process, 2) alignment with best practices in Virginia and across the nation (Attachment C), 3) the expected labor and time commitment for individual members, and 4) an opportunity for the County to pilot a new engagement approach.

Without compensation, Working Group membership is likely to consist of individuals who already have the access and means to participate in the Comprehensive Plan update engagement activities. Recruiting members whose perspectives are typically not represented in County processes will be challenging, and the County is likely to experience similar results to Richmond300's initial volunteer-based participation approach (Attachment C). For these reasons, staff recommends only establishing the Working Group if compensation can be provided.

#### **Option B: Additional resources for outreach & engagement**

In addition to the Working Group, the Phase 1 Engagement (Attachment A) includes outreach and engagement activities such as workshops, neighborhood pop-ups, and online engagement for specific topics. Resources allocated towards the Working Group could be used for additional focused engagement opportunities in underrepresented areas of the County and collaboration with existing community groups to attend already planned group meetings or events.

This type of focused and dispersed outreach is effective but requires more time than the Working Group approach. Conducting individualized and dispersed outreach that frequently engages the wide diversity of County residents (including rural residents, non-native English speakers, people of color, and low-income households) for each engagement topic and opportunity will require a longer project timeline and additional resources. Option B has not been fully scoped yet, due to the Board's previous support of the Working Group as part of the Phase 1 Engagement Plan. If the Board prefers Option B, staff will come back with a revised Phase 1 Engagement Plan that includes an updated project timeline and budget request.

The Fiscal Year 2022 budget identified \$665,000 from the Board of Supervisors Strategic Priority reserve to fund work associated with the Comprehensive Plan Update and Zoning Ordinance Update.

Staff recommends that the Board review and affirm or recommend revisions to the Working Group Approach and Application (Attachment B) and the compensation recommendation contained within this Executive Summary.

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Ms. Rachel Falkenstein, Planning Manager in the Community Development department, said she was joined today by her colleagues McKayla Accardi (Senior Planner in Community Development) and Irtefa Binte-Farid (Coordinator of Equity and Accountability in the Office of Equity and Inclusion).

Ms. Accardi said this afternoon, she would share a presentation that included a review of the Comprehensive Plan Update project and the engagement goals, an overview of the working group approach, a draft application, and a recommendation for compensation. She said this presentation would be filed by time for questions and Board discussion. She said she would begin with a brief overview of the Comprehensive Plan and rationale for an update for members of the public who were listening today. She said the Comprehensive Plan was often called the "comp plan," and was a guiding document for growth, development, and investment in Albemarle County. She said it was used to guide decisions on public infrastructure and funding, plans and programs, and review of some development applications. She said Comprehensive Plans typically outlined a vision for a 20-year planning horizon with periodic updates required by the Virginia state code.

Ms. Accardi said that since the latest Comprehensive Plan update in 2015, Albemarle County had continued to grow and change. She said for example, approximately 4000 new dwelling units had been built since 2015, and their community median household income and home values continued to rise. She said that however, with new data from the Albemarle County equity profile, they could see this growth was not experienced evenly across the County. She said the quality-of-life outcomes depended on where you lived. She said in response to Albemarle County's changing context and in support of their mission, a variety of new policies and plans had been updated by the County, including plans for affordable housing, local economic development, and climate action, as well as the creation of an Office of Equity and

Inclusion. She said these priorities had not been fully integrated throughout the County's Comprehensive Plan, and this was an opportunity to incorporate their community's recent work, better understand the diverse lived experiences of Albemarle County community members and plan an equitable and resilient future.

Ms. Accardi said on November 3rd of 2021, the Board of Supervisors adopted a resolution of intent to begin work on updating the Comprehensive Plan. She said as they began this work, they reflected on the County's mission statement, which was to enhance the wellbeing and quality of life of all community members through the provision of the highest level of public service consistent with the prudent use of public funds.

Ms. Falkenstein said she wanted to refresh the Board on the Comprehensive Plan goals that were shared with the Board in October and November work sessions. She said the first was to update plan content to reflect recent County-wide strategic initiatives, second to ensure that equity was integrated into both the engagement process and the updated plan content, and third was to improve plan usability by articulating clear, prioritized goals, also having metrics for tracking progress and applying a more streamlined document design.

Ms. Falkenstein said they also shared a phasing plan with the Board that talked about how they would do the work of the Comprehensive Plan Update. She said it broke the work into four phases, starting with their overarching growth management policy in phase one. She said phases two and three would get into phase specific policies and strategies, and then everything would be wrapped up in phase four in a final document design. She said the phasing plan was also endorsed by the Board at their November work session. She said they were currently beginning the work of phase one, which was evaluating their growth management policy from the existing Comprehensive Plan through the lens of equity, climate action planning, and County growth projections. She said they also planned to incorporate the County's update values into the Comprehensive Plan vision and values, and lastly planned to identify the appropriate level of detail that should be in the plan and develop a framework that would guide future phases within phase one.

Ms. Falkenstein said also discussed at the November work session was that staff planned to develop their engagement plans for each phase of the project at the beginning of the phase or end of the previous phase. She said this would hopefully allow them to be more responsive to community feedback about methodologies that had been effective and they could make adjustments, and also allow them to be mindful about the content they would be focusing on with each phase as they designed engagement for the upcoming phase. She said phase one engagement plan was provided in Attachment A of the Board materials and was endorsed by the Board at a November 3rd work session. She said included in the materials were three goals for the overall project engagement. She said these were to conduct outreach and engagement with community members whose perspectives had not historically been well represented, to develop and implement a transparent community engagement and decision-making process, and to provide consistent but varied opportunities for community input throughout.

Ms. Falkenstein said the phase one engagement approach incorporated four groups of expertise or input. She said one group was internal staff, not only planning staff but staff from across the organization. She continued that second was a working group made up of members of the community, which they would talk about in more detail. She said third was broad public engagement, which would be an open invitation to all members of the community to participate in various formats such as workshops, online forums, or pop-ups. She said the next was legislative review, which included their Planning Commission, who made the recommendation to the Board of Supervisors, with the Board being the final decision-makers.

Ms. Falkenstein said they called this process among these four groups an iterative process, but another way of saying that would be creating a feedback loop, which they had tried to illustrate with the graphic on the current slide. She said first, staff would draft recommendations, and then they would bring those recommendations out to the different groups to gather feedback. She said they then would revise the content based on feedback from each group and gather additional feedback until a final decision was reached by the Board of Supervisors. She said engagement in each of these groups would also be supported with online and in-person outreach and clear communications, and summaries of their engagement.

Ms. Falkenstein said at the work session with the Board in November, they presented the recommendation to establish a working group for the Comprehensive Plan Update. She said the Board was supportive of the concept, but they also asked for more information about the group makeup, its role, and the selection and application process. She said that information would be shared in more detail now.

Ms. Falkenstein said the working group members' role would be to advise County staff on draft materials related to the Comprehensive Plan Update, which could include materials such as outreach, community engagement formats and materials, and draft plan recommendations. She said the working group input would be used to inform framing of project content for public engagement; she said they would essentially be using them as a sounding board to make sure the materials were accessible and understandable before being sent out to the general public. She said they also would look to the working group to provide input on plan recommendations that would be brought before the Planning Commission and Board. She said the second thing they would ask of the working group would be to support community outreach efforts by sharing information within their networks, neighborhoods, or communities.

Ms. Falkenstein said the working group's role was also summarized in Attachment B of the

materials, but the summary of their tasks they would be asked to regularly complete was also provided on the slide. She said that would be attending a regular monthly meeting and reviewing advanced materials before the meeting as needed, learning about planning and development concepts through staff-led trainings, review and provide feedback on draft materials, actively encourage participation, building relationships, and engaging community members outside of the regular meetings. She said they would also have the opportunity to participate in and observe the general public outreach meetings they would have in the engagement opportunities and review written summaries of policy and planning options and share input on staff recommendations. She said as she mentioned, staff would be developing engagement summaries that would summarize both the broad community feedback and working group feedback that would be shared with decision-makers on the Planning Commission and the Board of Supervisors.

Ms. Falkenstein said with the tasks listed on the previous slides, they anticipated a commitment of about ten hours per month for their working group members. She said they were not looking for prior volunteer, education, or work experience related to planning or community development, and as such, they planned to include staff-led trainings on fundamentals of these concepts at the monthly meetings. She said they would also include topics that were relevant to the Comprehensive Plan Update, such as growth management, to ensure that members had a shared level of understanding about these concepts. She said also, they intended to encourage applicants from communities in Albemarle that traditionally had been underrepresented in their planning processes, including those under the age of 35, people of color, or members of low- to moderate-income households. She said a more complete list was in Attachment B.

Ms. Falkenstein said there would be an open application for the working group for any interested members of the community who wished to apply. She said they planned to do both broad and targeted outreach to spread the word and encourage community members to participate and apply. She said broad outreach would include the project website, media coverage, social media, and County email lists, and more targeted outreach would include invitations and emails to community groups, neighborhoods, and groups or individuals that worked with or were composed of populations that were typically underrepresented. She said based on their request for additional information, they provided a draft application in Attachment B that showed the type of information that they would seek from applicants on the working group application. She said they would be looking for contact information and basic demographic information. She said there also were a few written responses about why they were interested in participation and issues they were seeing in their communities, and then some logistics about meeting preferences. She said they would also have the final application translated to Spanish and other languages if requested and would offer assistance with filling out the applications.

Ms. Falkenstein said the selection process would involve a selection panel comprised of staff across various departments and divisions within the organization. She said the staff team would plan to use a scoring framework shown in Attachment B to review applicants. She said the goal would be to create a work group comprised of community members with a diversity of perspectives and lived experiences in Albemarle County. She said they also used the Albemarle County equity profile findings as a guide for this work. She said a summary of representation goals was also included in the attachment, and the groups that had been historically underrepresented in their processes.

Ms. Accardi said the next portion of their presentation was focused on their growing practice of compensating community members for their time and expertise shared through planning and community development initiatives. She said she would share staff's rationale for the recommendation, including best practices and a few local examples, followed by an alternative option if compensation for the working group was not preferred by the Board. She said there were four key aspects that underpinned staff's recommendation to compensate members of the working group for the Comprehensive Plan Update. She said she would discuss each one in more detail on the following slides, but as an overview, compensating working group members was an innovative community engagement approach that was used to integrate equity and inclusion into planning processes. She said it was aligned with best practices both locally and across the country. She said it was commensurate with the expected labor and time commitment needed for the role. She said finally, it provided the County the opportunity to pilot a new approach towards outreach and engagement to see if it would successfully bring new perspectives to their work.

Ms. Accardi said the primary purpose for compensating working group members was to integrate equity and inclusion into their planning process, which had been a goal of this project from its initial discussions with the Board. She said an equitable and inclusive community engagement approach was in direct service of the County's mission and was well aligned with the organization's value of community. She said while the equity profile began to describe the varying experiences in Albemarle County through data, they needed to center those who were experiencing disparate quality of life outcomes to better understand and address them in the future. She said community members such as those from the groups that Ms. Falkenstein listed earlier had been underrepresented in their past planning processes, which may be due to several barriers they faced, including the additional cost of childcare, time away from work, and transportation access. She said with compensation, their goal was to address these obstacles, as well as value lived experiences in Albemarle County alongside data and community development expertise. She said this was an opportunity for the County to apply their new value by piloting a new approach and evaluating if compensation enabled underrepresented groups and community members to participate in their processes.

Ms. Accardi said secondly, compensation for working group members was commensurate with their anticipated role and expectations that Ms. Falkenstein discussed. She said they expected this role would be approximately ten hours per month, and as such, was similar in nature to some of their other paid boards and commissions, such as the Architectural Review Board, Board of Zoning Appeals, and

Planning Commission. She said these boards were expected to prepare in advance for meetings, attend other community meetings, and provide advisory recommendations to staff. She said that despite these similarities, the primary goal for compensation was to remove barriers and encourage applicants from communities in Albemarle County that were underrepresented in their planning processes.

Ms. Accardi said that thirdly, compensation was a practice in the fields of community development as well as community engagement. She said for example, in 2019, the American Planning Association published a policy guide titled "Planning for Equity," which highlighted community engagement as a cross-cutting issue across all types of planning and development topics. She said more and more localities were realizing that their engagement and decision-making processes lacked diversity of opinions voiced to city councils and planning departments, which had lasting implications on critical investment and development decisions. She said they would like to highlight a few local and regional examples of compensating community members as part of a planning or policy practice.

Ms. Accardi said the first example was the University of Virginia, which had a practice of flat-rate stipends for different projects through the funds for individual projects or research initiatives. She said another example was the President's Council, which focused on strengthening the relationship between UVA and the surrounding localities. She said the Blue Ridge Health District was another local entity that had compensated community members for their time and expertise in the form of hourly pay for part-time workers for the community health assessment, which was also called MAPP2Health, as well as meals and gift cards for one-off data collection and engagement opportunities. She said this approach was meant to recognize that participants that volunteered their time may have taken time away from work or incurred childcare or transportation costs to attend. She said it worked to avoid causing a disproportionate economic disadvantage to participants from modest household incomes.

Ms. Accardi said the third example was the City of Richmond, who had compensated members of key groups in two recent planning processes, including "RVAGreen 2050" and "Richmond 300: A Guide for Growth." She said RVAGreen 2050 was the city of Richmond's climate action and resilience planning initiative that provided optional grants to roundtable members at a variety of levels. She said the grant amounts were determined based on the level of commitment and whether the individual was working independently of a paid position or if they were participating as a representative of an organization. She said this scaled grant approach was designed to reflect the varying levels of commitment and offer the highest amounts to those who needed it most. She continued that "Richmond 300 was the city's Master Plan that aimed to prioritize equitable and sustainable growth over the next 20 years. She said their planning process included an advisory council that aimed to reach beyond those who typically showed up to their planning commission meetings. She said she would spend a little more time on this example because it provided a helpful lesson for their own planning process.

Ms. Accardi said that city staff initially held a call for volunteers in 2017 that did not include compensation, which resulted in few applications and from people who had previously participated in planning processes. She said the Deputy Director for the city of Richmond had publicly described the initial approach as a "silly mistake," because traditionally underrepresented people who wanted to volunteer did not necessarily have the ability to put in substantial time without being compensated. She said city staff adjusted and redesigned their approach to have an advisory team that would work five to fifteen hours per week depending on the phase and the process. She said this pivot in their engagement approach was also paired with an updated application that identified specific communities that had been underrepresented in their planning processes, as well as a call for people who could demonstrate community engagement experience and the ability to reach specific populations. She said over 170 people expressed interest and applied for the advisory council after the mayor's press conference on the topic, and the final advisory council had 21 people who varied in age, planning knowledge, and length of city residency. She said this set the stage for a transparent and inclusive process, and the Richmond 300 plan ultimately won a national planning award from the American Planning Foundation.

Ms. Accardi said the last example was Arlington County, Virginia, which very recently allocated a portion of its American Rescue Act funds for a pilot program called "equitable engagement," which had the goal of improving engagement with and representation in civic structures of historically underserved communities. She said the pilot program would explore different ways to make it easier for community members to participate through compensation; they were exploring gift cards, childcare, waived transportation costs, and more. She said through all of these examples, they were seeing different organizations and localities explore ways to redesign and re-envision their processes to be more inclusive and address the disproportionate economic burden faced by renters, members of low-income households, and others.

Ms. Accardi said in summary, staff's recommendation to compensate working groups was based on several factors, which she provided an overview on, which were to integrate equity and inclusion into the planning process, an opportunity for the County to pilot a new engagement approach, the expected labor and time commitment, and alignment with best practices in Virginia and across the country.

Ms. Falkenstein said the recommendation they were bringing forward was to compensate members of the working group for their time and expertise equivalent to the County's minimum wage, which was \$15 per hour. She said for phase one, this was estimated to be around \$1,000 per person, and depending on the size of the group, would be about of \$8,000-\$12,000, which was currently available in the Comprehensive Plan budget that they brought to the Board in winter of 2021. She said if the Board was supportive of this approach, the long-range planning team would collaborate with Human Resources staff and Finance and Budget staff to structure the compensation appropriately.

Ms. Falkenstein said if compensation were not preferred by the Board, an alternative could be to redesign their engagement process with additional resources allocated to focus on more dispersed outreach to try and reach underrepresented communities. She said she believed this would require additional staff time and resources, and potentially a longer project timeline so that they could provide recurring opportunities and engage with a variety of underrepresented communities for each engagement topic. She said since this alternative approach would be different than the one they scoped, it would require them to come back with an updated phase one engagement plan and timeline for the Board's consideration.

Ms. Falkenstein said for their next steps, they would incorporate the Board's feedback received that day and begin working on work group outreach and make an application live, or, to return to the Board with a revised phase one engagement plan if their direction was not to move forward with the working group. She said they would also have a forthcoming project website at the end of this month with information about upcoming public engagement opportunities; that would include the working group application if the Board provided that direction that day. She said that ended the staff's presentation, so she would turn the meeting back to Chair Price for questions and comments.

Ms. McKeel said they had discussed for years about how to communicate better with certain portions of their community, and she really appreciated having this option to talk about. She said it was not anything they had done in the past and certainly would be a change for Albemarle County, but if they continued to do the same thing over and over again and expect a different result, it did not make sense. She said she was ready to break out of that mold they had been using and try something different. She said she saw this as a different approach. She said she appreciated the Richmond option, because it looked like to her that their model showed outcomes. She said they were just starting that process in Arlington, but Richmond already had gone through it and experienced good outcomes. She said in her mind, this was a continuous model of improvement, and she looked at it as, perhaps while not called a pilot, it was a change of process and looking at a different model to see how well it worked, and they could revisit it and improve it, but they must find a way to reach all the different members of their population.

Ms. McKeel said her one question was how Ms. Falkenstein and Ms. Accardi visualized this, whether the meetings were in-person or over Zoom or some sort of combination. She asked their thoughts on how the meetings and work would play out.

Ms. Accardi said they currently envisioned virtual because of the world they were in, but they also wanted to remain flexible to the responses of the group, they had logistics questions about time of day and structure. She said they could cater that to the members of the group. She said in-person could be really helpful for learning and shared discussion and activities training, so she did not think they had to stick with one format or vision and remain flexible.

Ms. McKeel said she would be interested to hear the other Board members' thoughts on this.

Ms. Mallek said she thought it was very important to try to do what they were doing, and her questions were not to sabotage the ideas, but to get a better understanding and perhaps add some extra layers to what was being done. She said she wanted to prevent moving forward in a way that left many of the same people out again because of accessibility issues. She said this appreciative inquiry that they learned about ten years ago with ways to get people involved, whether it was neighborhood rehabilitation in Southwood, compared to the failures of the past, where planners with great ideas went into neighborhoods and never bothered to ask the people what they really wanted. She said she hoped they would be going toward the inquiry side as opposed to the lecture side.

Ms. Mallek said her concern was that they would have great success with getting participants who had never been in this before, and yet, their only basis for knowledge was what the staff was going to tell them in these learning things to help them get up to speed. She said that was a great burden for staff to not filter information and get the information, because that was what would be given the answer when they were done. She said she knew that was not what they were intending, but they had to be aggressively careful about that. She said the way it was described with the feedback loop took away some of her concerns.

Ms. Mallek continued that one of her biggest concerns was that what they saw happen during the Route 20 shared use path issue and some things during the Crozet Master Plan was that changes were made to documents based on a few people's ideas given in twelve responses online, without the larger community having a chance to weigh in, and then it was much harder or impossible to get those changes reverted. She said as long as the information that was gathered was then presented as a whole in summary and before changes were made to documents, and those summarized things were discussed in the wider community during the legislative process, then she thought it would be a great success. She said if it happened first and they had this accelerated process to zoom through with new ideas that had not had wide discussion, there was great potential for obstacles at the end from community groups who felt they were never invited to the table. She said she understood they were trying hard to reach new, but also had to figure out a way to keep all of the ongoing public discussion going so that no matter where someone was, they had a chance to learn what the current state of discussion was. She said long-range transportation planning had met wonderful success in the past making people feel they were recognized and asked for their ideas to be incorporated, even if the problems were not able to be solved.

Ms. Mallek said she was on CTAC (Citizens Transportation Advisory Committee of the Metropolitan Planning Organization), was previously called CHART in the past, and one of her colleagues

for eight years was a taxi driver named Mr. Burton, and he had a completely different perspective than the transportation planners on road changes that needed to be made. She said she found that helpful and fascinating, which she felt was the positive they would get if they were successful and careful in how this was carried out. She said she did not think they could do without option B, even if it was at the second stage, because it was the only way that was fair. She said Comprehensive Plans were their local government approach, and she was very territorial of Comprehensive Plans. She said in many committees, it was important they had County residents who were the ones participating, and thought it was the case in this as well. She said there were some very elderly and very rural people on fixed incomes who, unless something was taken to them at their neighborhood grange hall or something, going to be left out of this as well. She said overall this was very positive, and she had outlined her concerns so they could think of ways to make it even better.

Ms. LaPisto-Kirtley said she was in favor of getting many diverse responses from the community, and thought it was very important to make sure each district was represented regarding the people on the committees, so only a certain number of people per district. She said her question regarding virtual meetings was answered, and she knew they had not answered when the time of day the meetings would be, because they did not know who would be able to attend.

Ms. Accardi said they would be monthly meetings, but the time and location was not established yet.

Ms. LaPisto-Kirtley asked if the meetings would be in the evenings or not.

Ms. Accardi said they were not sure yet. She said they would have to wait and see what the responses were.

Ms. LaPisto-Kirtley said she agreed with Supervisor Mallek and said they needed to go into their own districts and communities and solicit input, but she also believed that was the role of the Supervisor. She said they should not expect staff to do go out to various organizations and gather that information. She said she would encourage the Supervisors to do that. She said she had already made a list of people that she was going to ask as they had been having this discussion. She said she had to tell them that she was in favor of what they were doing and how they were doing it and getting a broad approach. She said a lot of it would be, if the meetings were convenient, that would be a lot better. She asked if they would consider weekends.

Ms. Accardi said she would have to look at their application because she needed to check if they had a question on logistics. She said they just had weekdays, but they could add weekends. She said weekdays tended to work better for people.

Ms. LaPisto-Kirtley said she was just thinking of people who worked and such. She said she was sure it would all be worked out once they had the members there. She said those were all her questions and she looked forward to getting a good group of people to join this and give input for the Comprehensive Plan.

Mr. Gallaway said he was perfectly supportive of the compensation plan and their approach here. He said he would be curious to see how the results go, so whatever needed to be done to encourage participation from those who had been left out in the past would certainly get his support. He said they should try things to see what does and does not work and evaluate it for the next time. He said an email was received from a Rio resident whose concerns related to what Ms. Mallek was speaking to. He said the last comment that was made was "Please examine carefully what the working groups needed to know and how they should learn it." He said the gist of the email was that perhaps there would be people participating who were on-hand to the working group members to answer technical questions and explain questions to free staff up.

Mr. Gallaway said he believed the resident's intent was not that they were worried staff were insinuating or putting anything in, but at least protected them from criticism after the fact if there was an objective resource available to answer technical terms or explain planning items. He said how those people were to be recruited was a whole other issue, but he believed it was at least an idea to consider. He said it was just sent to the BOS email, but he would make sure to forward it to everyone else so they could review it. He said while they may not agree with the exact plan she was presenting, the overarching idea that he heard was a good one to consider. He said otherwise he was very supportive of this and looked forward to how it played out.

Mr. Andrews said Mr. Gallaway's comment about how people needed to learn what they needed to know was very important. He said he was concerned when looking at the graphics and read the description that there was a picture of the urban ring, and there were a lot of planning development-type discussions in this, but there were certainly things in the Comprehensive Plan that hit the rural areas and required representation in those areas as well. He said he would like to hear more about which parts of the plan they were most in need of this input, because he thought there were a lot of them, but not necessarily ranked the same way. He said the pay was at a rate equivalent to the County's minimal wage and wanted to know if it were contemplated as an hourly pay or would be a stipend that was estimated based on \$15 per hour, because he felt that it was a different attitude when someone came into this. He said as Supervisor Mallek said, they could not escape plan B, which was that there needed to be further outreach afterwards and needed to reach broad segments of the public with the working groups leading the way. He said lastly, he wanted to emphasize that this was a pilot idea and was very important, and he hoped they would think hard about how they wanted to evaluate it before they went in. He said they would

need to hear something about how this works.

Ms. Price said she supported the compensation package. She said some of the details such as whether it would be an hourly or stipend calculation needed to be worked out. She said Virginia had been fairly notorious for undercompensating and underappreciating their citizen servants at all levels, from employees to elected to volunteers. She said she supported this because it was simply the cost of doing business, and this Comprehensive Plan was so critical to their County that it should be clearly among the first, if not the first, that they should consider. She thanked Ms. Falkenstein and Ms. Accardi for their presentation and said she looked forward to Ms. Binte-Farid's contribution towards this as the planning group was selected.

Ms. Price said when she looked through the draft application questions, she asked that consideration be given in particular to #9, UVA undergraduate and graduate students, particularly those who may be involved in the planning area. She said she tended to look at things in life as a bell curve, so when she looked at a number of the questions, for example, #10, she would individually think that those in the 30s to 50s age group may be where they would want to focus their largest number of participants, as those of a younger age scale may not have enough life experiences to be able to fully contribute, and those of the upper age scale may be more narrowly focused as senior citizens. She said she appreciated the effort to include a broader demographic coverage of their community with different languages, ethnicities, and backgrounds.

Ms. Price said she would ask to include in section 22 the town of Scottsville as a specific geographic area, as well as a listing of each of the magisterial districts for residents that may not live in one of the articulated specific areas. She said she realized that the town of Scottsville was a separate governmental entity, yet those residents were also members of the broader community of the County, and she felt that it would be helpful for them to be identified as part of the other areas. She said finally, she noticed that there was, in the additional information, an application assistance that translation services would be provided and staff would be available to assist with the application, and she wondered whether that was efficient to fully encourage the participation of those who did not have those as English as their primary language to be able to participate in the group and not just apply for the group. She said she supported option A and, as other Supervisors, encouraged a continuation of option B for other involvement.

Ms. McKeel said it occurred to her that after hearing people talking about the community educated on what they needed to know, she wanted to say that Habitat did a wonderful job with the residents at Southwood on their work around instructing them and helping them understand land use. She said on the survey that the community would respond to, question 22, "which areas of the County could you help us reach?" made her curious, because Albemarle High School was listed, but none of the other high schools. She asked if it referred to that general area.

Ms. Accardi said all those areas were census tracts, and those were the names that were used in the equity profile so they would be able to compare their applications and make sure they were getting representations from the County according to those names. She said based on this feedback, it may be helpful for them to put in parentheses different areas that were within those census tracts so they could continue to use that data and equity profile and also give a better understanding so people knew which location to check. She said they could also have something more open ended if someone wanted to indicate they were from the town of Scottsville or another location. She said that was a helpful metric to compare things to. She said earlier iterations had a question on magisterial district, but got feedback that not everyone knew what magisterial district they were in, so when they provide their address at the beginning, they would do the work on the backend to see what magisterial district they lived in. She said that those districts would be recognized, it would not be a question on the application.

Ms. McKeel said if they were talking about the area around the high school, that was fine, but people may read that and say they were not associated with the high school itself.

Ms. Accardi said that was a great point.

Ms. Mallek said she wanted to say that she agreed that appreciative inquiry, a term she mentioned, was something she learned at the beginning of the Habitat process, so she thought the stories told of the mistakes made at Habitat, where they promised to build a soccer field for residents that never expressed interest in it. She said that was the kind of thing they needed to think carefully about when having these conversations. She said she loved that model and hoped they could make use of some of the trainers who were skilled to lead some of these, because that increased their chances of success. She said on 10A, page 4, it talked on votes they took in July 2021, but she assumed it was meant for July 2022, because she did not remember having those votes, so it needed to be fixed by someone later.

Mr. Gallaway said it was important to say to staff that no matter what happened, they would miss some people, and they were going to tell them at the last minute that they did not know any of it was going on. He said this happened even with issues that had been going on for several years and had prominent local news coverage. He said that none of that would be blamed on staff, because it would happen regardless of how hard they tried. He said he also thought it was important to learn from past areas when they had gotten some feedback, such as the Rio Road Corridor study.

He said there were people reaching out who wanted to be involved, and a criticism made was that there was no looping back to them to get them involved, so it was important to have learned that

lesson for this time when people reached out to express their interest to ensure timely communication was had with them. He said as Ms. LaPisto-Kirtley mentioned, Supervisors go out to the community, and it was generally speaking to people to tell them to pay attention, because if they were not paying attention to the news or email newsletters, it would be impossible for them to know what was going on. He said they had to encourage people in general to keep their eyes on this so they were not just running amok with things.

Ms. LaPisto-Kirtley asked if there was a website for people to research their magisterial district by entering their home address.

Mr. Gallaway said it was on the GIS. He said if you entered in your address, it would tell them all the details of their property, including the magisterial district.

Ms. LaPisto-Kirtley said she knew that, but the average person would not.

Mr. Gallaway said her question was if it existed, and the answer was yes. He said if one went to any VPAPs or places to research voting locations, that would identify the magisterial district as well. He said those places existed, and if they had to push out information on how to do it, then that was what they would push out, but that stuff had been around for a long time.

Ms. LaPisto-Kirtley said she understood there was a lot of information on GIS. She said she was talking about something for people who did not know about the GIS and they had to fill out an application and did not know what magisterial district it was in so they had a simple site to go to.

Mr. Gallaway said his point was that the simple site existed, so they only had to communicate the availability of it.

Ms. Price said perhaps a simple link on the Board of Supervisors homepage that answered the question, "What's my magisterial district? Who is my supervisor?"

Mr. Andrews said he wanted to remind everyone that they had a small number of people who would serve on this working group compared to the number of different representations they were looking for, so he wanted to acknowledge that challenge of finding people who broadly represented a large number of constituents.

Ms. Mallek said if there was a phone number that could be listed as a resource for people who did not have internet access, that would be another great way to get that magisterial question answered. She said she agreed with Mr. Andrews that this very small number of people will be very helpful but could not be considered to be representative of the County as a whole. She said they would have to make extra effort to go that extra mile.

Ms. Price said she thought they needed to all be sensitive to the time that their County staff put in on Monday through Friday, so to then ask them to work on weekends in a non-emergency situation made her feel they should encourage these meetings to take place during the regular work week. She said for planning purposes, to avoid overtime hours and stay within the regular work week was advisable.

Mr. Richardson said that this got a lot of attention and discussion from the Board, and he heard Ms. Mallek say a lot of their community members did not have access to internet, but on their website for Albemarle County government, Board of Supervisors, there was a section called "Who is my Supervisor?" and it was a map that showed the boundaries of the Albemarle County magisterial districts, contact information for the Board of Supervisors and Planning Commission members, so that may be what Ms. LaPisto-Kirtley was referring to.

Ms. LaPisto-Kirtley said she spent about ten minutes on that site yesterday trying to put in an address to find out who the supervisor was. She said most people were now doing everything on their cell phone, and that particular site did not work well on a cell phone screen. She said it was possible, but not easy. She said on that site, if someone could just type in their address and it would tell them who their supervisor was, that would be more helpful.

Mr. Richardson said that was helpful feedback and they would follow up on that with staff.

Ms. Price asked if the Board had addressed all questions from staff.

Mr. Walker said they were fine.

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Non-Agenda Item. Recess.

The Board recessed its meeting at 2:54 p.m. and reconvened at 3:10 p.m.

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Agenda Item No. 11. **Discussion Item:** Transit Governance Study Funding.

The Executive Summary forwarded to the Board states that the Board of Supervisors previously supported the Thomas Jefferson Planning District Commission's (TJPDC) application for technical assistance funding for a Regional Transit Vision Plan. This application was awarded funding by the



Department of Rail and Public Transit (DRPT), and work is ongoing through the end of FY 22.

The purpose of this Plan is to develop a long-term vision for transit service in the Charlottesville-Albemarle region. The consulting team utilized meetings with the Regional Transit Partnership, a technical advisory committee, and the public, as well as an online public survey, to determine the community's priorities and make recommendations for how to achieve that vision.

While the vision plan document has not yet been finalized, the consulting team for the study has started to identify community priorities and sketch out broad goals and recommendations. One of the early recommendations from the consulting team is to consider the formation of a regional authority to collect additional revenue in support of regional transit planning and services.

The TJPDC intends to complete a transit governance study as a follow-up to the Regional Transit Vision Plan, to better understand the benefits, challenges, and impacts of various transit governance structures, such as the plan's recommended regional transit authority. The transit governance study would answer the question: What is the appropriate governance structure to move the identified regional transit priorities forward?

The TJPDC plans to apply for a DRPT technical assistance grant to partially fund that study. Technical assistance grant applications are only accepted by DRPT once per year (early February), with awarded funds becoming available at the beginning of the next fiscal year (July). While the results of the Regional Transit

Vision Plan study will not be complete until June 2022, the TJPDC is moving forward with their technical assistance grant application at this time to eliminate lag between the completion of the Vision Plan and the launch of the follow-up transit governance study. If the TJPDC waits to submit a grant application until after the Vision Plan is complete, work could not begin on the transit governance study until July 2023.

Technical assistance grant applications require 50% local share, which would be divided between the TJPDC and the localities currently represented on the Regional Transit Partnership: Albemarle County and the City of Charlottesville.

The TJPDC currently estimates that the transit governance study could be completed for approximately \$180,000. As such, Albemarle County's contribution would be approximately \$45,000.

A resolution of support is not needed for the technical assistance grant application. However, staff is requesting feedback and general support from the Board regarding the proposed study and the funding for the grant application.

The total impact to the budget in Fiscal Year 2023 would be approximately \$45,000. If the technical assistance grant were awarded, the funding sources and impacts would be considered and reviewed as part of the FY 23 annual budget process. Additional cost related to staff time (potentially to include meetings with transit providers and attendance at stakeholder meetings, etc.) would impact the County Budget; however, it is not expected that the staff time commitment would reduce overall staff capacity.

Staff recommends that the Board endorse the completion of a transit governance study to determine the appropriate governance structure to advance the priorities identified in the ongoing Regional Transit Vision Plan.

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Ms. Jessica Hersh-Ballering greeted the Board and said she was joined today by Sandy Shackelford, Director of Planning and Transportation at the Thomas Jefferson Planning District Commission, who was present to help answer any questions during today's presentation. She said they would now discuss the Thomas Jefferson Planning District Commission's (TJPDC) transit governance study. She said they were in the midst of applying for a grant from the Department of Public Rail and Transit (DRPT) to partially fund this study. She said a reminder that a resolution of support from Albemarle County was not needed for their grant application and were present today to hear the Board's feedback on the proposed study and potentially requesting general support for the grant application, which would include a match from Albemarle County.

Ms. Hersh-Ballering said the idea to conduct a transit governance study came from the Regional Transit Vision Planning process. She said the current slide gave some background on the Vision Plan, the County's role in it, and explained why the proposed transit governance study was needed. She said the Regional Transit Vision Plan was an effort of the Thomas Jefferson Planning District Commission and the Regional Transit Partnership (RTP). She said it was financially supported in part by Albemarle County as well as the City of Charlottesville and the Department of Rail and Public Transit. She said the purpose of the Regional Transit Vision Plan was to develop a community driven vision for the future of transit in their region. She said the Regional Transit Vision Plan was ongoing and was set to wrap up at the end of the fiscal year, which was in June 2022. She said it had already identified a need for additional funding and collaboration to meet the community's expectations for the future of transit. She said in order to determine the best way to meet that need for additional funding and collaboration, the TJPDC was proposing a transit governance study.

Ms. Hersh-Ballering said at the heart of the transit governance study was the question "What is

the appropriate government structure to move regional transit priorities forward.” She said the main goals of the study were to identify a recommended governance structure to facilitate regional transit coordination and generate additional funding. She said it should be noted that the Regional Transit Authority would be among the governance and funding structures evaluated by this study but would not be the only governance structure considered. She said the study would also identify recommended revenue sources for transit, create consensus among jurisdictions and stakeholders around the City’s recommendations, and ultimately improve transportation services for their community.

Ms. Hersh-Ballering said the current slide showed the scope of work for this proposed study. She said there was a more detailed, narrative form of the scope of work among their meeting materials. She said if they had specific questions about the project’s scope, Ms. Shackelford could help answer any of those questions at the end of the presentation. She said in order to create the scope of work, TJDPC staff met with stakeholders from Albemarle County, City of Charlottesville, JAUNT, and DRPT. She said they also reviewed the governance study completed by the Central Virginia Transportation Authority and met with their staff for guidance. She said TJDPC intended for consultants to do much of the work on this study. She said they had already shared the scope of work in their materials, with potential consultants in their recently released Request for Proposal (RFP).

Ms. Hersh-Ballering said the scope of work was developed with the help of stakeholders, including Albemarle County. She said that scope was sent to potential consultants as part of an RFP in late December. She said proposals were due yesterday. She continued that the selection committee, which included Mr. Trevor Henry representing Albemarle County and Supervisor McKeel representing the Regional Transit Partnership would meet in late February. She said if the TJPDC’s grant application was successful, funding for the study would be available beginning July 1st of this year. She said they intended to start the study in August of this year, continue for just shy 18 months, and wrap up in January of 2024.

Ms. Hersh-Ballering said the total cost of the study would be \$180,000. She said the grant that she mentioned TJPDC was applying for was a technical assistance grant from DRPT. She said these grants required a 50% match. She said Albemarle County and the City of Charlottesville, as members of the Regional Transit Partnership, would split that 50% match along with the MPO or the TJPDC. She said as such, if the grant were awarded, the County would be responsible for \$30,000 in matched funds. She noted that it was an estimate that was lower than what they originally saw in their meeting materials. She said they got new information that the NPO and PDC would be contributing towards that match as well. She said that concluded the presentation and reminded the Board they did not have to vote on anything and they were not asking for a resolution and were just asking for feedback on the proposed study and, if they were so inclined, general support for their grant application.

Ms. McKeel said she could probably talk about this for a long time but that she wasn’t going to. She said she thought it was desperately needed. She said they had a Regional Transit Partnership, and this was the next step to move transit forward in their community. She said the need for this study was anticipated when the RTP was first created and that it was a long time coming. She said she was very much in favor of this and was glad to see the investment amount was had dropped from \$45,000 to \$30,000.

Ms. Mallek said in 2004, there was a transportation working group that she hoped Ms. Shackelford would look into that included 15 people or so who for 18 months long and investigated different methods of funding meant to get General Assembly support for some of them and failed. She said she was concerned that they should not pay people to do something that had already been done. She said her specific question was how this consultant was supposed to develop consensus when they had not been able to do so themselves for 20 years. She said there may not be an answer to that question today, but she hoped there would be one. She said previously a consultant had come in and the first thing they said was “We need \$100,000 to build a light-rail from Barracks Road to the airport and everybody at the table shut down. She said they need to learn from past mistakes and make sure the information they receive is relevant to Charlottesville/Albemarle and is actually new information rather than rehashing what they already know. She said she was generally very skeptical of these but she hoped it would work. She said if it was technical assistance that was required and they had to get a grant from DRPT, then she understood, but she hoped they had specific scoping directions that they could provide.

Ms. LaPisto-Kirtley said she was supportive of going forward on this, and all the players had changed, so she expected this to have a positive outcome.

Mr. Gallaway said that he did not want to sound like he was making a counterpoint to Ms. Mallek, because he thought they should heed lessons already learned from the past, but he hoped that they would go outside of this area to bring in new ideas, because the transit in the urban ring within his district was not working. He said he hoped this study would outline solutions that would make it work. He said the technological and transit changes that had happened in the past 20 years existed outside of the County, so they would have to go outside to figure that out. He said he agreed that they should not make mistakes of the past and ensure they would not duplicate information that already existed, so that they could use that time effectively to work on new ideas. He said it was hard for him to conceive what other governance structures existed besides a Regional Transit Authority. He asked if there were any other examples of similar governance structures.

Ms. Shackelford said they could look at the structure of the transit agencies themselves and look at how they could improve collaboration among the transit providers directly. She said most likely, a

transit authority would probably have the most time invested into investigating what the feasibility would look like for that structure. She said until they went through the process of the study, they did not know what would make the most sense, and she did not want to presume what would make the most sense moving forward until they let the consultant do that analysis. She said to Supervisor Mallek that Ms. Shannon provided some background information on the studies and would make sure to provide those to the consultants initially to make sure all of that historical work that had been done was referenced before they moved forward.

Mr. Gallaway thanked her for that answer. He said in his mind, a Regional Transit Partnership would almost always turn into a Regional Transit Authority. He said process-wise, from what he read, he was not very clear about how it was going to work. He said he did not need an explanation right now, other than to say he would be comfortable with the RTP handling the bulk of the work, and when they got a recommendation, to bring that back to the locality for consideration. He asked if that was what was planned.

Ms. Shackelford said that was correct. She said they would make sure to keep them all updated. She said Ms. Shannon also included several references to check-ins and meetings with the localities as part of the scope of services, so they would be kept up to speed along the way, and the Regional Transit Partnership would be very closely engaged.

Mr. Gallaway asked if that information was currently in the packet.

Ms. Shackelford said it was in the scope of work that had been provided.

Mr. Gallaway said that was the piece he based his understanding around, so it sounded like it was in there.

Mr. Andrews said he tried to look into the history of this and came across some of the issues that Supervisor Mallek had identified. He said he recognized that the players had changed. He said starting in August 2022 would be helpful, because their partner had had changes in personnel and he wanted to make sure they were ready for this as well.

Ms. Price said she supported this. She said as she looked at situations where they had cross-jurisdictional services, she believed a regional government model made sense. She said she often looked at, for example, the New York model, although they were not at a borough level. She said living for 18 years in Hampton Roads, where there were what was referred to as the “seven sisters” or seven jurisdictions all with their rice bowls not working collaboratively together to include services to the community. She said there were seven different transportation systems identified in Attachment A scope of work, and anything they could do to get them together better and provide a governance program that better serviced their community, she thought that was advisable. She said the cost of this was very small in relation to the potential productivity that could come out of it, so she was fully supportive.

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Agenda Item No. 12. **Presentation:** Transit Expansion Funding.

The Executive Summary forwarded to the Board states that the Board of Supervisors previously supported the Thomas Jefferson Planning District Commission’s application for technical assistance funding for an Albemarle County Transit Expansion Study. That application was awarded funding by the Department of Rail and Public Transit (DRPT), and work on this project will be wrapping up in early 2022.

The purpose of the Study was to identify opportunities for immediate expansion and improvement to transit service in three key study areas: Pantops, Monticello, and along Route 29 from the Albemarle County/City of Charlottesville line to UVA’s North Fork Discovery Park.

Attachment A (Albemarle County Transit Expansion Study - Service Scenarios Presentation) gives an overview of the study and describes the potential transit service scenarios for each study area, as they were presented to the stakeholder committee and to the broader public in both a public presentation and an online survey.

Based on public feedback, discussions with the stakeholder committee that includes County staff, and conversations with representatives from DRPT, the study’s consulting team recommends implementation of microtransit service for both the Route 29 North and Pantops service areas. Because of employment/population density and other factors, these areas are likely to be better served by microtransit (as opposed to fixed route transit) at this time. The study’s consulting team recommends implementing microtransit service in both areas simultaneously to maximize resource efficiency for microtransit vehicles, start-up fees, etc. Further, microtransit service in these study areas is likely to be competitive for demonstration grant funding from DRPT. A representative from the consulting team will further explain these points in a presentation to the Board.

Additional investments are needed to implement the recommendations from this study.

Operating costs for new Microtransit service in the Route 29 North and Pantops study areas could be funded through a DRPT demonstration grant. A local transit provider would apply for and manage the grant and ensure the service is provided; the County would provide the 20% local match for operating funds.

Although estimates are still being finalized, the consultants anticipate that the annual cost of microtransit service would be between \$2,130,000 and \$2,250,000 for the first year and between \$2,120,000 and \$2,130,000 for subsequent years. The first-year operating costs would likely be higher than in subsequent years due to software installation/initiation fees.

Given these estimates and the 20% local share, the County would need to commit approximately \$450,000 in order to leverage funding from a DRPT demonstration grant to support microtransit implementation in both service areas.

DRPT requires a resolution of support and a commitment for the demonstration grant application.

The total impact to the budget in Fiscal Year 2023 would be approximately \$450,000. Should the demonstration grant be awarded, the funding sources and impacts would be considered and reviewed as part of the FY 23 annual budget process. Additional costs related to staff time (potentially to include meetings with transit providers and attendance at stakeholder meetings, etc.) would impact the County Budget; however, it is not expected that the staff time commitment would reduce overall staff capacity.

Staff recommends that the Board endorse the microtransit demonstration grant application by adopting the attached Albemarle County Microtransit Demonstration Grant Resolution (Attachment B).

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Ms. Hersh-Ballering said they would be discussing the outcomes of the Albemarle County Transit Expansion Study, and next steps regarding implementation of some of their recommendations. She said as they may recall from their quarterly presentation last week, the Albemarle County Transit Expansion Study investigated potential service changes to improve transit in three high priority areas of Albemarle County. She said this study was funded in part by a grant from Virginia Department of Rail and Public Transit (DRPT), with Albemarle County providing the local share of the study's cost. She said the grant and study were administered by the Thomas Jefferson Planning District Commission (TJPD). She said she was joined today by Boris Palchik from Foursquare Integrated Planning and Nick Britton from Michael Baker, the leads from the consulting team that did the work on this study. She said in their presentation, Mr. Palchik and Mr. Britton would give a little background on the study, describe the potential transit scenarios they developed for each study area and the feedback they received from stakeholders and the public through numerous meetings and an online survey.

Ms. Hersh-Ballering said finally, they would describe cost estimates and an implementation plan for a pilot micro-transit service in two of the three study areas. She said Charlottesville Area Transit would provide the micro-transit service either directly or by contracting the service to a third party. She said they would be applying for the demonstration grant from the Department of Rail and Public Transit for operating costs. She said they recommended the Board adopt a resolution of support for the demonstration grant and commit the 20% local share where needed. She said if the demonstration grant were successful and the program continued, it was likely that the County would be primarily funding the service in subsequent years. She said she was also joined by Garland Williams, director of Charlottesville Area Transit (CAT) and Lucinda Shannon from the Thomas Jefferson Planning District Commission (TJPD) to answer any questions the Board may have following the presentation.

Mr. Palchik said the goal of their study was to identify short-range opportunities to expand transit service to keep population an employment centers in Albemarle County. He said they looked at three areas, which were the 29-North corridor, Pantops area to the east, and Monticello to the south. He said what their team did was develop two service scenarios to improve service for each of the three study areas. He said those scenarios included a mix of fixed route and micro-transit service. He said micro-transit was an app-based demand response service that was similar to Uber and Lyft but using vans or other transit vehicles to provide shared rides. He said they presented these scenarios in a series of public and stakeholder meetings in October. He said the meetings were attended by almost 40 people. He said a survey was launched in parallel, with almost 160 survey responses back regarding the scenarios they presented. He said the common theme among what they heard from the meeting participants and survey participants was a strong interest in and preference for micro-transit service.

Mr. Palchik said a couple examples of some of the comments they heard was that someone thought micro-transit would be helpful for those with mobility concerns that found it difficult to get to a bus stop and wanted reliable service for appointments, that micro-transit made sense for shopping centers where ridership probably varied considerably between times of day. He said there was a survey that Monticello did internally that surveyed both their visitors and their staff. He said among their staff was an 89% positive response rate to the question of if people were comfortable using an app for transit service. He said among visitors it was very similar; around 85% of participants said that yes, they were comfortable with that model. He said any way that they presented the question about micro-transit, such as in this case when they asked if people were interested in a smaller micro-transit zone or a larger micro-transit service zone, people preferred more micro-transit. He said it received a lot of support across the board.

Mr. Palchik said they asked in the Pantops area if people would prefer a fixed route approach to expand service in the Pantops approach or a micro-transit approach to complement the CAT route 10. He said that 63% said they preferred the second scenario that was focused on micro-transit. He said the same thing happened with Monticello, where there were a couple of options for fixed route connections between the Monticello area and the rest of the CAT network, or a micro-transit approach, and again 63% preferred the micro-transit approach.

Mr. Palchik said that the micro-transit pilot project they were recommending for the 29-North area was an area that stretched from approximately Rio Road in the South up to Dickerson Road, which was in the North Fork area along the 29-North corridor. He said some of the key active areas would include North Fork, the airport, Hollymead Town Center, the Wal-Mart on 29, and the Center at Belvidere at Rio. He said they also had a destination location. He said what that meant was that it was not quite in the zone itself, but in order to facilitate connections to other services, they included Fashion Square Mall as a permitted destination for micro-transit service. He said that was a short-term solution, but in the long-term, perhaps the shops at Stonefield would become more of a key hub for CAT, so the Fashion Square Mall may be supplemented or replaced by Stonefield in the future for that regional transit connection. He said the area they were looking at was 14 square miles and was entirely within the urbanized area. He said it was an area with approximately 13,000 people and more than 6,000 jobs currently. He said the estimated ridership they saw for micro-transit in this area was approximately 75 passenger trips per day of just the micro-transit.

Mr. Palchik said the parameters they used for cost estimates and other things was that they assumed it would be a weekday-only service operating from approximately 6:00 a.m. to 9:00 p.m. and three micro-transit vehicles would need to be in use to ensure 15-minute or better median wait times. He said given those parameters, the approximate cost for the service was \$1.32 million annually, which included the operating costs and the software fees associated with micro-transit service. He said that given that this area was entirely within the urbanized area, they recommended this should be a CAT branded service, either directly operated by CAT or contracted by CAT to another operator. He said similarly, they were recommending that CAT be the grant applicant for any grants associated with this service.

Mr. Palchik said the Pantops area was a smaller area than the 29-North area, approximately two square miles. He said they looked at what was defined as the entire Pantops study area, which included the area both north and south of Richmond Road. He said the fixed route CAT service, Route 10, primarily serviced areas south of 250, which was where the hospital was located and a couple of shopping centers. He said the north part of the study area was a growing residential area with several multi-family housing developments as well as single-family homes. He said this approach of the micro-transit zone would cover the entire Pantops area. He said some of the key activity centers included the Pantops Shopping Center, the State Farm building, Martha Jefferson Hospital, the VA clinic, and a Social Security administration office. He said it was an area with approximately 4,500 residents currently, and more than 7,000 jobs. He said the estimated ridership they would see for this area was approximately 25 riders per weekday within this two square mile zone.

Mr. Palchik said the same service parameters were given to this study area, weekdays from 6:00 a.m. to 9:00 p.m. He noted that because this was a fairly small area, it could function with just a single micro-transit vehicle, but best practice for micro-transit service was that there should never be only one vehicle on a service, because they could not take advantage of the algorithms that the micro-transit platform allowed, which was dispatching the best vehicle for each given trip request. He said the dotted line on the map shown was the edge of the US-29 North micro-transit zone that was just discussed. He said because they were fairly close, they recommended that they share a vehicle if it were needed for the Pantops zone as well, which would give them a total of four vehicles between the two zones. He said the estimated cost for this micro-transit service was approximately \$432,500 annually, which included both the vehicle operating costs and software fees. He said they again recommended this be a CAT-branded service because it was entirely within the urbanized area.

Mr. Palchik said the last micro-transit zone he would like to discuss was the Monticello area. He said program they were recommending for a long-term recommendation and was not something they were recommending implementing right away. He said there were several reasons for this, the first of which was that when they were developing their recommendations for this area, which initially was focused only on Monticello, they realized there was a very limited utility to focus just on Monticello, especially with a micro-transit service. He said a better approach would be to tie the Monticello area to a larger transit zone that included residential neighborhoods south of I-64 and included PVCC and James Madison's Highland property, which was south of Monticello. He said these were all areas that were fairly difficult to serve with traditional fixed route service, even though some CAT service did exist there, and micro-transit would be a more effective model. He said however, it would require two vehicles to serve this area, and there were currently not two vehicles available or programmed for micro-transit service, so this would be a long-term recommendation. He said Mr. Britton would now discuss the implementation strategy.

Mr. Britton presented a slide with the outlined the costs for both the 29 North and the Pantops service areas. He said they both were broken down by the operation cost of operating those vehicles and the software fee for each area. He said a lot of those numbers were estimates and were rounded up, but he said to keep in mind that the initiation fee, for example, could vary based on what provider or what software CAT chose. He said \$50,000 was a good average for those, so that number was used as the middle- to high-range of starting up a new service that would include both of these zones, so there was not a separate cost for both, but one single cost for the service. He said as they could see and as the Board had mentioned, the estimated cost of operating Pantops in total would be \$432,500, and the cost for 29 North would be approximately \$1.3 million per year. He said in discussions with CAT, and based on the estimates advertised, as well as the need to educate the public on this brand-new service for the County, there was a good amount of advertising built into the first year to get the word out to the public. He said it was assumed in later years that the advertising would be rolled into CAT's standard advertising budget. He said the primary difference in the cost between the full operation of year one and anything beyond year one was the advertising and education fee. He said there were chances that there were

some cost escalations if operating fees increased, but at this time they were using the data available to them today. He said those were the two estimates they had.

Mr. Britton said the recommended method for funding the first year was a transit demonstration project grant through the Department of Rail and Public Transportation, which was a pretty common type of state grant that was available to transit agencies throughout the state. He said it basically covered some type of new technology or service in a new area, and in this case the recommended services were for both, so it qualified for both elements of the demonstration project grant. He said what typically happened was that there was assumed to be some kind of ramp-up for it to get started, so they were recommending it be an 18-month grant. He said that would cover six months of advertising, vehicle acquisition, training, and other things, followed by 12 months of service. He said the outline was that the grant would be applied for on February 1<sup>st</sup> (which is the deadline for DRPT), and if CAT were successful in this grant request, the money would be awarded July 1st and would be available to spend for the next 18 months.

Mr. Britton said what they had determined with that timeline was that the first six months would be advertising, CAT was scheduled to get the vehicles in the last quarter of 2022, which would prepare them for a start of January 2023. He said that would be the first year of service. He said they would determine metrics; CAT would have their own metrics for ridership and efficiency to determine what constituted a successful service. She said in doing that, a lot would hinge on continuation of this program into the next year. He said if there were to be a second year of service or any years beyond that, the cost would decrease from that pilot program's grant request and was estimated to be \$1,750,000 annually.

Mr. Britton said for the grant, it was a 20% match required from the locality, so if the estimated grant for that first year of service was \$1.9 million, the 20% from Albemarle County would be approximately \$381,000, which again depended entirely on what the actual final value was, which depended on the software service, contract, and other things. He said the maximum amount that the County would support would be the value of approximately \$1,750,000, however there were opportunities for sources to offset some of that, such as advertising, fairbox revenue from the service, and things like that. He said without a solid plan for continuation of the service, they wanted to make sure they were giving them the maximum amount that would be likely for continuing operation of the service.

Ms. Hersh-Ballering said that the current slide showed suggested motions for this agenda item. She said they would now end the presentation to take questions, but that slide would be brought back before the Board if needed.

Ms. McKeel said those large numbers could be intimidating, but there was no place in the United States where transit paid for itself, and they all knew that and should recognize that. She said they had been talking about micro-transit in this community for a good while, and to simplify in her mind, this was a demonstration grant from DRPT, that for \$380,000, they could try a pilot for on-demand service to see how it worked. She said that in her mind, they were not committed beyond that \$380,000 with the resolution that they got to see how it worked, and then they came back to them at a later date for more support. She said obviously, they did not want to waste that money if they did not think they would want future micro-transit, but they could see in Albemarle County how this on-demand service could work and have the opportunity after this demonstration and pilot to come back to the table and see how exactly they would like to structure it if they needed some changes. She asked if she was correct on that.

Mr. Britton said that effectively was the idea. He said the idea was that the service would continue, so DRPT was really looking at a service that would not only last one year. He said their biggest fear was a service that was introduced to the public but then was discontinued just a short while after.

Ms. McKeel said she understood that.

Mr. Britton said they were looking at what opportunities there were for continuing the service, but in general, yes, that first year was a pilot program that Albemarle County was responsible for a local match of 20% of the estimated cost.

Ms. McKeel said their community was very eager for an on-demand model. She said they had talked about it for a long time, so this got them started and see how to structure it. She said they had just discussed the Transit Vision Plan for the region, and she thought it was important for people to think about how it played out with what they were talking about right now, which was Albemarle County in the short-term plan going forward. She said it was important to see how these two working processes married together.

Ms. Hersh-Ballering said that the Albemarle County transit expansion was really focused on what they could do right now with the information they had about what people needed in the next year, whereas the Regional Transit Vision Plan, which was also using a different consulting team, was a plan that was looking at the long-term future and setting them up for success and meeting needs as they came up over the next decade or so.

Ms. Mallek said it was an intriguing thing, and she knew people in the Whitehall district who were able to live close enough and benefited from their autonomous vehicle pilot in Crozet loved it and gave them generous data. She said this project was of enormous size compared to that, but still wonderful. She asked the size of the vehicles being used, and if there was a territory issue about why CAT would be running the program. She asked if it were something they had particular skills for, or if it were outside of their normal operation, in which case, she would like to know how that decision made to have them run

the program.

Mr. Palchik said typically, micro-transit used smaller vehicles and did not usually use 40-foot buses, which were typical of CAT and other urban services. He said it used vehicles that were either minivans or larger vans or even cutaway buses (which were typically used for paratransit). He said Mr. Williams could give more details on the vehicles he was in the process of procuring. He said on the question of why CAT was responsible, he mentioned in the presentation that all three of these zones were within the urbanized area of the region, so it seemed most appropriate for CAT to be the operator and the grant applicant.

Mr. Williams said the buses they were in the process of purchasing body-on-chassis vehicles, which were similar to the JAUNT style vehicle. He said they would be purchased within a few weeks and get them in the door by December.

Ms. Price asked him to repeat the type of vehicle again.

Mr. Williams said they were called "body-on-chassis."

Ms. Mallek asked if this service was within their normal operations or if this was a service they were taking on as a contract with Albemarle County.

Mr. Williams said this was something they were taking on as a contract from Albemarle County, but it was also consistent to CAT changing its model and expanding its portfolio and being able to provide more mobility options for the region.

Ms. LaPisto-Kirtley said she was excited for this. She said they had been wanting this for a while, and had residents, especially in the Pantops area, ask for smaller buses in a loop system where they could get from the side of Pantops north of 250 to the southside with the shopping centers and businesses. She said they currently could not get across 250, so this provided that opportunity. She said her understanding was that CAT did not go into the Pantops area, so it was not like they were taking over an area that had service, because they had not had service up there.

Mr. Williams said CAT did operate to Pantops with their Route 10, with the major hub being Martha Jefferson Hospital. He said they were expanding that model by putting the micro-transit on top of it.

Ms. LaPisto-Kirtley asked what went to Martha Jefferson Hospital.

Mr. Williams said Route 10 went there.

Ms. LaPisto-Kirtley said they had one route for people going to the hospital. She said the JAUNT service had beneficial, especially for the older adults and for the disabled population. She said this was something that would enhance that and was a service that would provide a lot of opportunity for everybody. She said from what she understood, it could take someone from their home in Pantops to a location where there was a CAT route that went to UVA. She asked if that was correct.

Mr. Palchik said that was the plan. He said the micro-transit service had two functions. He said one was local circulation, which was getting people from residential areas in the north to the retail areas in the south, but number two was to serve as a feeder service. He said that meant that where there was an existing service, like Route 10, they could make a connection at the Pantops Shopping Center using micro-transit to get to Route 10, which could get someone to other CAT connections.

Ms. LaPisto-Kirtley asked that would hold true for 29 North as well.

Mr. Palchik said that was correct, and connection opportunities existed to both JAUNT and CAT services.

Ms. LaPisto-Kirtley said she believed this would be their future. She said the light rail that Supervisor Mallek mentioned from 18 years ago would be nice to have. She said she was not sure it would happen in their lifetime. She said to her, that was something that would provide service to so many of their residents in a populated, urban area and close that gap. She said she was completely supportive of this proposal.

Mr. Gallaway said his remarks about transit not working in his district was not a reflection on CAT but was that fixed routes were not the answer for the urban ring in his area, so the local circulation just discussed would allow people to get from Woodbrook to Kroger and Northside Library. He said he was theorizing that micro-transit could eliminate some current fixed routes, so may allow them to redirect money to help offset the cost of the micro-transit. He said he would also expect, from the reasons they talked about, that either new fixed routes or current fixed routes would increase in ridership or effectiveness because the local circulation was getting people there.

Mr. Williams said he applauded the idea of getting micro-transit in, because the circulation would increase in their designated areas. He said their micro-transit had a one-two combination that complemented and enhanced the fixed route system. He said if they had a fixed route system that was working adequately, it would encourage more people to use both products for the whole of their transportation needs. He said he would not imagine it as a way of scaling back the fixed route system but



would ensure that the micro-transit system would be more productive, because there would potentially be more riders connecting from both ends.

Mr. Gallaway said that was fair. He said he thought of people who went to the center to get on the micro-transit to move around the area, and they were not trying to catch the fixed route that went along Rio Road. He said the ridership might be nonexistent at that point if people were using the micro-transit to catch another more substantial fixed route to another location. He said it could be down the road that it could help with some cost-offsetting.

Mr. Gallaway said he was directing his next comments to the consultants and said when he thought of the Rio 29 Small Area Plan and local circulation, he did not mean to jump on the problems that Fashion Square Mall was having, but they should stop thinking of Fashion Square Mall as a vibrant center. He said the other three corners of the Small Area Plan were certainly more of destination points than the Fashion Square was at this point. He pointed to the Northside Library, Lowes, Rio Hill Shopping Center, and the two grocery stores at 29<sup>th</sup> Street Place and Albemarle Square. He said he wanted to make sure when they were thinking of landmarks, that Fashion Square Mall was a landmark, but to question if it was a destination in that particular area. He said he hoped it would become so around the road and that increasing local circulation may lead to that.

Mr. Gallaway said the Rio Small Area Plan theorized its own transit loop throughout the location in that plan, so the micro-transit idea was a way to get that loop happening before the development happened. He said if the service were put in first, as they talked about during the development of the Small Area Plan, that could help get the rest of the activity happening. He asked if the area of Monticello that had 5th Street Station and Wegman's was included, because that was one of the more successful fixed routes. He said using micro-transit to increase circulation to get people over there, and they could then get into the City on a fixed route may help that program as well. He said he hoped that would be food for thought. He said he liked the idea of the shared vehicle from Rio north going to Pantops as needed, because it had certainly worked for their fire department over the years as they shared services so it should, in theory, work for transit as well.

Mr. Gallaway said he was excited to see this happen and thought it would be beneficial to their residents and agreed that while there were some large numbers involved, they must remember that it was a service many people could benefit from and touched a lot of areas of the Strategic Plan, including economic development, affordable housing, and people having access to move around the area. He said it hit their Climate Action Plan because it could prevent people from having to get into a car to get across Route 29 for groceries. He said he was hopeful that this pilot study proved to be effective and they could see it continue into a new service to provide to their citizens.

Mr. Andrews said there were 75 trips a day for Route 29 North and 25 trips a day for Pantops, for a total of 100 trips a day. He asked if the figure was for all four vehicles combined.

Mr. Palchik said the figures were a conservative initial estimate which would likely grow over time. He said it included all four vehicles. He explained that if there was a corridor with a high density of development and residential activity, the most efficient and effective way to serve that corridor was with fixed-route service. He said fixed-route service could serve many passengers per hour and per day. He said that once the areas became less dense and the ridership base more diffuse, it was difficult to pick up riders using fixed-route service, so a micro-transit system can come into play. He said that micro transit had inherently lower carrying capacity per day than fixed route service.

Mr. Andrews asked if the 100 trips per day represented the carrying capacity or the estimate for the initial ridership population. He said 100 trips per day was over 2,500 trips per year. He continued that \$1.55 million divided by 2,500 trips was about \$60 per trip. He wanted to understand if the route were at capacity or if this was a pilot and there would be more people in the cars doing more trips per day moving forward.

Mr. Palchik said there was room for additional vehicles. He said the vehicles on order by CAT had a carrying capacity of 15 passengers.

Mr. Williams clarified that the CAT vehicles held 30 passengers; 25 passengers seated and the rest standing.

Mr. Palchik said the carrying capacity was far larger than the initial estimates and there was room for growth. He said the figures did not reflect the carrying capacity but rather the initial estimated ridership.

Mr. Andrews said Uber or Lyft seemed a viable alternative if the County could subsidize the service instead of proceeding with the micro-transit proposal. He said if the ridership were increased, then micro-transit would be sensible. He said he was not against the proposal, but he was concerned about the future costs. He said he knew DRPT would not want to do the proposal if it was not going to last, but at the same time the County had to know what they are getting into and when to say "this isn't getting utilized enough."

Ms. Mallek asked if Rivanna Station was included in the possible stops.

Ms. Hersh-Ballering said Rivanna Station was included as a stakeholder in the stakeholder committee for the study so the community had been part of the process.



Ms. McKeel said Rivanna Station had been mentioned and discussed a lot during the committee.

Ms. Price said she supported the proposal. She said that transit was infrastructure, and it should not be expected to pay for itself, but it should take into account the Board's climate action plan as well as support of the population. She said she concurred with the assessments from the presenters as to where and under what circumstances micro-transit was preferable to fixed-route transit. She noted Monticello was the crown jewel of attractions in the County. She said she wanted to see the expansion of the micro-transit system into the Monticello area as soon as possible. She said the County was developing a multi-use path along Route 20 to connect places north of Interstate 64 with Monticello and the Saunders-Monticello Trail.

Ms. Price noted a legitimate question had been asked regarding commercial ride-sharing services. She said she supported public provided transit because ride-share services lacked the regulations, monitoring, and accountability of government provided services. She said there may be a place for ride-share services, but the government had a place to provide reasonable, affordable, reliable, and regular opportunity for public transit. She said she supported the pilot program and said that the more successful it is initially, the more it will grow.

Ms. McKeel said that Monticello was a stakeholder in the project and had been included in the process. She asked for someone to clarify the extent of Monticello's involvement as well as explain the proposed autonomous vehicle program for the site.

Mr. Palchik said that Monticello had an internal loop that was operated with vans to take passengers from the visitor center to Thomas Jefferson's house site. He said the vans operated every 5 to 10 minutes, but there was currently a driver staffing issue, so the shuttles were unable to operate at the desired frequency. He said an autonomous version of the shuttle had been tested, and a local company called Perrone Robotics that specialized in autonomous vehicles had visited Monticello and was in contact with the facility staff.

Mr. Palchik said the autonomous vehicle plan was a popular item and was included in the final recommendation in addition to the micro transit. He said the technology was in an infancy, and one of the models that Monticello was most interested in had been discontinued. He said the company that manufactured the vehicle was shutting down. He said the plan required further study and was appropriate for a longer-term project. He said Monticello would apply during a future grant cycle after some of the details had been revisited.

Ms. Price said she had read the item about the autonomous vehicles in the report. She recognized that Monticello had the lowest ridership of the three areas, but she did not want to see Monticello left out. She said that surveys consistently showed Monticello was the first or second reason tourists visited the County.

Ms. Mallek said that the Perrone Robotics software could be placed in any vehicle.

Ms. McKeel **moved** for the Board to endorse the micro-transit demonstration grant application by adopting the attached Albemarle County Micro Transit Demonstration Grant Resolution (Attachment B).

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

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

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**RESOLUTION OF SUPPORT  
FOR THE ALBEMARLE COUNTY MICROTRANSIT DEMONSTRATION GRANT APPLICATION**

**WHEREAS**, the Albemarle County Board of Supervisors has routinely provided funding to the City of Charlottesville's Charlottesville Area Transit and to JAUNT for both fixed route and on-demand public transportation services for areas within the County of Albemarle; and

**WHEREAS**, Virginia Code §15.2-947 enables local governing bodies to contract with any authority providing public transportation in contiguous localities for transportation services or the interchange of passengers for the purpose of providing continuous service between localities; and

**WHEREAS**, Albemarle County Comprehensive Plan Transportation Objective 3 states, "multi-modal transportation has been a hallmark of the Charlottesville Albemarle long-range transportation plan, including traffic demand management techniques. It is also a key principle in the Neighborhood Model, as discussed in the Land Use for Development Areas Chapter. Providing regional multimodal transportation options featured prominently in the joint City-County policy recommendations in the Livable Communities Planning Project. Albemarle County strives to promote transit-friendly, walkable, mixed-use communities that are served by multiple transportation modes. A connected, mixed-used community can reduce the number of vehicle miles traveled (VMT) and, thereby, improve citizens' health by reducing vehicle emissions;" and

**WHEREAS**, the Thomas Jefferson Planning District Commission developed an Albemarle County

Transit Expansion Study that identifies opportunities for immediate expansion and improvement to transit service in three key study areas: Pantops, Monticello, and along Route 29 from the Albemarle County/City of Charlottesville line to UVA's North Fork Discovery Park; and

**WHEREAS**, the Study recommended microtransit services within all three study areas, with the study team suggesting the Route 29 North-area and Pantops-area microtransit services would be competitive for Department of Rail and Public Transit demonstration grant funding; and

**WHEREAS**, the Study's recommended microtransit services would remove an estimated 75 single-occupancy vehicle trips per day from the Route 29 North service area and 25 single-occupancy vehicle trips from the Pantops service area; and

**WHEREAS**, the transit provider would run this service for 12 months beginning in Fiscal Year 2023 – a duration which is expected to demonstrate the long-term success of the transit service; and

**WHEREAS**, the cost to run this service for 12 months beginning in Fiscal Year 2023 is estimated not to exceed \$2,250,000, which includes a required local match of approximately \$450,000 for this period; and

**WHEREAS**, the Albemarle County Board of Supervisors recognizes the need to reduce single-occupant vehicles within Albemarle County, reducing carbon emissions, reducing traffic congestion and destination parking, improving travel times, and improving traffic safety.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, and general welfare, the Albemarle County Board of Supervisors hereby supports the recommended microtransit service in the Route 29 North and Pantops service areas; and

**BE IT FURTHER RESOLVED THAT** the Albemarle County Board of Supervisors supports a contribution not to exceed \$450,000 toward the local match to provide microtransit services in the Route 29 North and Pantops service areas for 12 months beginning in Fiscal Year 2023.

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Agenda Item No. 13. **Presentation:** Rivanna Water and Sewer Authority (RWSA) Quarterly Report.

Mr. Bill Mawyer, Executive Director of the Rivanna Water and Sewer Authority (RWSA), explained that the RWSA was established in 1972 by the Board of Supervisors and City Council. He said the mission was to manage the major water treatment and wastewater treatment infrastructure that served the County utility customers and the City.

Mr. Mawyer said the authority was managed by a 7-member Board of Directors, which included the County Executive, Ms. Mallek as a member of the Board of Supervisors, Gary O'Connell as the Executive Director of the Albemarle County Service Authority (ACSA), the City Manager, a City Councilor, the Charlottesville Director of Utilities, and Mr. Mike Gaffney as a jointly appointed resident Chair. He said Mike Gaffney had served 10 terms and was entering his twentieth year as Chairman of the RWSA and the Rivanna Solid Waste Authority (RSWA). He said there were 96 full-time employees of the authority. He continued that the RWSA had an operating budget of \$39 million and a capital improvement budget over five years of \$174 million. He explained that his position, Executive Director, was appointed by both boards to manage the two authorities.

Mr. Mawyer said the authority was a wholesale drinking water provider for two customers—the County, via the Albemarle County Service Authority, and to the Department of Utilities for the City. He said that the service providers took the costs from the RWSA and added their own expenses and revenues and came up with the retail rates charged to customers. He said the authority's prices did not reflect the retail rates that customers were charged.

Mr. Mawyer explained that five water supply reservoirs were managed by the RWSA. He said the largest reservoirs were the South Fork Rivanna reservoir, the Sugar Hollow reservoir, and the Ragged Mountain reservoir. He explained that the City owned the land of those three reservoirs, but RWSA owned and managed the water and water facilities. He said Beaver Creek reservoir served Crozet and was owned by the Board of Supervisors, and Totier Creek reservoir served Scottsville, and the land surrounding the reservoir was owned by the Board of Supervisors. He said there was 3.3 billion gallons of water stored when all the reservoirs were full. He said the reservoirs were currently full.

Mr. Mawyer said there were six water treatment plants (WTP). He said the South Rivanna WTP was the largest, located at Hilton Heights. He continued that Observatory WTP was on Observatory Mountain, and the facility was under a ground lease with UVA—the school owned the property but RWSA owned the facilities. He mentioned that the North Rivanna WTP was on Route 29 North towards the Camelot subdivision. He said the Crozet WTP, Red Hill WTP, and Scottsville WTP were known as the County plants. He explained that the Crozet WTP was recently renovated and upgraded. He continued that the Red Hill WTP was the only groundwater source and serviced 15 connections and the Red Hill elementary school. He said the Scottsville WTP served the Scottsville community.

Mr. Mawyer said there were four wastewater treatment plants (WWTP), and the largest was the Moores Creek WWTP, located between Woolen Mills and Interstate 64. He said 10 to 15 million gallons of wastewater were treated per day at the Moores Creek plant. He said the RWSA managed and owned the

Glenmore WWTP serving the Glenmore subdivision. He continued that the Scottsville WWTP served the Scottsville community, and there was a very small plant at the Stone Robinson Elementary School that just serves the school.

Mr. Mawyer said the Community Water Supply Projects were a significant priority of the RWSA. He said there were six projects on the list. He said the first two, renovations to the South Rivanna WTP and the Observatory WTP, were underway. He said the third project was a pipeline replacement between the Ragged Mountain WTP and the Observatory WTP so that the Observatory WTP could treat the water. He explained that the fourth project was the Central Water Line—a large pipe through the center of the City (along Jefferson Park Avenue extended, Cleveland Avenue, Cherry Avenue, and then on it's way to Free Bridge). He said the fifth project, the largest, was the pipeline from Rivanna Reservoir to Ragged Mountain Reservoir that would allow the RWSA to keep the Ragged Mountain Reservoir full once it was disconnected from the Sugar Hollow Reservoir.

Mr. Mawyer said the sixth project was to raise the water level in the Ragged Mountain Reservoir by 12 vertical feet, which would add 700 million gallons of water storage to the reservoir. He explained that the dam, finished in 2014, was built tall enough that the 12 vertical feet could be added. He said the interconnected series of projects had a total cost of \$185 million that would be completed over the next 10 to 11 years. He said the projects were funded by rate payers of the Albemarle County Service Authority and the City of Charlottesville, though not necessarily equally as a number of agreements specified the allocation of costs to the two parties.

Mr. Mawyer said there were two major renovations of WTPs underway, and the total cost would be \$43 million, and the projects would be completed in the next calendar year. He said there was a wastewater storage tank under construction and nearly complete in the Crozet area. He explained the wastewater from Crozet was pumped to the Moores Creek WWTP, and when precipitation infiltrated the sewer line, it caused overflows from the sewer manholes. He said the wastewater storage tank would store wastewater when the flow in the pipes was high in order to limit sewer overflows.

Mr. Mawyer said they are getting started on a major treated water pump station on Airport Road north of the Hollymead Town Center which was under construction, and the cost was around \$10 million. He said there was a section of the South Fork Rivanna Reservoir to the Ragged Mountain Reservoir pipeline that would start construction in the summer. He said the section would connect to the north end of the pipe installed adjacent to the Birdwood golf course and extend to the north of Garth Road to the Westover Farm that was owned by the UVA Foundation. He said this is a project they were trying to get underway and completed before future development made it more complicated.

Mr. Mawyer mentioned that the RWSA received emails over December about the lights from the Moore's Creek WWTP. He said there was a project to replace all the lights and improve their efficiency and bring them in compliance with the Albemarle County lighting ordinance. He said that the RWSA had ordered the wrong light fixture specification, and the lights were too bright, so the new fixtures would be replaced over the next three to six months with dimmer lights. He apologized to the neighbors for the mix up and the brightness.

Ms. Mallek expressed her appreciation for all of the good work they do each day because, without good water, they would be in an entirely different place.

Ms. Price said that all the projects of the RWSA were important, but the community should appreciate projects 5 and 6. She said those projects would provide long-term stability of fresh water for the community. She said that those who had lived in other locations were aware of drought situations, and the ability to interconnect the reservoirs to ensure adequate flow and supply of water was critical. She said that the community recently suffered loss of electrical power, long term internet service connectivity issues, but the water and sewage system had not failed.

Mr. Mawyer said that the inter-reservoir pipeline was essential to the community as climate change became more prevalent since the next drought could potentially be worse than the one that happened in the early 2000's. He said the resources at the Ragged Mountain Reservoir had to be maximized to make sure there was as much water stored as possible.

Mr. Mawyer reminded the Board that the RSWA was created in 1990 by the Board and City Council, and it was governed by a 7-member board. He said the RSWA managed the Ivy Material Utilization Center (MUC), the McIntire Recycling Center, and the paper sort facility where recycled products were baled.

Mr. Mawyer said in FY 21, 83 million pounds of refuse were transferred out of Albemarle County, and no products were landfilled at Ivy MUC or in the County, instead they were sent to the landfill in Amelia County. He said the County was able to recycle 14 million pounds of product. He said there were 21 employees and a budget of \$5.4 million supported jointly by the County and the City. He said all the programs operated at a deficit. He said that the RSWA provided refuse and waste disposal, managed the old landfill, collected old paint, and managed the fall and spring household hazardous waste and bulky waste programs. He presented a list of dates for household hazardous waste and bulky waste collection. He said that there was an active program at the landfill to collect vegetative debris from the recent snow, and the County had over 900 residents visit the landfill bringing trees and other vegetative debris.

Report.

Mr. Gary O'Connell, Executive Director of the ACSA, said the ACSA was the retail water provider. He said the ACSA sold safe, clean, and reliable water to 68,000 residents. He said that the ACSA would continue to be able to provide safe tap water, and the water had been safe throughout the COVID-19 pandemic. He said that the water met all regulations for water quality. He noted the advanced GAC filtration system provided additional protection. He said the County's water sources were some of the best in the country, and over 400,000 water tests were conducted annually to ensure water quality. He said a detailed annual water quality report was published in print and digitally, and the report included the results of the water quality tests.

Mr. O'Connell said there were new federal regulations being released. He explained that the County did not have lead pipes or issues with lead like other areas. He said tests had been conducted, including at the tap, and there was more testing to come. He said there were no PFAS (per- and polyfluoroalkyl substances) in the water. He explained that PFAS were used to make clothing, carpets, and couches water resistant, and they had become a major issue for other water systems. He said the County was fortunate to not have PFAS in the water nor the water supply. He said several rounds of testing had occurred to ensure the PFAS level.

Mr. O'Connell said the water system was reliable and continued to provide water to the tap during power outages. He said there were backup generators at each pump station and each treatment plant. He said the water supply was reliable due to ongoing maintenance and regular line replacement programs. He said the ACSA spent over \$11 million a year on improvements and capital projects in the system to ensure the reliability of the water supply and service. He said there were updates for some of the major projects in the written report. He said the ACSA worked on system redundancy to ensure backup capabilities in emergencies, and the emergency plans had been updated the previous year.

Ms. LaPisto-Kirtley clarified that the County did not have lead pipes.

Mr. O'Connell said that was correct.

Ms. LaPisto-Kirtley said the lack of lead pipes was something to celebrate.

Mr. Gallaway said he appreciated the art included in the ACSA report that was part of an art contest. He asked if the art would be displayed in public.

Mr. O'Connell said the art had not yet been displayed since many places were still closed due to the pandemic. He said that the art pieces were planned to be displayed. He said there was a video on YouTube that highlighted the artwork.

Ms. Price said the ACSA worked hand-in-hand with the RWSA to ensure safe, reliable water. She said it was helpful for the community to know that the water was safe and did not have the same dangers as other communities.

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Agenda Item No. 15. Closed Meeting.

At 4:40 p.m., Mr. Andrews **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss an appointment to the Jefferson Area Board for Aging (JABA).

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

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

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Agenda Item No. 16. Certify Closed Meeting.

At 6:00 p.m., Mr. Andrews **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. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Mr. Andrews, and Ms. Price.  
NAYS: None.

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Non-Agenda Item. Board Member Committee Appointments.

Ms. LaPisto-Kirtley **moved** that the Board make the following appointment:

- **Appoint** Supervisor Diantha McKeel to the Jefferson Area Board for Aging (JABA) to fill an unexpired term ending March 30, 2023

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

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

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Agenda Item No. 17. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson said the County hosted the Community Read project from the Office of Equity and Inclusion (OEI), along with a panel discussion on racial covenants and the continuing legacy of exclusionary housing practices. He thanked the panelists who had participated and said the panel discussion could be reviewed on the County's YouTube channel.

Mr. Richardson said Project Gadget was Rivanna Medical, and the County was fortunate that former Secretary Brian Ball was able to visit the community and join Rivanna Medical for an economic development announcement. He explained that Rivanna Medical was a company spun off from UVA's biomedical engineering department 11 years ago. He said the company developed and commercialized imaging based medical technologies.

Mr. Richardson said Rivanna had built a successful company, and through state and local support, was able to find new office space in the County that allowed it to expand. He said the company announced it would invest \$260,000 to expand and renovate the facility in Albemarle County, and he noted the investment included the creation of 18 new jobs. He said that the Economic Development Authority voted to match the Virginia Jobs Investment program grant that Rivanna Medical received from the Commonwealth. He said the grant provided \$900 for every new full-time job located in Albemarle County.

Mr. Richardson said that in December, Albemarle County Public Schools and the Albemarle County Police Department collaborated on a virtual community forum about social media and online safety following several threats made on social media that impacted local schools. He said the purpose of the forum was to educate parents and students on the real consequences of making online threats, what to do when threats were made online, how to be safe on the web. He mentioned that Officer Kate Kane received her sixth M.A.D.D. (Mothers Against Drunk Driving) award—Officer Kane made 17 DUI arrests in 2021 in Albemarle County.

Mr. Richardson said it was the crossover day for payroll conversion, the County's efforts to outsource payroll to ADP. He said the staff in the Finance Department, Human Resources, Information Technologies, and other supporting departments had worked to position the organization to be able to move to a technology-rich system that would support the payroll function. He said the new system took 15 seconds to run payroll compared to hours on the older systems. He said staff would continue to correct mistakes and ensure payroll was accurate. He said the new system would allow the County to be more efficient on the aggregate level, to run more financial reports, and to access more data for analysis.

Mr. Richardson said the picture displayed was the entranceway to the County's Local Government Human Resources Department offices at the 5th Street County Office Building location. He said the official opening date for the office was February 14, and staff would begin to move in on February 1. He said the Board would be invited to view the space.

Mr. Richardson said that the Board had discussed the January 3 and January 16 winter storms that impacted the community. He said the slide listed the names of the County staff who went above and beyond during the first three weeks in January. He said, behind the scenes, Facilities and Parks staff kept the buildings open, which required full access for fuel, and the fueling station was located at the County office building. He said the Department of Social Services workers provided coverage for warming shelters, Fire Rescue provided logistic support for water needs, police provided on the ground support with chainsaws to clear blocked roadways, and staff provided other staff members with rides and warming shelters and answered calls on the community hotline. He said there was good support from the Emergency Communications Center staff and the colleagues in the City. He said there would be a complete formal after-action to understand how the County government could better prepare for future storms.

Mr. Richardson said the pictures on the slide displayed work with the County office building and some of the technology and equipment that was purchased to allow staff to move more efficiently clearing the sidewalks. He said members of the police department were pictured. He noted that there was a significant amount of tree damage cause by the January 3 winter storm.

Mr. Richardson said information was disseminated to the community through a program called Code Red, which sent texts, phone messages, or emails with emergency information. He encouraged everyone in the community to consider signing up for Code Red at [communityemergency.org](https://communityemergency.org). He said the

County would continue to focus on implementing Code Red to the fullest extent to communicate vital information during emergencies. He said a non-emergency, but important, information item to communicate would be the debris services at Ivy MUC to dispose of debris caused by the winter storms.

Mr. Richardson displayed a picture showing debris from the January 3 winter storm being collected with no fees at the Ivy MUC. He said there would be no fees for debris collection through January 24. He said the program had served 911 county residents who disposed of 330 tons of material, and the total cost of the program to-date was \$25,000 provided by the County. He said the average cost was \$27.44 per person.

Mr. Richardson said the real-estate reassessments were mailed on January 14. He said the updated assessment information could be viewed on the GIS website. He said the County's total tax base increased by 8.4% over the 2021 year-end tax base due to the reassessment. He said that the 2022 reassessment changes were the result of rapid appreciation in the housing market. He said that the 2022 Commercial Assessment changes continued to reflect economic impacts caused by the changes in consumer habits resulting from the pandemic. He said the slide displayed data breakdowns by property types and magisterial district.

Mr. Richardson said Climate Action Together was a round-table discussion about local implications of climate change on the community's health, safety, and ecology at 5 p.m. on January 20. He said the discussion was a joint effort from the County, the City, and the university, and it would be held virtually. He continued attendees would learn about specific challenges associated with extreme rainfall, heat waves, and seasonal changes from the perspective of several public servants, and about opportunities to participate in preparation for change. He said there was also a virtual information session about the redistricting process that started at 6 p.m. on January 24.

Mr. Richardson said that on January 3, Albemarle County Fire and Rescue (ACFR) began its twentieth recruit school with 14 new recruits. He explained that ACFR management would train the recruits to become the next members of the ACFR career crews over the next six months. He said there would be a graduation at the appropriate time. He said that most of the recruits had no prior experience in public service, so they would be trained on the Albemarle County government culture, the customer service covenant of the ACFR, and the ACFR way, which was a living document.

Mr. Richardson explained that Mr. Doug Walker, the Deputy County Executive, taught a class on the "Heart and Soul of Public Service" at the Senior Executive Institute through UVA. He noted the class had participants from across the United States and from all levels of government. He explained Mr. Walker gave the presentation to the County Finance Department and the 27 managers and supervisors within the department at the request of Chief Financial Officer Nelsie Birch. He said there were nine managers and supervisors in the department who had been with the County for less than two years, and there were 10 people in the department who had taken a new position within the department in the last two years. He said Mr. Walker would give the presentation to the senior leadership team within the next 60 days as part of the continuing education for department heads and upper-level management.

Mr. Richardson said the picture on the slide was of Mr. Wayne Roberts' retirement celebration at Darden Towe Park in December, which was hosted with collaboration from the City of Charlottesville. He said Mr. Roberts worked in Facilities and Environmental Services for the County for 36 years. He said the City was included in the celebration because Mr. Roberts' had worked 44 years for the City as well. He said for more than 30 years, Mr. Wayne worked two full-time jobs, first shift with the County and second shift with the City. He congratulated Mr. Wayne on a well-deserved retirement.

Mr. Richardson said that concluded his report but that he also had a quick update on the ACE program. He said a key staff member from Community Development who worked with the ACE program had retired on January 7 after serving on the program for 20 years. He said it was recommended that the ACE program be paused to give staff an opportunity to evaluate, in depth, short-term and long-term recommendations for the Board to consider. He asked for the Board's support in pausing the program.

Ms. McKeel said she supported pausing the ACE program. She also commented on Mr. Wayne's dedication for working 2 jobs for so long. She said his retirement was also a good example for the City and County working together.

Ms. Mallek said she supported pausing the ACE program. She said she wanted to know the timetable of the evaluation of the program and if it would be a priority or if it would fall to the bottom of the list.

Ms. LaPisto-Kirtley said she supported pausing the ACE program. She said she would also like to know the timeline of the evaluation of the ACE program.

Mr. Gallaway said the Rivanna Medical project was the target example of what Project Enable could accomplish. He said he supported pausing the ACE program.

Mr. Andrews supported pausing the ACE program, not indefinitely but for now.

Ms. Price supported pausing the ACE program. She said questions had been raised that needed to be answered and the County needed to evaluate how the ACE program fit within their long-term goals. She highlighted the Community Read program; she said the Community Read explained the legacy of racially discriminatory housing laws, policies, and covenants against Black people. She said it was

important for the community to learn these topics because the issues related to generational wealth and opportunities could not be fixed if they were not known and understood.

Mr. Richardson said he would soon follow up with the Board regarding Ms. Mallek's question about a timetable for pausing the ACE program.

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Agenda Item No. 18. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

There were none.

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Agenda Item No. 19. **Public Hearing: SP201900009 S.L. Williamson Replacement Asphalt Plant.**

PROJECT: SP201900009 S.L. Williamson Replacement Asphalt Plant  
MAGISTERIAL DISTRICT: Samuel Miller  
TAX MAP/PARCEL: 08800-00-00-01800  
LOCATION: 2625 Red Hill Road  
PROPOSAL: Request for approval of a Special Use Permit to replace aging facilities of an existing asphalt mixing plant with modern equipment.  
PETITION: Asphalt mixing plants within the Natural Resource Overlay District under Section 30.4.02.2 (2). No dwelling units proposed. Application includes special exceptions to disturb critical slopes, and waive building site requirements.  
ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).  
OVERLAY DISTRICT: FH – Flood Hazard Overlay; NR Natural Resource Extraction Overlay – overlay to allow natural resource extraction.  
COMPREHENSIVE PLAN: Rural Area 4 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

The Executive Summary forwarded to the Board states that at its meeting on December 7, 2021, the Planning Commission (PC) voted 6:0 to recommend approval of SP201900009 with conditions 1, 3, 4, and 5 as stated in the staff report and a recommendation to remove condition 2.

The PC recommended approval of the two special exception applications, SE202100036 and SE202100037, associated with the Special Use Permit by a vote of 6:0.

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

The PC raised no objections to the S.L. Williamson Replacement Asphalt Plant Special Use Permit request. However, the PC raised concerns with condition #2 recommended by staff which states, "Use of the asphalt plant authorized by this Special Use Permit will expire when the adjacent quarry is no longer in operation." The PC discussed several scenarios that could be problematic if condition #2 were imposed on the asphalt plant use. For example, the condition would result in expiration of approval for the asphalt plant use if the quarry were to cease operations for a short period of time due to a change in ownership. Therefore, the PC recommended that condition #2 be removed entirely.

No members of the public spoke at the public hearing for this proposal.

Staff has revised the proposed conditions for SP2019-09 to reflect the Commission's recommendation and these are reflected in Attachment D. The original condition #2 recommended by staff has been removed. The remaining conditions that were recommended for approval by the PC have been renumbered (1-4).

Staff recommends that the Board:

1. adopt the attached Resolution to approve the Special Use Permit request, subject to the conditions attached thereto (Attachment E);
  2. adopt the attached Resolution to approve the critical slopes special exception request (Attachment F); and
  3. adopt the attached Resolution to approve the special exception request to waive building site area and dimension requirements (Attachment G).
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Mr. Cameron Langille, Principal Planner with the Community Development Department (CDD), explained the property in the area of the special-use application, SP201900009 S.L. Williamson Replacement Asphalt Plant, was identified in the County's tax map records as Tax Map Parcel (TMP) 88-18, known as the Red Hill Quarry. He said it was located 0.8 miles east of the intersection of Red Hill Road and Route 29. He said the parcel was owned by Martin Marietta Materials, Incorporated, and measured 579 total acres.

Mr. Langille said the Special Use Permit did not involve the entirety of the parcel, only a 4.4-acre portion located in the southwest corner. He noted the area was highlighted in red on the image displayed on the screen. He said the property was in Rural Area (RA) 4 of the Comprehensive Plan, and there was a mix of uses surrounding the parcel, including RA single-family detached residences, agricultural land, and primarily wooded undeveloped parcels. He said the surrounding parcels were primarily zoned RA.

Mr. Langille said TMP 88-18 was located within the Natural Resource Extraction Overlay District, represented by diagonal black lines over the parcel outlined in yellow on the image displayed. He said portions of the property and adjacent parcels were located within the Flood Hazard Overlay District, represented by dashed blue lines. He said the Flood Hazard Overlay District coincided with the FEMA 100-year flood plain as it applied to different pieces of land within the County. He said the Special Use Permit applied to the area where the existing asphalt mixing plant was located, operated by S.L. Williamson, which leased 4.4 acres from Martin Marietta Materials, Inc.

Mr. Langille said the applicant requested to allow an asphalt mixing plant within the natural resource extraction overlay district. He said the existing plant was in operation before the adoption of the County Zoning Ordinance, so the plant had never obtained a Special Use Permit. He said the applicant wanted to replace the plant with more modernized technology, and the applicant required a Special Use Permit to remove the existing equipment and structures and install the new hardware. He said there were improvements to vehicular travel ways, storm water management, and other accessory structures associated with the project that would support the asphalt mixing operation.

Mr. Langille said there were two Special Exception requests to enable the Special Use Permit. He said the first was a critical slopes waiver request. He explained the applicant needed to install improvements overtop approximately 1,200 square feet of critical steep slopes. He said the second Special Exception was requesting relief from the building site area and dimensions requirements.

Mr. Langille said the images he would present next were clipped from the SUP Concept Plan (Item A4 in the Staff Report). He said the lease area was outlined in a red dashed line and the number labels correspond to the key at the bottom of the slide which identified the equipment and structures on the site. He said there was a red rectangle on the displayed image that represented the area where the critical slopes would need to be disturbed. He said there would be six coal feed bins and one recycling bin that would be installed over the slopes. He said the Zoning Ordinance stated no structures or improvements be installed over top of critical steep slopes unless a waiver was granted. He said the applicant demonstrated to staff that the critical slopes in question had been created over time through the placement of sand and dirt that had been removed as part of the Red Hill Quarry operations. He said the slopes were not natural slopes, and therefore staff recommended approval of the special exception request. He noted that the Planning Commission had recommended approval of the special exception request.

Mr. Langille explained that the building site area and dimensions regulation stated that any property in the rural area where a structure or building was proposed needed to have a building site rectangular in shape, 30,000 square feet or greater in area, and no dimension on the rectangle should exceed a 5:1 ratio. He said in the case of the Special Use Permit, the building site was much larger than the 30,000 square feet—about 50,000 square feet—and due to the irregular shape of the leased property, it did not meet the 5:1 ratio requirement. He said that the length of the overall site was 785 feet, and the average width was 35 feet.

Mr. Langille said staff, the County Engineer, and the Health Department found that approval of the Special Exception would not result in detriment to the public health, safety, or welfare. He explained building site dimension requirements were put in place typically for single-family residences in order to ensure septic draining fields could be installed in the area adjacent to the building. He said in the case of the asphalt replacement plant, there was no need for septic fields because there was no habitable structure proposed with the operation. He said staff recommended approval of the Special Exception, and he noted the Planning Commission recommended approval as well.

Mr. Langille said staff found four favorable factors and one unfavorable factor for approval of the proposal. He said the factors favorable for approval of the proposal included: it was consistent with the purpose and intent of the natural resource extraction overlay district; it would not create a substantial detriment to the adjacent properties; it was consistent with the character of the nearby area; and it was consistent with many of the recommendations and strategies contained in the natural resources and economic development chapters of the Comprehensive Plan.

Mr. Langille said one unfavorable factor was identified; the use was not entirely consistent with the land uses recommended in the rural area chapter of the Comprehensive Plan. He explained the land uses identified as appropriate or recommended by the Comprehensive Plan in the rural areas included low density single-family residences that did not exceed 0.5 dwelling units per acre and agricultural non-residential uses, such as farms and wineries. He said the applicant's proposed use was more intense than the recommended uses.

Mr. Langille said staff found the favorable factors outweighed the unfavorable factors and recommended approval of the Special Use Permit. He said that there were originally five conditions attached to the permit. He explained that the Planning Commission voted to recommend approval of the Special Use Permit request but revised the conditions to eliminate one of the conditions proposed by staff. He said the conditions displayed were recommended from the Planning Commission.

Ms. Price opened the hearing for public comment. She noted that there was no one signed up to speak. She closed the meeting to public comment.

Mr. Kamptner reminded the Chair that the applicant had a presentation.



Ms. Valerie Long said she was with Williams Mullen and represented the applicant, S.L. Williamson and Company. She said Ms. Blair Williamson, President of S.L. Williamson Co. was joining her. She said there were other members of the project team and executive team in the room as well to help with the presentations and any questions.

Ms. Williamson said she was the president of the S.L. Williamson Company, a local third-generation company in the area. She said they were a heavy high-way contractor, and the company was started in 1949 by her grandfather. She said there were about 125 employees, and they operated within a 40-mile radius of Charlottesville. She said the company had three asphalt plants in Charlottesville, and the Red Hill Plant was the most important plant because the quarry had the longest life ahead of it then the other quarries. She said the quarry was opened in 1939 by the Superior Stone Company to make railroad ballasts.

Ms. Williamson said the quarry produced an excellent non-polishing granite aggregate, unlike quarries over in the Shenandoah Valley that have limestone. She said VDOT required the use of non-polishing granite in construction. She said the current plant was installed in 1961, before there were zoning regulations. She said she had worked with the company for 30 years and had never had a negative interaction with the plant neighbors. She said the plant was old, and it would be lucky to last through the fall. She said it would take about 6 to 9 months following an approval by the Board for the plant to order, receive, and assemble the new equipment that they need to continue to operate. She said plant technology had changed and improved in the last year, and the company would be able to change its fuel source from recycled fuel oil to liquid natural gas and reduce the carbon footprint by half. She said the Ruckersville asphalt plant location would also switch to liquid natural gas, and the Shadwell plant already used natural gas.

Ms. Williamson said the new plant would be quieter than the existing plant. She said there were no proposed changes to the entrance of the plant, and all aggregates were brought to the plant offsite, so there would be no change to the traffic patterns. She said hauling trucks had to back up into the plant to load, triggering a backup alarm. She said the new plant would have a forward only motion for the trucks to reduce noise. She said that the County planners had asked the applicant to have a maximum of 90 days of working at night which was sufficient to accommodate the company. She said their preference is not to work at night anyway but a certain amount of nighttime work is required due to when VDOT crews are scheduled.

Ms. Long said she had a few slides to share with the Board. She noted that Mr. Langille's presentation was detailed so she did not have a lot of information to add. She said there were photographs of the critical slope areas, pictures of the existing plant, and pictures of the proposed replacement plant for context.

Ms. Long said that there is a stream close by, but the plant was constructed before there were any regulations regarding water protection or stream buffers. She showed a slide with some of the mitigation efforts they would be implementing, including staying out of the first 50 feet of the stream buffer entirely and then replanting the areas within the 100-foot stream buffer that had previously been disturbed.

Ms. Long said trucks would be able to circle through the plant and exit without reversing. She noted the areas in pink on the displayed image indicated the critical slope areas. She said those areas were created with the overburden placement and were not naturally occurring. She displayed an image of the critical slopes to be disturbed. She said the image displayed showed the existing plant at Red Hill. She noted the plant showed its age. She said the control booth and tower was old and outdated and the only building on the site. She displayed a picture of the Shadwell plant control booth in the Luckstone quarry, and she noted the replacement control booth for the Red Hill plant would look similar.

Ms. Long displayed an image of the interior of the Red Hill facilities, stating that it looked like something out of the 1960's. She said the facility was outdated and in need of repair. She contrasted the image with one from the Shadwell plant control booth. She said the new plant would far exceed all regulations in terms of air, noise, and dust. She explained the plant was in compliance with federal, state, and local regulations. She said the quality of the product would increase, the stream would be improved, and the noise and dust would be reduced.

Ms. Mallek asked if 90 nights was sufficient to get the construction projects done if there were weather or other delays for the projects they were involved with.

Ms. Williamson said the 90 days was proposed by the planners, and the company would appreciate flexibility on the item. She said the company could need to work 110 or 120 nights; they just could not predict that so far in advance. She said the company did not anticipate needing the total amount of time, but it could not predict the future and wanted to continue to be competitive.

Ms. Mallek asked what sort of extended process would be required if the company were to run up on the 90-day limit. She said there were not many paving contractors in the area. She said the 90-day limit should be considered carefully. She asked if condition 5 stipulated that the plant would be co-terminus with operations of the quarry. She said she assumed if the quarry stopped operating, then it would not be possible for the plant to continue operations without shipping in the aggregate from Ruckersville or somewhere else.

Ms. Williamson said the quarry was active and had a long-expected lifespan. She said the issue with making the use contingent on the quarry operation was no bank would approve a loan for a business that was contingent on the operations of another business. She said she had invested \$6 million into the plant. She said the quarry could be sold but have leftover crushed material, so the plant could continue to operate using that even though the quarry was closed. She noted it would be nearly impossible to relocate the plant within Albemarle County, so it was the best use for the site. She said the plant was a long and narrow site that was tiered, and it was about half the size of typical asphalt plants. She said most plants used 25 acres where their site was only about 2 acres. She said the plant operated under just-in-time delivery of aggregate.

Ms. Mallek said she was shocked to know that any future sale would not protect the lease.

Ms. Long clarified that the problem was not with the lease, but with the original condition 2 that was proposed. She said the condition provided that in the event the quarry went out of business, the Special Use Permit for the asphalt plant would be canceled. She said the ownership of the quarry was out of S.L. Williamson's control. She noted the lease may protect the company, but it did not help the company when it did not have a location that had an appropriate zoning permit. She said the company would have to find a new site within the Natural Resource Overlay District that was zoned for industrial use and apply for another Special Use Permit. She said it made sense to operate at the current location.

Ms. LaPisto-Kirtley asked Ms. Long to clarify whether the plant would be protected if the quarry went out of business.

Ms. Williamson said the plant would be protected under a useful lease. She said the plant would be able to continue to produce asphalt.

Ms. LaPisto-Kirtley asked if the applicant was against any of the other recommendations.

Ms. Long said the applicant was not against the current recommendations. She said staff originally proposed a condition, which was problematic, in the report to the Planning Commission. She continued that the Commission, when it recommended approval, struck the problematic condition. She said it was her understanding that the current memo from staff recommended the conditions as the Commission recommended.

Ms. LaPisto-Kirtley said she would like a tour of the facilities.

Ms. Williamson said she would take Ms. LaPisto-Kirtley on a tour of the facilities.

Mr. Andrews said he neighbored the plant. He asked what the current operating hour limitations were for the site.

Ms. Williamson said there were no operating hour limitations for the site.

Ms. Long explained because the plant operated before the zoning ordinance, there had never been a Special Use Permit, so there were no regulations. She continued that in order to replace the existing plant, the site had to be brought into compliance with a Special Use Permit. She said staff recommended the 90-day limit on night work and had originally recommended 60 nights of work. She said there were currently no limits on night work, hours of operation, or days of the week.

Mr. Andrews said he would appreciate if staff had a clarification about the number of days.

Ms. Price said because she failed to provide the applicant the opportunity to speak before opening the public hearing, she would check if there were people requesting to speak on the item.

Ms. Borgersen said there were none.

Ms. Price closed the public hearing.

Ms. McKeel asked staff to address how the 90-day limit was determined.

Mr. Langille said when staff initially reviewed the special use proposal, it was recommended that the 24-hour operations not be more than 60 days per year. He said 60 days was the number of days in place in the Special Use Permit for the asphalt mixing plant at the Luckstone quarry in Shadwell. He said the applicant requested additional days, so staff settled on the 90-day recommendation. He said if the Board wanted to increase or decrease the number of days, it could make a motion to revise the condition.

Ms. McKeel asked if the times were acceptable for the work the company performed.

Ms. Williamson said the times were reasonable. She said most of the work was done during the day, but she noted the number of days of night worked varied year to year depending on the projects and weather.

Ms. McKeel said that VDOT did a lot of work at night.

Ms. Mallek said she proposed to increase the limit on the number of days of night work permitted to over 100 days in order provide more flexibility to complete projects.

Ms. LaPisto-Kirtley said she did not have an issue increasing the 90-day limit.

Mr. Gallaway said he supported increasing the 90-day limit. He noted the Shadwell location had a 60-day limit, and he asked if the reason for the limit was because the surrounding area was more residential or if there was an issue based on the location. He asked why the other locations should not receive an increase if the Red Hill plant were to have a higher limit. He asked if there were issues associated with having higher limits in one area. He said he agreed that the problematic condition should be removed.

Ms. Williamson said when the Shadwell plant was replaced 15 years ago, there were higher-income neighborhoods closer to the Shadwell site, it was adjacent to the railroad, and there was not as much night work 15 years ago. She said VDOT was moving in the direction of not disrupting traffic and being more amicable to businesses. She said the time needed for projects depended on where the work was located, and any plant could require more time depending on VDOT and the weather.

Mr. Gallaway said that the issue would be resolved for the Red Hill plant. He said if the overall capacity was an issue for some plants, maybe it was an issue to revisit in some other fashion. He said if one plant had a 120-day limit and the others had 60-day limits, the burden was placed on the location with a higher limit and therefore the surrounding community. He said he did not know the area well enough to know the impact, and if the impact was smaller than the other locations, he supported increasing the limit.

Mr. Bart Svoboda, Zoning Administrator, said a variable limit to the number of days of night work depending on need was not ideal for the staff or the applicant. He said it would be better for enforcement purposes, clarity of the application, and the process if a fixed number were decided. He said a fixed condition was optimal to a variable condition.

Mr. Andrews asked staff if they were aware of noise complaints arising from the plant.

Mr. Langille said he was not aware of noise complaints arising from the plant. He noted the neighbors expressed support for the application at a community meeting due to reductions in noise, light, dust, and particulate pollution.

Mr. Andrews said he would support increasing the 90-day limit to 110 days.

Ms. Mallek said she would support a 110-day limit because the plant was 0.4 miles from Route 29 South which had 24-hour trucking traffic.

Ms. Price noted she had visited the Shadwell plant. She said she supported the improvements to the plant along with a limit on nighttime operations between 110 and 120 days. She asked if there was a motion. She noted that Mr. Svoboda had written that there were no record of noise complaints arising from the plant.

Mr. Andrews **moved** to adopt the resolution (Attachment E) to approve the Special Use Permit SP201900009 S.L. Williamson Replacement Asphalt Plant, as amended to include 110 days of night operation if necessary.

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

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

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**RESOLUTION TO APPROVE  
SP201900009 S.L. WILLIAMSON REPLACEMENT ASPHALT PLANT**

**WHEREAS**, upon consideration of the staff report prepared for SP 201900009 S.L. Williamson Replacement Asphalt Plant and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the Special Use Permit in Albemarle County Code §§ 18-30.4.02.2(2) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Natural Resource Extraction overlay zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP 201900009 S.L. Williamson Replacement Asphalt Plant, subject to the conditions attached hereto.

\* \* \*

**SP201900009 S.L. Williamson Replacement Asphalt Plant Special Use Permit Conditions**

1. SP201900009 will be developed in general accord with the concept plan titled "Concept Plan, S.L. Williamson Asphalt Plant @ Red Hill Quarry," dated August 19, 2019, and last revised March 3, 2021. The Zoning Administrator may approve revisions to the concept plan to allow compliance with the Zoning Ordinance;
2. Hours of operation of the asphalt plant will be between 7:00 a.m. and 12:00 a.m., Monday through Sunday, provided that for no more than 110 days per year, the hours of operation may be between 12:01 a.m. and 12:00 a.m., Monday through Sunday;
3. Sound and noise attenuation measures will be provided as necessary to comply with the County's noise ordinance (section 18-4.18);
4. Plant site lighting will comply with the County's outdoor lighting ordinance (section 18-4.17). Height of the asphalt plant and all associated structures will be limited to 80 feet.

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Mr. Andrews **moved** to adopt the resolution (Attachment F) to approve the special exception SE202100036.

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

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

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**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SE 2021-00036 S.L. WILLIAMSON REPLACEMENT ASPHALT PLANT  
CRITICAL SLOPES WAIVER**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE 2021-00036 S.L. Williamson Replacement Asphalt Plant Critical Slopes Waiver application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.3(b), 18-4.2.5(a), and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and

- i. Strict application of the requirements of County Code § 18-4.2 would not forward the purposes of the Zoning Ordinance or otherwise serve the public health, safety or welfare; and
- ii. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of County Code § 18-4.2 to at least an equivalent degree; and
- iii. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the special exception to allow the disturbance of critical slopes in general accord with the Concept Plan prepared by Roudabush, Gale & Associates, last revised on March 3, 2021, and submitted in connection with SP 2019- 00009.

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Mr. Andrews **moved** to adopt the resolution (Attachment G) to approve the special exception SE202100037.

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

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

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**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SE 2021-00037 S.L. WILLIAMSON REPLACEMENT ASPHALT PLANT BUILDING  
SITE AREA AND DIMENSIONS WAIVER**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE 2021-00037 S.L. Williamson Replacement Asphalt Plant Building Site Area and Dimensions Waiver application and the attachments thereto, including staff's supporting analysis, the recommendation from the Virginia Department of Health, any comments received, and all of the factors relevant to the special exception in

Albemarle County Code §§ 18-4.2.2(a) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

- (i) the parcel has an unusual size, topography, shape, location or other unusual physical condition;
- (ii) no reasonable alternative building site exists; and
- (iii) modifying or waiving the rectangular shape would result in less degradation of the parcel or adjacent parcels than if those dimensions were adhered to.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the special exception to waive the building site area and dimensions otherwise required by County Code § 18-4.2.2(a), in general accord with the Concept Plan prepared by Roudabush, Gale & Associates, last revised on March 3, 2021, and submitted in connection with SP 2019- 00009.

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Agenda Item No. 20. **Public Hearing: An Ordinance to Amend County Code Chapter 6, Fire Protection Regarding Fireworks.** To receive public comment on its intent to adopt an ordinance to amend the Albemarle County Fire Rescue Office of the Fire Marshal Fee Schedule. The proposed ordinance would add a fee in the amount of \$300.00 for applications submitted less than 10 days prior to a fireworks display or other activity requiring a permit to defray the cost of the expedited investigation and processing if the fire official determines that a sufficient investigation can be conducted.

The Executive Summary forwarded to the Board states that the Virginia Statewide Fire Prevention Code allows localities to establish regulations for the possession, storage, sale, use, and display of fireworks. Local regulations cannot be less restrictive than state codes. In conjunction with the regulations in the Virginia Statewide Fire Prevention Code, Albemarle County Code, Chapter 6, Fire Protection, establishes regulations governing fireworks in Albemarle County. Amending Albemarle County Code requires a public hearing.

Albemarle County Fire Rescue staff reviewed the County's current processes employed in the regulation of fireworks and identified customer service improvements in the permit process. Currently, County Code § 6-304 Fireworks permits - application requires the receipt of a permit application and associated fee 30 days prior to the proposed action or event. Ensuring that there is no compromise to the integrity of the review is critical to maintaining safety standards for the community and staff needs the ability to deny permit applications that lack critical information or entail proposed actions that would have a negative impact on the safety and well-being of the public. Based on experience processing permit applications, staff is able to complete the review within 10 days with full staffing, and possibly in less time with supplemental staffing, such as staff working overtime.

Staff is proposing the following:

1) An ordinance to amend County Code Chapter 6, Fireworks, by amending:

§ 6-303, Fireworks permits - required, to clarify that the fee schedule that is maintained by the fire official is amended from time to time by the Board of Supervisors; and

§ 6-304, Fireworks permits - application, to decrease the number of days prior to a fireworks event or action by which an application must be submitted from 30 days to 10 days, and to allow applications submitted less than 10 days prior to the fireworks event or action to be considered by the fire official if the fire official determines that a sufficient investigation can be conducted and if an expedited permit fee is paid in addition to any other applicable fee for expedited investigation and processing; and

2) An ordinance to amend the fee schedule to add an expedited fireworks permit application fee of \$300.00 for applications that are submitted less than 10 days prior to a fireworks event or action, which would be in addition to the regular permit application fee.

Based on staff's analysis, the review of applications submitted less than 10 days prior to an action or event involving fireworks negatively impacts staff workload and requires supplemental staffing, incurring overtime expenses, increasing the cost of administering the program. The implementation of an expediting fee for those applications would offset this cost, potentially making the new proposed process cost neutral.

After conducting a public hearing on the proposed ordinance to amend County Code Chapter 6, staff recommends that the Board adopt the proposed ordinance to amend County Code Chapter 6, Fire Protection, to revise fireworks regulations (Attachment A).

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Chief Dan Eggleston of Albemarle County Fire and Rescue said he was present along with Captain Shawn Maddox at the Fire Marshall's office. He said the Fire Marshall's office was responsible for regulating fireworks through a permit process which applied to private and public displays. He said the objective of the process was to ensure the firework display was conducted in a manner that met standards to protect public safety. He said the events could be dangerous if not regulated properly.

Chief Eggleston said the process required several visits to the site by the Fire Marshall as well as the Fire Marshall's presence at the display. He said the current legislation required a 30-day lead time for application which was too stringent for some applicants. He said many applicants were required to begin preparation in May. He said the timeframe was stipulated in the ordinance, so the staff had no ability to accommodate an applicant who missed the deadline. He said a more flexible process was proposed which would still maintain the ability to inspect and ensure safe activity.

Ms. Price announced the Board would address agenda item 20, An Ordinance to Amend County Code Chapter 6, Fire Protection Regarding Fireworks, and item 21, An Ordinance to Amend the Fire Rescue Fee Schedule, concurrently through a single public hearing.

Captain Maddox said the 30-day application deadline was established many years ago. He said there was no room for discretion in the process, so if an event date changed, or there was a weather delay, then there was no way to accommodate the shortened window. He said a completed application had to include insurance proof, a site plan, a safety plan, a list of items included in the display, and a \$600 permit fee. He said staff proposed to reduce the application deadline to 10 days prior to the event, and the permit fee would remain the same.

Captain Maddox explained the inspection could be thoroughly completed within 10 days. He said an application could be submitted less than 10 days prior to an event if staff believed there was sufficient time to investigate the application. He said the applicant would pay the \$600 permit fee along with an additional \$300 expedited review fee because the Fire Marshall might incur an overtime expense.

Ms. McKeel said she thought 30 days would have been enough time to plan.

Ms. Mallek said another option to solve the scheduling issue would be to allow multiple dates on the application. She said she was concerned because 10 years ago, there were private and intrusive fireworks in backyards. She said the fees were dramatically increased, and it got the firework issue under control. She said she was worried that someone with money could get a fast-tracked application. She said she wanted more background or explanation on the issue. She said there were many wedding venues that did not allow fireworks because of the intrusiveness and fire danger.

Captain Maddox said that date changes were not an everyday occurrence. He said it was common enough where a customer decided that the budget was bigger than expected and wanted to add fireworks or there was a need for a change of date at the venue. He said 10 days was adequate for staff to complete the inspections. He said it would be difficult to have an application approved within 10 days of an event on a recurring basis, but there were circumstances that would warrant an application within 10 days.

Ms. Mallek asked if there was notification to neighbors if an event was happening within 10 days. She noted there were people with PTSD who had their privacy invaded by fireworks.

Captain Maddox said public notification would be one of the more stringently reviewed criteria for the application to be approved within 10 days. He said part of the completed application was the certification that the adjoining property owners and neighbors had been notified.

Ms. LaPisto-Kirtley said if someone could afford a \$600 fee, they could afford a \$300 fee. She asked if the reduction to 10 days was an exception to the ordinance.

Captain Maddox said the application period would be shortened to 10 days prior to an event for all applicants. He the 10-day figure was determined after researching other localities. He noted that the Fire Marshall operated 7 days a week, and 10 days would give the staff enough time to perform the work.

Ms. LaPisto-Kirtley suggested if an application was submitted 30-days prior to an event, then the applicant would receive a discount. She said she supported the proposal if staff believed the work could be done within 10 days.

Mr. Gallaway said 10 days was two business weeks, so it was plenty of time to finish the work. He understood how operationally that there could be management issues. He said he presumed the proposal would provide administrative relief for staff. He asked if the fees covered the cost of the investigation or if the fees went to a specific fund.

Captain Maddox said the fees went to the General Fund. He said the fees roughly covered the cost of the site visits, the review of the application, and the hours spent at the display.

Mr. Gallaway asked if the basis for determining the fee was the cost of the application process.

Captain Maddox said Mr. Gallaway was correct.

Mr. Gallaway suggested that the \$300 fee be used to help fund fire safety education in the County. He said he supported the proposal if it benefitted staff.

Mr. Andrews asked if there were issues with compliance with the existing ordinance.

Captain Maddox said there had not been issues with compliance in the recent past. He said when he first began working for the County 10 years ago, there were concerns over neighbors not receiving notification of firework events and over setbacks from neighboring homes or businesses. He said there had not been issues since, and 95% of the pyrotechnicians were known in the area. He said the proposal was an operational change that would benefit customers and not impact staff's ability to perform their duties.

Ms. Mallek asked if the \$300 fee would cover the overtime costs because of the staffing needs to

meet the deadline.

Captain Maddox said that the fee could potentially cover overtime that was generated.

Ms. Price said Captain Maddox could present on agenda item 21, An Ordinance to Amend the Fire Rescue Fee Schedule.

Captain Maddox said the proposal was to change the language in the fee schedule published by the County that dictated the ACFR permit fees charged for prevention and code enforcement activities. He said the proposal would add text referencing the expedited fee of \$300 for applications received less than 10 days prior to an event.

Ms. Price opened the hearing for public comment. She noted that there were no speakers signed up to speak. She closed the hearing to the public.

Ms. LaPisto-Kirtley **motioned** to adopt the proposed Ordinance to amend County Code Chapter 6 Fire Protection, to revise firework regulations (Attachment A).

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

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

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### **ORDINANCE NO. 22-6(1)**

AN ORDINANCE TO AMEND CHAPTER 6, FIRE PROTECTION, ARTICLE 1II, FIREWORKS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 6, Fire Protection, Article III, Fireworks, is hereby amended and reordained as follows:

**By Amending:**

Sec. 6-303 Fireworks permits – Required.

Sec. 6-304 Fireworks permits – Application.

### **Chapter 6. Fire Protection**

#### **Article III. Fireworks**

#### **Sec. 6-303 Fireworks permits—Required.**

- A. Notwithstanding the other provisions of this article, displays of fireworks may be given by fair associations, amusement parks or by any organization or group of individuals in accordance with a permit from the fire official. Except as provided in section 6-302, it shall be unlawful for any person to hold, present or give any such display of fireworks without first having obtained such a permit from the fire official.
- B. Except as provided in section 6-302, any person, business, organization or other entity engaged in the sale, storage, distribution, manufacture or display of fireworks anywhere in the County of Albemarle must obtain a permit from the fire official and must comply with all terms and conditions imposed by the fire official in connection with the permit prior to engaging in any sale, storage, distribution, manufacture or display of fireworks. The fee for such permit shall be as established in the fee schedule maintained by the fire official, as may be amended from time to time by the Board of Supervisors.

(Code 1967, § 10-6; 4-13-88; Ord. No. 97-9(1), 1-8-97; Code 1988, § 9-12; Ord. 98-A(1), 8-5-98; Ord. 01-6(1), 6-6-01; Ord. 13-6(2), 5-8-13; Ord. 22-6(1), 1-19-22)

**State law reference(s)**—For state law as to authority of county to adopt this section, see Va. Code § 15.2-974.

#### **Sec. 6-304 Fireworks permits—Application.**

Any person, business, organization or other entity required by section 6-303 to obtain a permit shall make application to the fire official at least 10 days prior to the date of such fireworks display or other activity requiring a permit. Applications submitted less than 10 days prior to the proposed fireworks display or other activity requiring a permit may be considered by the fire official if, in the fire official's sole discretion, it is determined that a sufficient investigation can be conducted. An application submitted less than 10 days prior to the proposed display or activity shall include, in addition to any other applicable fee, a fee for the expedited investigation and processing. The fee for such expedited permit shall be as established in the fee schedule maintained by the fire official, as may be amended from time to time by the Board of Supervisors. Applications shall be on forms provided by the fire official. The applicant shall furnish such information as may be required by the fire official, comply with all terms and conditions imposed by the fire official and pay the required fee(s).

(Code 1967, § 10-7; 4-13-88; Ord. No. 97-9(1), 1-8-97; Code 1988, § 9-13; Ord. 98-A(1), 8-5-98; Ord. 01-6(1), 6-6-01; Ord. 22-6(1), 1-19-22)

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Agenda Item No. 21. **Public Hearing: An Ordinance to Amend the Fire Rescue Fee Schedule.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 6, Fire Protection. The proposed ordinance would amend § 6-303, Fireworks permits – required, by clarifying that the Fire Rescue Fee Schedule is maintained by the fire official and is amended from time to time by the Board of Supervisors, and § 6-304, Fireworks permits – application, to include a provision for applications to be submitted less than 10 days prior to a proposed fireworks display or other activity requiring a permit if the fire official determines that a sufficient investigation can be conducted and if a fee is paid for the expedited investigation and processing

The Executive Summary forwarded to the Board states that the Virginia Statewide Fire Prevention Code allows localities to establish regulations for the possession, storage, sale, use, and display of fireworks. Local regulations cannot be less restrictive than state codes. In conjunction with the regulations in the Virginia Statewide Fire Prevention Code, Albemarle County Code, Chapter 6, Fire Protection, establishes regulations governing fireworks in Albemarle County. Amending Albemarle County Code requires a public hearing.

Albemarle County Fire Rescue staff reviewed the County's current processes employed in the regulation of fireworks and identified customer service improvements in the permit process. Currently, County Code § 6-304 Fireworks permits - application requires the receipt of a permit application and associated fee 30 days prior to the proposed action or event. Ensuring that there is no compromise to the integrity of the review is critical to maintaining safety standards for the community and staff needs the ability to deny permit applications that lack critical information or entail proposed actions that would have a negative impact on the safety and well-being of the public. Based on experience processing permit applications, staff is able to complete the review within 10 days with full staffing, and possibly in less time with supplemental staffing, such as staff working overtime.

Staff is proposing the following:

- 1) An ordinance to amend County Code Chapter 6, Fireworks, by amending:  
§ 6-303, Fireworks permits - required, to clarify that the fee schedule that is maintained by the fire official is amended from time to time by the Board of Supervisors; and  
§ 6-304, Fireworks permits - application, to decrease the number of days prior to a fireworks event or action by which an application must be submitted from 30 days to 10 days, and to allow applications submitted less than 10 days prior to the fireworks event or action to be considered by the fire official if the fire official determines that a sufficient investigation can be conducted and if an expedited permit fee is paid in addition to any other applicable fee for expedited investigation and processing; and
- 2) An ordinance to amend the fee schedule to add an expedited fireworks permit application fee of \$300.00 for applications that are submitted less than 10 days prior to a fireworks event or action, which would be in addition to the regular permit application fee.

Based on staff's analysis, the review of applications submitted less than 10 days prior to an action or event involving fireworks negatively impacts staff workload and requires supplemental staffing, incurring overtime expenses, increasing the cost of administering the program. The implementation of an expediting fee for those applications would offset this cost, potentially making the new proposed process cost neutral.

After conducting public hearings on the proposed ordinance to amend County Code Chapter 6 and the proposed ordinance to amend the Fire Rescue Fee Schedule, staff recommends that the Board adopt the proposed ordinance to amend the Fire Rescue Fee Schedule (Attachment A).

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Mr. Andrews **moved** to adopt the Ordinance to amend the Fire Rescue fee schedule (Attachment A).

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

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

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ORDINANCE NO. 22-A(1)

AN ORDINANCE TO AMEND AND ADOPT  
THE ALBEMARLE COUNTY FIRE RESCUE  
OFFICE OF THE FIRE MARSHAL FEE SCHEDULE

**WHEREAS**, pursuant to Virginia Code § 27-97, the Board has adopted the Virginia Statewide Fire Prevention Code as set forth in § 6-200 of the Albemarle County Code; and

**WHEREAS**, the Board is authorized by Virginia Code § 27-98 to establish such procedures or requirements, including the imposition of fees to defray costs, as may be necessary for the administration and enforcement of the Virginia Statewide Fire Prevention Code.

**NOW, THEREFORE, BE IT ORDAINED THAT** the Albemarle County Board of Supervisors hereby adopts the Albemarle County Fire Rescue Office of the Fire Marshal Fee Schedule, as amended, attached hereto and incorporated herein.

**This ordinance shall be effective immediately.**

\* \* \* \* \*



ALBEMARLE COUNTY FIRE RESCUE /OFFICE OF THE FIRE  
MARSHAL  
FEE SCHEDULE (Effective on May 15, 2015)  
(Virginia Statewide Fire Prevention Code Table 107.2)

DESCRIPTION	PERMIT REQUIRED (Yes or No)	PERMIT FEE	INSPECTION FEE
<b>Aerosol products.</b> An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.	Yes  (annual/per location)	\$200	See inspection fee below
<b>Amusement buildings.</b> An operational permit is required to operate a special amusement building.	Yes (Fixed–Annual/location or mobile–30 days/location)	\$200	See inspection fee below
<b>Aviation facilities.</b> An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	Yes  (annual/per location)	\$200	See inspection fee below
<b>Carnivals and fairs.</b> An operational permit is required to conduct a carnival or fair.	Yes  (30 days/location)	\$200	No
<b>Cellulose nitrate film.</b> An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.	Yes  (annual/per location)	\$200	See inspection fee below
<b>Combustible dust-producing operations.</b> An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	Yes  (annual/per location)	\$200	See inspection fee below
<b>Combustible fibers.</b> An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m <sup>3</sup> ). <b>Exception:</b> An operational permit is not required for agricultural storage.	Yes  (annual/per location)	\$200	See inspection fee below

<p><b>Compressed gas.</b> An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below.</p> <p><b>Exception:</b> Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.</p> <p><b>PERMIT AMOUNTS FOR COMPRESSED GASES</b></p> <table><tr><th>TYPE OF GAS</th><th>AMOUN</th></tr><tr><td><b>T (cubic feet at NTP)</b></td><td></td></tr><tr><td>Corrosive</td><td>200</td></tr><tr><td>Flammable (except cryogenic fluids and liquefied petroleum gases)</td><td>200</td></tr><tr><td>Highly toxic</td><td></td></tr><tr><td>Any amount</td><td></td></tr><tr><td>Inert and simple asphyxiant</td><td></td></tr><tr><td>6,000</td><td></td></tr><tr><td>Oxidizing (including oxygen)</td><td>504</td></tr><tr><td>Pyrophoric</td><td></td></tr><tr><td>Any amount</td><td></td></tr><tr><td>Toxic</td><td></td></tr><tr><td>Any amount</td><td></td></tr></table> <p>For SI: 1 cubic foot = 0.02832 m<sup>3</sup>.</p>	TYPE OF GAS	AMOUN	<b>T (cubic feet at NTP)</b>		Corrosive	200	Flammable (except cryogenic fluids and liquefied petroleum gases)	200	Highly toxic		Any amount		Inert and simple asphyxiant		6,000		Oxidizing (including oxygen)	504	Pyrophoric		Any amount		Toxic		Any amount		Yes (annual/per location)	\$200	See inspection fee below
TYPE OF GAS	AMOUN																												
<b>T (cubic feet at NTP)</b>																													
Corrosive	200																												
Flammable (except cryogenic fluids and liquefied petroleum gases)	200																												
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Oxidizing (including oxygen)	504																												
Pyrophoric																													
Any amount																													
Toxic																													
Any amount																													
<p><b>Covered and open mall buildings.</b> An operational permit is required for:</p> <p>1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.</p>	Yes (annual/per location)	\$200	See inspection fee below																										
<p><b>Cryogenic fluids.</b> An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below.</p> <p><b>Exception:</b> Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.</p> <p><b>PERMIT AMOUNTS FOR CRYOGENIC FLUIDS</b></p> <table><tr><th>TYPE OF CRYOGENIC FLUID</th><th>OUTSIDE BUILDING</th><th>INSIDE BUILDING</th></tr><tr><td></td><td>(gallons)</td><td>(gallons)</td></tr><tr><td>Flammable</td><td>More than 1</td><td>More than 60</td></tr><tr><td>Inert</td><td>500</td><td>60</td></tr><tr><td>Oxidizing (oxygen)</td><td>50</td><td>(includes 10)</td></tr><tr><td>Physical or health hazard amount not indicated above</td><td>Any amount</td><td>Any</td></tr></table> <p>For SI: 1 gallon = 3.785 L.</p>	TYPE OF CRYOGENIC FLUID	OUTSIDE BUILDING	INSIDE BUILDING		(gallons)	(gallons)	Flammable	More than 1	More than 60	Inert	500	60	Oxidizing (oxygen)	50	(includes 10)	Physical or health hazard amount not indicated above	Any amount	Any	Yes (annual/per location)	\$200	See inspection fee below								
TYPE OF CRYOGENIC FLUID	OUTSIDE BUILDING	INSIDE BUILDING																											
	(gallons)	(gallons)																											
Flammable	More than 1	More than 60																											
Inert	500	60																											
Oxidizing (oxygen)	50	(includes 10)																											
Physical or health hazard amount not indicated above	Any amount	Any																											
<p><b>Cutting and welding.</b> An operational permit is required to conduct cutting or welding operations within the jurisdiction.</p>	Yes (per event/location)	\$100	No																										
<p><b>Dry cleaning plants.</b> An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.</p>	Yes (annual/per location)	\$200	See inspection fee below																										
<p><b>Exhibits and trade shows.</b> An operational permit is required to operate exhibits and trade shows.</p>	Yes (per event/location)	\$200	See inspection fee below																										

<p><b>Explosives, fireworks, and pyrotechnics.</b> An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive materials, fireworks, pyrotechnic special effects, or pyrotechnic special effects material within the scope of Chapter 56.</p> <p><b>Exception:</b> Storage in Group R-3 or R-5 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, exception numbers four and twelve.</p> <p><b>Note: Manufacture, storage, handling, sale of explosives, explosive materials and pyrotechnics requires annual permit and facility inspection with associated fees.</b></p> <p><b>Use of explosives/blasting requires a use permit every 30 days with associated fees.</b></p> <p><b>Fireworks and Pyrotechnic special effects require either wholesale (60 days), retail (60 days) or use/display (per event 1 day)</b></p>	<p>Fixed Facility: Yes: (annual/location) Site Storage: in addition to use (30 days)</p> <p>Use/ Blasting : Yes (per event – 30 days maximum/location)</p> <p>Wholesale (fireworks): Yes (60 days/location)</p> <p>Retail (fireworks): yes (60 days/location)</p> <p>Display/Use (fireworks): Yes (per event 1 day/location)</p> <p>Expedited display/use (fireworks), less than 10 days: Yes</p>	<p>\$200</p> <p>\$200</p> <p>\$500</p> <p>\$500</p> <p>\$600</p> <p>+\$300</p>	<p>See inspection fee below</p> <p>No</p> <p>No</p> <p>See inspection fee below</p> <p>No</p> <p>No</p>
<p><b>Fire hydrants and valves.</b> An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.</p>	<p>Yes (per event/location)</p>	<p>\$100</p>	<p>No</p>
<p><b>Flammable and combustible liquids.</b> An operational permit is required:</p> <ol style="list-style-type: none"><li>1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems.</li><li>2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:<ol style="list-style-type: none"><li>2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition.</li><li>2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.</li></ol></li><li>3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.</li><li>4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.</li><li>5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel- dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.</li><li>6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.</li><li>7. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.</li><li>8. To manufacture, process, blend or refine flammable or combustible liquids.</li></ol>	<p>Yes (annual/per location)</p>	<p>\$200</p>	<p>See inspection fee below</p>
<p><b>Floor finishing.</b> An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m<sup>2</sup>) using Class I or Class II liquids.</p>	<p>Yes (30 days/location)</p>	<p>\$75</p>	<p>No</p>
<p><b>Fruit and crop ripening.</b> An operational permit is required to operate a fruit-ripening or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.</p>	<p>Yes (annual/per location)</p>	<p>\$200</p>	<p>See inspection fee below</p>

<b>Fumigation, thermal and insecticidal fogging.</b> An operational permit is required to operate a business of fumigation, thermal or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.	Yes (annual for facility/ location) (per event/location)	\$200 (annual) \$75 (event)	Facility : See inspection fee below
<b>Hazardous materials.</b> An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.  <b>PERMIT AMOUNTS FOR HAZARDOUS MATERIALS TYPE OF MATERIAL AMOUNT</b>  Combustible liquids See flammable and combustible liquids  Corrosive materials Gases See compressed gases Liquids 55 gallons Solids 1000 pounds Explosive materials See explosives Flammable materials Gases See compressed gases Liquids See flammable and combustible liquids Solids 100 pounds Highly toxic materials Gases See compressed gases Liquids Any amount Solids Any amount Oxidizing materials Gases See compressed gases Liquids Class 4 Any amount Class 3 1 gallon <sup>a</sup> Class 2 10 gallons Class 1 55 gallons Solids Class 4 Any amount Class 3 10 pounds <sup>b</sup> Class 2 100 pounds Class 1 500 pounds Organic peroxides Liquids Class I Any amount Class II Any amount Class III 1 gallon Class IV 2 gallons Class V  No permit required Solids Class I Any amount Class II Any amount Class III 10 pounds Class IV 20 pounds Class V  No permit required Pyrophoric materials Gases See compressed gases Liquids Any amount Solids Any amount Toxic materials Gases See compressed gases Liquids 10 gallons Solids 100 pounds Unstable (reactive) materials Liquids Class 4 Any amount Class 3 Any amount Class 2 5 gallons Class 1 10 gallons Solids Class 4 Any amount Class 3 Any amount Class 2 50 pounds Class 1 100 pounds Water reactive materials Liquids Class 3 Any amount	Yes (annual/per location)	\$ 200	See inspection fee below

Class 2 Class 1 Solids Class 3 Class 2 Class 1 See Note on following page	5 gallons 55 gallons  Any amount 50 pounds 500 pounds			
For Sl: 1 gallon = 3.785 L, 1 pound = 0.454 kg. a. Twenty gallons when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.  b. Twenty pounds when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.		Yes (annual/per location)	\$ 200	See inspection fee below
<b>HPM facilities.</b> An operational permit is required to store, handle or use hazardous production materials.		Yes (annual/per location)	\$ 200	See inspection fee below
<b>High piled storage.</b> An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m <sup>2</sup> ).		Yes (annual/per location)	\$ 200	See inspection fee below
<b>Hot work operations.</b> An operational permit is required for hot work including, but not limited to: 1. Public exhibitions and demonstrations where hot work is conducted.  2. Use of portable hot work equipment inside a structure.  <b>Exception:</b> Work that is conducted under a construction permit. 3. Fixed-site hot work equipment such as welding booths.  4. Hot work conducted within a hazardous fire area.  5. Application of roof coverings with the use of an open-flame device.  6. When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.		Facility: Yes (annual/location) ----- Fixed Site: Yes (annual/location)  Other: per event/location Yes (30 day/location)	\$200 ----- \$200 ----- \$100	See inspection fee below  See inspection fee below  No
<b>Industrial ovens.</b> An operational permit is required for operation of industrial ovens regulated by Chapter 30.		Yes (annual/per location)	\$200	See inspection fee below
<b>Lumber yards and woodworking plants.</b> An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft <sup>3</sup> ) (236 m <sup>3</sup> ).		Yes (annual/per location)	\$200	See inspection fee below
<b>Liquid-fueled or gas-fueled vehicles or equipment in assembly buildings.</b> An operational permit is required to display, operate or demonstrate liquid-fueled or gas-fueled vehicles or equipment in assembly buildings.		Yes (per event 30 days/location)	\$200	See inspection fee below
<b>LP-gas.</b> An operational permit is required for: 1. Storage and use of LP-gas.  <b>Exception:</b> An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3. Operation of cargo tankers that transport LP-gas.		Yes (annual/per location)	\$200	See inspection fee below
<b>Magnesium.</b> An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.		Yes (annual/per location)	\$200	See inspection fee below
<b>Miscellaneous combustible storage.</b> An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m <sup>3</sup> ) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.		Yes (annual/per location)	\$200	See inspection fee below

<b>Open burning.</b> An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. <b>Exception:</b> Recreational fires.	Yes (Land Clearing Operations Only – 60 days/location)	\$500	See inspection fee below
<b>Open flames and candles.</b> An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.	Yes (annual/per location)	\$200 (annual if sole permit) \$100 (if ancillary to another permit)	See inspection fee below
<b>Open flames and torches.</b> An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area.	Yes (per event-30 days/location)	\$100	See inspection fee below
<b>Organic coatings.</b> An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.	Yes (annual/per location)	\$200	See inspection fee below
<b>Places of assembly.</b> An operational permit is required to operate a place of assembly (greater than 50 persons)	Yes (annual/per location)	\$200	See inspection fee below
<b>Private fire hydrants.</b> An operational permit is required for the removal from service, use or operation of private fire hydrants. <b>Exception:</b> An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.	Yes (annual/per location)	\$200	See inspection fee below
<b>Pyrotechnic special effects material.</b> An operational permit is required for use and handling of pyrotechnic special effects material.	Yes (per event–1 day/location)	\$200	See inspection fee below
<b>Pyroxylin plastics.</b> An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.	Yes (annual/per location)	\$200	See inspection fee below
<b>Refrigeration equipment.</b> An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	Yes (annual/per location)	\$200	See inspection fee below
<b>Repair garages and service stations.</b> An operational permit is required for operation of repair garages and automotive, marine and fleet service stations. <b>Note: (If in conjunction with Flammable/Combustible Liquid permit than no fee for this permit)</b>	Yes (annual/per location)	\$200	See inspection fee below
<b>Rooftop heliports.</b> An operational permit is required for the operation of a rooftop heliport.	Yes (annual/per location)	\$200	See inspection fee below
<b>Spraying or dipping.</b> An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 24.	Yes (annual/location) Yes (per event /30 days /location)	\$200 (fixed facility) \$100 (per event)	See inspection fee below
<b>Storage of scrap tires and tire byproducts.</b> An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m <sup>3</sup> ) of total volume of scrap tires and for indoor storage of tires and tire byproducts.	Yes (annual/per location)	\$200	See inspection fee below
<b>Temporary membrane structures and tents.</b> An operational permit is required to operate an air-supported temporary membrane structure or a tent. <b>Exceptions:</b> 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet (84 m <sup>2</sup> ) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons. <b>Note: (permit good for 30 days with a maximum of 5 renewals (total of 180 days within a 12 month period allowed before tent must come down)</b>	Yes ( per event – good for 30 days/location)	\$100 if application received 30 days before event \$150 if application received 15-29 days before event \$200 if application received 8–15 days before event \$300 if application received 7 days or less before event	No
<b>Tire-rebuilding plants.</b> An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	Yes (annual/per location)	\$200	See inspection fee below
<b>Waste handling.</b> An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.	Yes (annual/per location)	\$200	See inspection fee below
<b>Wood products.</b> An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m <sup>3</sup> ).	Yes (annual/per location)	\$200	See inspection fee below

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ALBEMARLE COUNTY FIRE RESCUE /OFFICE  
OF THE FIRE MARSHAL  
ADDITIONAL/MISCELLANEOUS FIRE  
PREVENTION FEE SCHEDULE





PURPOSE	DESCRIPTION	FEE
Facility Inspection Fees (in any fixed facility requiring a permit in Table 107. 2 of the Fire Prevention Code)	Inspection Fee	First two hours no charge \$100/hr thereafter
Required Fire Inspection for Social Service License (Ex: Day care/Adult Care etc)	1 – 8 persons 9 – 20 persons 21 – 50 persons 51 – 100 persons 101 – 150 persons 151 – 200 persons 201 or more persons	\$25 \$50 \$100 \$200 \$300 \$400 \$500 plus \$50 for every 100 persons over 201
Re-inspection Fee	After initial inspection, if all violations are corrected, no charge. If not, then each re- inspection incurs a fee until an agreement on remediation is reached or all violations are corrected.	\$0 (violations corrected) \$100 (per inspection)
Albemarle Fire Rescue Plan Review Fee	Site Plans Special Use Permit All Other	\$100 (per set of plans) \$50 (per application) \$75 (per event)
Request for Fire Code Variance/Modification and Albemarle County Fire Code Board of Appeals Request	Similar to the Zoning Variance and Appeals Process to offset Cost of the Fire Board of Appeals Operations	\$350 (application fee)
Homestay Registry Inspection Fee	After initial inspection, annual inspections due by the inspection anniversary date	\$50

Agenda Item 22. Committee Reports and Matters Not Listed on the Agenda.

Ms. Price asked if the Board had addressed the Resolution Endorsing the Community Climate Collaborative (C3) Letter to the Virginia General Assembly.

Mr. Andrews said the item had been discussed but a motion had not been made. He explained the Board adopted the greenhouse gas emissions targets in 2019, and the Climate Action Plan in 2020. He said the Virginia General Assembly had similarly adopted measures to reduce greenhouse gas emissions and promote clean energy and clean economy. He said C3 had asked the Board to endorse a letter urging the General Assembly to maintain its major climate initiatives, including the regional greenhouse gas initiatives, the Virginia Clean Economy Act, Virginia's clean car standards and electric vehicle rebate program, and the electric vehicle infrastructure through the Department of Rail and Public Transportation.

Mr. Andrews **moved** to approve the chair to sign the Resolution Endorsing the Community Climate Collaborative (C3) Letter to the Virginia General Assembly.

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

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Mr. Andrews, and Ms. Price.

NAYS: None.

Ms. Mallek asked what was needed to improve progress on sidewalk shoveling. She said the measure had been passed by the legislature two years ago.

Mr. Richardson said that there were no resources dedicated in the operations budget for sidewalk shoveling. He said staff could return with figures about how dedicating local resources to sidewalk shoveling would impact the budget.

Ms. Mallek said she did not know why it was difficult to accomplish the goal of sidewalk shoveling if the law and ordinance had been passed.

Mr. Kamptner said that the issue had fallen off his radar. He said he spent a quarter of his time dealing with pandemic related issues.

Ms. McKeel said she appreciated the sidewalk issue. She noted the first question people asked when a sidewalk was proposed was who would shovel it. She said property owners did not want to give right-of-way if they were responsible for shoveling the sidewalk. She said Mr. Richardson had noted it would require County resources to shovel the sidewalks, and the issue had a lot more ramifications. She said it was more difficult to build new sidewalks because people felt they were required to shovel the sidewalks. She asked whose insurance would cover a fall on the sidewalk outside of a house if the owner was supposed to shovel and had not. She said she was in favor of making sure sidewalks were shoveled, but there was more to consider.

Ms. LaPisto-Kirtley said she was not aware of the legislation passed by the General Assembly. She asked for a copy of the bill and if it applied to homeowners or commercial property owners. She said some areas could not get businesses to maintain grass areas. She said there had been negligible amounts of snow the past few years.

Ms. McKeel noted there were differences between apartment complexes with the management to clear sidewalks and single homeowners.

Ms. LaPisto-Kirtley noted businesses could be shut down for days because of snow.

Mr. Gallaway said the Board had not had a conversation regarding snow shoveling. He said he would classify this as one of the items where once the state granted enabling authority, the Board had to discuss if it were put in place. He noted the process was similar to the plastic bag and firearm ordinances. He said Mr. Kamptner's office would have to speak to the time and effort required. He said the issue would have to ultimately reach the Board leadership team to be placed on the agenda and discussed as an item to decide how to move forward.

Ms. Price said she was concerned with imposing a burden on the community for something that was not a regular occurrence. She noted she assisted an elderly couple drive out of their neighborhood that was plowed in with snow. She said she was concerned with unduly burdening community members without the resources to clear sidewalks. She said she was not in favor of sidewalk shoveling as a priority item at the time.

Mr. Kamptner said that the County, along with other localities in planning district 6 and district 8, received the enabling authority to require the removal of accumulations of snow and ice from any public sidewalks by the owner or other person in charge of any occupied property. He said he would send a copy of the section to the Board to review. He said the law had been in effect since July 1, 2018.

Ms. Price asked if it was possible to differentiate between commercial and residential properties and further between single-family detached homes and multi-family homes.

Ms. Mallek said the schools required a mile and a half long walk zone, and there were lots of students who walked to and from school. She said that house valuations increased when there was a sidewalk, so they were contributing to the extra revenue required for the County to have sidewalk plows.

Ms. McKeel noted that schools typically kept the sidewalks clean.

Mr. Gallaway announced the Regional Housing Partnership (RHP) was beginning its strategic planning process and would be underway in the first quarter of the year.

Mr. Andrews said he attended the Solid Waste Advisory Alternatives Committee meeting. He said there would be more information about plastic bags later. He said the Albemarle Broadband Authority would be meeting, and one of the agenda items was how to respond to the litany of complaints regarding CenturyLink.

Ms. Price asked if there were further comments from the Board.

Ms. Mallek asked how the State Corporation Commission (SCC) would be addressed. She said an email was received from Mr. Inofuentes and Mr. Culp regarding summations of testimony and was ready to be sent to the SCC. She wanted to know if there was a plan; if each supervisor would send a report for their respective district or if one report would be submitted. She said she would like to request an SCC Special Master visit the County. She asked what the deadline was for the SCC.



Mr. Kamptner said the deadline was February 17.

Ms. Mallek said the item should be addressed at the first February meeting.

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Agenda Item No. 23. Adjourn to January 20, 2022, 8:30 a.m. electronic meeting pursuant to Ordinance No. 20-A(16).

At 7:56 p.m., the Board adjourned its meeting to January 20, 2022 at 8:30 a.m., which would be an electronic meeting held pursuant to Ordinance No. 20-A(16), “An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster.” Information on how to participate in the meeting will be posted on the Albemarle County website Board of Supervisors homepage.

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Chair

Approved by Board
Date: 10/04/2023
Initials: CKB