

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 6, 2023 at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

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

ABSENT: Ms. Diantha H. McKeel.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Steve Rosenberg; Clerk, Claudette Borgersen; and Senior Deputy Clerk, Travis Morris.

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

Ms. Price said Albemarle County Police Officers Jay Roman and Matthew Riley were present at the meeting to provide their services.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price mentioned for the public that Attachment A for Item 8.8 on the consent agenda, a three-page document was uploaded to the County's website yesterday, September 5th. She stated that the document had not been uploaded with the other materials for transparency purposes, and it was not an amendment to the agenda.

Ms. Price, hearing no other changes to the agenda, said that the floor was open for a motion.

Ms. Mallek **moved** to adopt the final agenda as presented.

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

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

NAYS: None.

ABSENT: Ms. McKeel.

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

Ms. LaPisto-Kirtley stated that they had a very successful grand opening for the Maple Pine Thai Restaurant, which served breakfast, lunch, and dinner, located on Route 20 near Grit Coffee. She encouraged everyone to visit because the food was delicious.

Mr. Andrews stated that there would be a Rivanna Solid Waste Authority (RSWA) Hazardous Waste Day on September 22 and 23 from 9 a.m. to 2 p.m. at the Ivy Convenience Center. He said that the E-waste day on September 16 was already full, and people needed to sign up in advance and be alerted to when the signups open. He said that bulky waste days were scheduled for September 30 and the following two weekends. He said that furniture and mattress would be on September 30, while appliances were scheduled for October 7, and tires on October 14. He said that it was important to do a little fall cleaning instead of just spring cleaning.

Mr. Andrews said that other events coming up included Seas the Day and Veterans Outdoor Day on September 17 at Walnut Creek Park. He said that Batesville had its Apple Butter Weekend on October 7th and 8th, and Esmont hosted the Simpson Park Community Day on Saturday, September 30th.

Ms. Mallek stated that the 22nd Annual Youth Film Festival at the Lighthouse Studio would take place at the Paramount on September 15, featuring films made by many young filmmakers. She said that her younger daughter had been in the first class when they did this back when she was in middle school, and now she's in her 40s, so they had been at it for a long time. She said that tickets were available at the Paramount box office. She said the event would showcase student films from both present and past years.

Ms. Mallek stated that the Department of Environmental Quality (DEQ) was developing a cleanup plan to identify actions necessary to address water quality impairment in the North Fork Rivanna River watershed, and there was lots of information available on the DEQ website. She said that the DEQ meeting would be held on September 20 at 6:00 p.m. in the library in Stanardsville, which was the same location as in past years. She said that they were looking for people to partner with them, provide input, and learn more about the program.

Ms. Mallek stated that in Luray, the news out of the Shenandoah Park was that streams and rivers were closed to fishing due to low stream flows and high water temperatures. She said that most of the streams, including the Moormons River, were not moving at all. She cautioned everyone, whether urban or rural, that there was a serious water deficit; the state measurements had not been met, which happened more than 50 miles away from there.

Ms. Mallek stated that there were streams in the White Hall District that were completely dry, even those which ran during the drought of record in 2001 and 2002. She said that something strange was happening and urged everyone to be careful until they received significant rainfall. She emphasized that there were no rules for rural well use and warned that using a lot of water from one's own well could deplete their neighbor's aquifer as well.

Ms. Price said that she appreciated those comments from Supervisor Mallek. She said that they were currently at about 50% of normal precipitation for the year, so it was essential to be cautious with their water usage and any fires. On Sunday, September 10 at 8:30 a.m., the public was invited to pay tribute alongside Albemarle County Fire Rescue (ACFR) for the victims of September 11, 2001, at Monticello High School.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Proclamation Recognizing National Hispanic and Latino Heritage Month.

Ms. LaPisto-Kirtley stated that this was very near and dear to her heart because the locality where she previously served as a principal was 95% Hispanic and she loved it every single day.

Ms. LaPisto-Kirtley **moved** the Board adopt the proclamation recognizing National Hispanic and Latino Heritage Month.

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

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

Proclamation Recognizing National Hispanic and Latino Heritage Month

WHEREAS, Hispanic and Latino Americans make up 18.5% of the nation’s population, making them the largest ethnic minority, and enriching every community through their vibrant and diverse cultures and heritage; and

WHEREAS, Hispanic and Latino Americans enrich every community they are a part of through their vibrant and diverse cultures; and

WHEREAS, Hispanic and Latino community members make significant contributions through their leadership in government, protecting freedoms as part of the military, helping feed our community through agriculture, inspiring children as educators, helping heal our community as healthcare professionals, and advancing society through science and technology; and **WHEREAS,** Hispanic and Latino-owned businesses contribute to Albemarle County’s economic growth and job creation; and

WHEREAS, the stories of Hispanic and Latino community members are woven into the fabric of our community and Hispanic and Latino history is our collective history.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, do hereby recognize September 15 – October 15 as the 55th National Hispanic and Latino Heritage Month and recommit to building an equitable and inclusive society that works for all members of our community.

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Hilda Landaverde, speaking on behalf of the UVA Latino Health Initiative, shared that she had only been in the United States for two years, and it had been a very fast life, and she was now working at UVA Health, which she had never would have imagined she would do. She expressed her honor in representing the UVA Latino Health Initiative and Dr. Max Luna, who was unable to attend but had written some inspiring words that aligned with Supervisor LaPisto-Kirtley's motion.

Ms. Landaverde said that it was with great pleasure that they had a chance to celebrate the 2023 Hispanic Heritage Month with the Albemarle County leadership, representatives, and community. She stated that Latinos and Latinas represented 7.5% of the County's population and a quarter of their school age population and were expected to increase significantly over the next decades. She said that they were so grateful that the Albemarle community continued to embrace their community and culture with open arms. She said that their Latinx community were their neighbors, kids, classmates, hardworking people who grew and prepared food for their tables, built their homes, and lead many small businesses in

the County.

Ms. Landaverde said that the UVA Latino Health Initiative had the honor and pleasure of serving the community over the past 60 years, and many of them for more than a decade. She thanked the community for trusting them in their neighborhoods, places of faith, community centers, and events. She stated that they hoped to continue serving the community with the support of UVA Health and the collaboration of many Latinx and non-Latinx organizations in Charlottesville, Albemarle County, and surrounding counties.

Ms. Landaverde said she looked forward to seeing the Albemarle County community celebrate Hispanic Heritage Month in many events happening between September 15 and October 15, including their 2023 Latinx health fair on Saturday, October 14 at Albemarle High School. She expressed gratitude for the honor of being invited and recognized for their efforts.

Ms. LaPisto-Kirtley presented the Proclamation to Ms. Landaverde.

Mr. Gallaway thanked Ms. Landaverde for being present and for sharing her words. He said that they had been doing different proclamations over the last series of months, and it was funny to him when he reflected on these how he found what was the most direct influence right now at this time, and a lot of it had been connected to reading for him in these eight or nine months. He had started a book a few months ago by Young Pueblo, the pen name of Diego Perez, an author from Ecuador. He stated that the book he was reading had an opening chapter of reflections and one of the questions was about the reader's relationship with honesty. He shared this because the book was the most direct impact on his life in connection to Hispanic or Latino heritage, as it was currently a part of his daily life.

Ms. LaPisto-Kirtley stated that she appreciated very much everything that the Latino culture brings to their community, with its wealth, culture, and good food of course. She said they really just appreciated the diversity that they all shared in their community. She said that this was a wonderful community of diverse cultures, people, and thinking. She said it was really quite exciting; not everywhere was like Albemarle County. She said that they had a lot to be proud of, and the Latino community was certainly a part of that.

Mr. Andrews stated that he wanted to express his gratitude for Ms. Landaverde being there and representing the community, which was a very important part of Albemarle County, and he was deeply appreciative.

Ms. Mallek said that she wanted to thank Ms. Landaverde for her kind words and asked her to extend her gratitude to Dr. Max Luna, who was her husband's cardiologist. She added that he was one example of the many people at all different levels of their life here and the contributions that the Latino community makes.

Ms. Price stated that she loved these proclamations because they reflected the world in which they lived and also reflected a little bit about each of them. It warmed her heart when they took time to recognize all the different parts of what made their society. She thanked Ms. Landaverde for being there today and allowing them to share in this joy with her.

Item No. 6. b. Claudette Borgersen, Certified Municipal Clerk.

Ms. Price said that the Office of the Clerk for the Board of Supervisors was a small but powerful office, and it was not often they got an opportunity to recognize their own. She said that it was her privilege and honor to recognize Ms. Claudette Borgersen, CMC (Certified Municipal Clerk), as the International Institute of Municipal Clerks (IIMC) had conferred the title of certified municipal clerk on Ms. Borgersen. She said that in the IIMC, the certified municipal clerk was one of two professional designations granted by the IIMC, and it was designed to enhance the job performance of the Clerk in small and large municipalities.

Ms. Price stated that during the CMC designation, a municipal clerk must attend extensive education programs totaling more than 120 educational hours, it required pertinent experience in a municipality, and it prepared the applicants to meet the challenges of the complex role of the municipal clerk by providing them with quality education in partnership with institutions of higher learning in state, provincial, and national associations. She said that it was her pleasure to publicly recognize Ms. Borgersen's attaining this very prestigious certification.

Ms. Borgersen thanked the Board for acknowledging her accomplishment. She said that she was asked to reflect on what it meant to be a certified municipal clerk and to make a few comments. She stated that the municipal clerk was one of the oldest public servants in local government and can be traced back to before Common Era. She said that early keepers of archives were called remembrancers, and when early colonists came to America, they set up forms of local government to which they had been accustomed, and the Office of the Clerk was one of the first to be established. She then read an excerpt from a poem that encapsulated what it meant to be a clerk, called The Worth of a Clerk.

Ms. Borgersen read, "Self-government is fragile, it takes a special hand to create order and keep the peace. Self-government is precious, its worth cannot be measured. It needs a special talent to preserve what is so treasured. Self-government is paramount, our freedom is based on it, and the eye

that watches must be keen, for erosion creeps so silent. A record kept so carefully will preserve this precious right, and self-government will be kept safe, for the record is the light, so is given to the clerk this precious obligation to keep the record as the light for that freedom's preservation." She thanked the Board for entrusting her with this sacred responsibility, thanked Mr. Travis Morris for his support and guidance, and wished Ms. Grace Tamblyn well as she began her journey.

Ms. Price presented a plaque to Ms. Borgersen.

Ms. Price said that she would like to acknowledge the other members of the Clerk's Office for their performance in public service, Grace Tamblyn, who was the current Region 4 Director and current newsletter co-chair, and Travis Morris, who she previously misidentified as the Deputy Senior Clerk rather than the Senior Deputy Clerk.

Ms. Price said that Mr. Morris was the VMCA, Virginia Municipal Clerks Association Past President, Webmaster, and Parliamentarian, and that he was on the IIMC Board of Directors, Region 2 Director, International Relations Committee, Public Relations and Marketing Board Liaison, and with the Virginia Association of Government Archives and Records Administration's Executive Board as a member-at-large and on the nominating committee.

Ms. Price said that Ms. Borgersen had also served as the past Region 4 Director and the past newsletter co-chair. She asked the County Executive if he would not mind sharing what it meant for an organization to have its employees serve in these capacities outside of their official duties and to achieve these types of recognitions.

Mr. Jeff Richardson, County Executive, stated that he would be brief but would always take the time to discuss the importance of the organization's core values, especially regarding the Clerk's Office, which was a foundational piece of the organization. He said the Clerk's Office and its role in supporting the Board, community, and open government aligns so well with the organization's core values. He highlighted how the Clerk's Office aligns with their commitment to learning, as they encouraged and supported lifelong learning and professional and personal growth. He commended Ms. Borgersen and her staff for their efforts to stay current in their field, which he saw as an excellent example of living the core values because they were a learning organization.

Mr. Richardson stated that there were many colleagues present that night who had recently gone to school, earned certification, and were working on additional education. He mentioned an officer who was supporting the meeting and was writing an academic paper during the meeting while keeping an eye on ensuring their safety. He said that the officer was also pursuing his four-year degree. He said that Ms. Borgersen's commitment to not just doing the job but staying current in her field was a part of living their core values and was essential for earning and retaining the public's trust.

Mr. Richardson said that as everything changed around them, they must also commit themselves to lifelong learning so that they can stay relevant as a local government. He said that in order to do that, they must keep pace with the community that they serve. He said that he was very proud of her, her team, and of their organization and its commitment to education and continuous learning.

Ms. Price said that the public service of members of the organization extended beyond just their day jobs. She said that the officer Mr. Richardson mentioned was a Marine who had previously served the country wearing the uniform of the United States Marine Corps and was now continuing to serve, wearing the uniform of the Albemarle County Police Department (ACPD).

Mr. Gallaway congratulated Ms. Borgersen. He said how interesting it was to look at the IIMC's website and see the courses she took, such as how to wrangle cats and herd cats. He recalled one being about toddlers, teenagers, and electeds. He said that there were tips on what to do with an elected when they don't respond to email, text, or phone call. He said that the things she had to contend with and deal with were certainly appreciated.

Mr. Gallaway said that he had the distinct honor of being Chair for three years prior to Ms. Price's tenure, and he could say that if there were any items that could have been put into a success column, it was due in large part to the partnership and relationship he had with Ms. Borgersen as the Clerk. He expressed his deep appreciation for that time and the time during his service on the Board.

Ms. LaPisto-Kirtley said that she wanted to thank Ms. Borgersen, Mr. Morris, and Ms. Tamblyn because the Board could not do their job without them. She said that she was grateful for their organizational ability and empathy. She expressed her appreciation and congratulated Ms. Borgersen on her educational achievement.

Mr. Andrews congratulated Ms. Borgersen on the recognition of both education and experience required to become a certified municipal clerk. This was his first year as a vice chair, and he had not fully appreciated the amount of work involved in putting together meeting materials, working the agenda, and ensuring everything ran smoothly. He acknowledged that it was due to her hard work and dedication that meetings ran so well. He said that people sometimes did not appreciate how much effort went into making sure everything was done correctly.

Ms. Mallek said that as one of the usual suspects back there where Ms. Olivier was sitting for about 17 years, she was able to see the operations of both of Ms. Borgersen's predecessors, and the last one was here for 15 years. She said that it was really important that people understand how much

stepping into that role was like drinking from three fire hoses, not just one, because there were so many moving parts and so many details, and not all of them were written down. She said that she really appreciated all the work that everyone in the Clerk's Office had done to carry forward and to be that forward face that the citizens would greet and who would greet the citizens calmly and cheerfully, despite their whatever was going on with them, to be able to get help from the County.

Ms. Price said that as retired Navy, when she sees the letter CMC, she thought of Command Master Chief, and the Clerk was sort of the Command Master Chief, the honest broker, the person who she can always turn to make sure that they were doing things the way they were supposed to be done because the Clerk had no interest other than ensuring compliance with regulations. She thanked the Clerk.

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

Ms. Marta Keane, CEO of JABA (Jefferson Area Board for Aging) and resident of the Rio District, said that she was grateful for the Board's support for the Fiscal Year 24. She said she appreciated that the Board continued to see the value in assisting seniors in the community. She highlighted the fact that they were one of the first to have had the view of the Sweeping Beauty. She said the seniors at their Mary Williams Community Center had a great time going out to the sidewalk and cheering them along, and it was a lot of fun. She thanked whoever thought of them for the experience.

Ms. Keane noted that the Board had two handouts in front of them, one being the annual report, which she believed gave more of a picture of JABA as a whole and talked about their impact by numbers, and some recognition highlights. She said that important pages included the different outcomes, satisfaction by program, and information on expanding caregiver support which was seen as a growing need in the community and everywhere.

Ms. Keane said that the second handout, the job of stories, focused on the emotional side and how to feel good about what they were doing. She said that it talked about individuals and gave a sense of their different programs, but that not all of them were highlighted in the stories. She stated that each quarter would have different stories and highlights, providing an opportunity to understand the programs and how clients felt about them. She said that one page she wanted to emphasize was the expansion of the Mary Williams Community Center due to increased interest, and as a result, they were adding another space, which would soon accommodate 50 members. She said that they were continuing to grow in southern Albemarle as well.

Ms. Keane said that since it was the beginning of National Hispanic and Latinx month, their materials were now translated into Spanish as well. She added that they worked with Dr. Luna and his group to be at different outreach opportunities so that they could grow that group and had people who spoke Spanish. She said that they would soon start part D in Medicare insurance counseling and encouraged everyone to sign up as they were taking appointments now.

Mr. Tom Olivier, Samuel Miller District, said that in 1972, the Club of Rome published a report titled, The Limits to Growth, which presented findings of a model of the world built by scientists using system dynamics and computer simulations. He said that the model explored interactions of population, natural resources, industrial and agricultural production, and pollution. He explained that the modeling showed that growth cannot continue indefinitely, and if they did not change their ways, ecological crises and a collapse of societies were likely probable in the 21st century.

Mr. Olivier said that the report warned half a century ago that entirely new approaches were required to redirect society toward goals of equilibrium rather than growth. He said that over the past 50 years, they had not redirected their society from growth to equilibrium but instead enjoyed expanding their numbers and economies. He said that as projected by the Club of Rome, recent growth had disturbed planetary biophysical systems, resulting in heat waves, wildfires everywhere, previously impossible hurricanes, a biodiversity collapse, destabilized ocean currents, and so much more.

Mr. Olivier stated that the IPCC (Intergovernmental Panel on Climate Change) reports indicated that they had limited time to transform their societies and contain climate change. He said that they were teetering on the brink of a global collapse predicted half a century ago. He said that late in the Club's report, it warned that a decision to do nothing was a decision to increase a risk of collapse, so heeding this, he believed that their new Comprehensive Plan should, at the outset, acknowledge the scale of current ecological crises and recognize that their planning decisions must address the requirements of environmental sustainability.

Mr. Olivier said that, alas, the AC44 draft documents did not acknowledge the dire state of the planet or the need to pursue sustainability. The new plan structure dropped the rural areas chapter despite the public cherishing their open spaces. He said that the planning toolkits prepared for today's work session were all about development. He emphasized that they needed a course correction in the Comprehensive Plan update. He said that the new plan must broadly recognize and resolutely address environmental threats to their community. It should support the forthcoming PEC (Piedmont Environmental Council) proposals. He said that as the Board of Supervisors, they could require these

things and make them happen.

Mr. Rob McGinnis, PEC, stated that he attended the Planning Commission work session on the four AC44 toolkits and there were many constructive discussions and recommendations offered by the Commissioners that he believed had improved the toolkits. He said that though the toolkits would address the protection of rural area resources, the absence of any toolkit-type recommendations that directly address natural resources, biodiversity, cultural landscapes, water supply protection, and rural area character on a level equal to the four toolkits was greatly concerning.

Mr. McGinnis stated that PEC was calling on the County to include a requirement in the AC44 Comprehensive Plan for the preparation of a standalone rural areas plan. He said that given that the AC44 rural areas policy element would be a section within the land use and transportation chapter and would be less comprehensive and detailed than the standalone rural area chapter in the 2015 Comprehensive Plan, a rural area plan that was comprehensive, included mapping, and was informed by significant public engagement was necessary to implement AC44 rural area policies. He said that the rural area plan should have been adopted into the AC44 Comprehensive Plan.

Mr. McGinnis stated that PEC was advocating for the establishment of a development areas task force that would be charged with addressing the impediments to accommodating growth and projected growth in the Development Areas. He added that such a task force would not be the first of its kind, as after the Board adopted the 1996 Comprehensive Plan, a development area initiative steering committee was established. He said that the new task force should identify impediments and develop a range of actions to address the impediments to accommodate projected growth in the current Development Areas. He emphasized that the County should establish a development areas task force as soon as possible and it should not wait for the completion of the AC 44 Comprehensive Plan.

Ms. Amanda Bilchick, Western Albemarle High School junior, stated that she lived in Albemarle County, and that she would like to echo what the past speakers had said. She urged the Albemarle County Board of Supervisors to make environmental protection a priority in the new Comprehensive Plan. She argued that climate change was the most significant problem facing society in Generation Z and emphasized the need for young people to get involved in the climate conversation, as they would face the most disastrous effects.

Ms. Bilchick stated that her peers, teachers, family, and friends loved Charlottesville because of its natural environment. She said that they looked forward to weekends spent together on mountain trails or at nearby lakes. She said that it was crucial that the County preserved its open spaces. She asked for the Board to put climate curriculum, natural resource preservation, and climate disaster plans as top priorities in the County's Comprehensive Plan. She said that she spoke on behalf of her school, her neighborhood, and her family. She asked the Board to please make the County part of the solution and set an example for the rest of the community.

Agenda Item No. 8. Consent Agenda.

Ms. Price said that, as she mentioned earlier, Attachment A for Item 8.8 was uploaded to the County website yesterday afternoon, and again, it was not an amendment.

Ms. Price said she was not aware of any amendments to the consent agenda and that the floor was open for a motion.

Mr. Andrews **moved** to approve the consent agenda as presented.

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

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

NAYS: None.

ABSENT: Ms. McKeel.

Item No. 8.1. Approval of Minutes: September 29 and October 27, 2021.

Mr. Gallaway had read the minutes of September 29 and October 27, 2021 and found them to be in order.

By the above-recorded vote, the Board approved the minutes of September 29 and October 27, 2021.

Item No. 8.2. Fiscal Year 2023 Appropriations.

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

The total change to the Fiscal Year 2023 (FY 23) budget due to the appropriations itemized in Attachment A is \$0. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriations for County government projects and programs described in Attachment A.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment B to approve the appropriations for County government projects and programs described in Attachment A:

Appropriation #2023060

Sources:	Reserve for Contingencies	\$125,000
Uses:	Tax Relief and Refunds	\$125,000
Net Change to Appropriated Budget:		\$0

Description:

This request is to appropriate \$125,000 from the Reserve for Contingencies for the following:

- \$100,000 to fund the Tax Relief for the Elderly and Disabled program based on actual FY 23 program expenses. The increased expenditures in this program are due to new program participants, applicants qualifying for a higher percentage of relief, increases in property assessments, and the updates to program eligibility criteria approved by the Board of Supervisors in April 2022 and April 2023.
- \$25,000 to fund Community Development Department refunds based on actual FY 23 expenses due to overpayment by customers of various development- and permit-related fees.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2023060 is approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2023.

* * *

APP#	Account String	Description	Amount
2023060	4-1000-92000-453000-579100-9999	SA2023060	\$100,000.00
2023060	4-1000-92800-492000-580306-9999	SA2023060	\$25,000.00
2023060	4-1000-94000-499000-999990-9999	SA2023060	-\$125,000.00

Item No. 8.3. Personnel Policy Amendments - Part 1.

The Executive Summary as forwarded to the Board states that Albemarle County ended the shared service Human Resources (HR) model in Fiscal Year 2023 (FY 23) and approved the formation of a Human Resources Department dedicated to local government operations. Foundational work in establishing a government-focused HR Department includes a full review and revision of all County Personnel Policies. During this review, staff identified opportunities to refine existing Personnel Policies to align with changes in legislation. Under the Code of Ordinances, personnel policies and amendments are adopted by the Board of Supervisors.

Staff is proposing updates to the following Personnel Policies. The policies have been renumbered, as indicated below, to improve ease of use and accessibility for all County staff.

§P-4 Employee Records= § P-02

§P-86 Family Medical Leave= § P-20
§P-12 Fitness for Duty= § P-22
§P-89 Workers' Compensation= § P-23
§P-91 Americans with Disabilities Act= § P-26

The following proposed policy amendments are the first of a larger initiative to review and modernize County policies and procedures. Staff will bring forward additional policy updates in future Board meetings.

The updates to the newly numbered policies: § P-02, § P-20, § P-22, and § P-23, § P-26 consist of reformatting and standardization of a template that the County will use going forward. Due to the nature of this revision, a mark-up version of the previous policy is not available. There are no substantive changes recommended, other than where law requires. Below is a summary of the proposed changes for each policy.

§ P-02: Added sections for Roles and Responsibilities, guidelines for record destruction in accordance with the Library of Virginia, and litigation holds for pending court cases.
§ P-20: Language separated from the County's Leave Program to create standalone compliance-based policy. Added sections for Roles and Responsibilities and term Definitions.
§ P-22: Added sections for Roles and Responsibilities and Definitions, and separated procedural instructions.
§ P-23: Added a section for Roles and Responsibilities, and separated procedural instructions.
§ P-26: Added language regarding accommodations for service animals due to a legislative change in 2011. It also separates procedural instructions from the policy.

There is no budget impact associated with the proposed adoption of these amendments.

Staff recommends that the Board adopt the Resolution (Attachment F) to amend personnel policies § P-02, § P-20, § P-22, and § P-23, § P-26 as set forth in Attachments A, B, C, D, & E.

By the above-recorded vote, the Board adopted the Resolution (Attachment F) to amend personnel policies § P-02, § P-20, § P-22, and § P-23, § P-26 as set forth in Attachments A, B, C, D, & E.


RESOLUTION

WHEREAS, the Board of Supervisors may adopt Personnel Policies under Albemarle County Code §2-901; and

WHEREAS, the Board desires to amend and re-number the following Policies: §P-4 Employee Records as §P-02; §P-86 Family Medical Leave as § P-20; §P-12 Fitness for Duty as §P-22; §P-89 Workers' Compensation as §P-23; and §P-91 Americans with Disabilities Act as §P-26

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Albemarle County, Virginia, hereby approves the renumbering and amendment to the County's Personnel Policies as set forth in the documents attached hereto.

* * *

	<u>P - \$02</u>	<u>Policy Name:</u> Employee Record Maintenance	<u>Current Version Approved:</u> September 6, 2023
	<u>Prepared By:</u> Human Resources		<u>Adopted:</u> August 4, 1993
	<u>Amended:</u> September 6, 2023		

A. PURPOSE

The purpose of the policy is to set forth compliance-driven guidelines for retention and maintenance of employment records.

B. DEFINITIONS

Employee Records – all records pertaining to employment, including benefits, eligibility, training history, performance reviews, disciplinary actions, job experience and history and compensation history that constitute the personnel file.

Health Insurance Portability and Accountability Act (HIPAA) – Federal law requiring standards for protecting patient health and medical information.

Personal Identity Information (PII) – Information that directly identifies an individual such as passport number, social security number, driver’s license number, financial account numbers or other tax identification. Additionally, physical and email addresses may be considered PII if used in conjunction with other demographics to locate a person.

Protected Health Information – individually identifiable health information including medical conditions, health status, medical history, physical examination or laboratory test results, genetic information, and evidence of disability.

Virginia Freedom of Information Act (FOIA) - a series of laws designed to guarantee that the public has access to public records of government bodies at all levels in Virginia.

C. ROLES AND RESPONSIBILITIES

Employees:

- a. Employees may review the contents of their personnel files.

Supervisors:

- b. Timely delivery of all employee records to Human Resources.

Human Resources:

- c. Maintains personnel files in accordance with requirements set forth by the Library of Virginia, protects their confidentiality, and maintains a log of all those who access a personnel file.

D. POLICY

1. Access to Employee Personnel Files

- a. Employee personnel files are maintained by HR. Employees may request copies of the records in their personnel files.
- b. Requests for access to an employee's personnel file must be in writing to HR. Upon receipt, HR will provide access or a copy of all requested records within five (5) business days.
- c. Parties issuing subpoenas for employee records will be charged reasonable costs.
- d. The County will withhold an employee's personnel information from all FOIA requests as permissible in Virginia Code.

2. Maintenance of Employee Records

The following information is segregated within an employee's personnel file, and not subject to supervisor review without prior approval from HR: investigation notes, grievances, and discipline. Employee records that are not subject to supervisor review: FMLA, I9, retirement, workers compensation claims, Compliance Reports, Protected Health Information (PHI), and benefits elections.

Records relating to disciplinary investigations, where the violation being investigated is determined not to have occurred, are transferred to the segregated portion of an employee's personnel file, but may be retained there if such information alleges civil or criminal offenses.

3. Protected Health Information (PHI)

The County facilitates benefits enrollment and modifications, including qualifying life events, establishes payroll deductions, and assists with claims resolution and benefit plan coordination. These activities may require the disclosure of PHI. Generally, disclosures may be made to:

- a. Healthcare providers for treatment, payment, or claims reconciliation
- b. Third parties authorized by the employee
- c. Government agencies for reporting or enforcement purposes
- d. Workers' compensation administrators and their authorized partners

- e. Information external to the health plan is not considered PHI if the information is being furnished for claims processing purposes involving workers' compensation or short to long-term disability and medical information received to verify the Americans with Disabilities Act (ADA) or Family and Medical Leave Act (FMLA) status

4. Destruction of Employee and Applicant Records

a. Before destroying employee or applicant records:

- i. HR ensures that no outstanding investigation, litigation hold, audit, or Freedom of Information Act requests is in progress.
- ii. A Library of Virginia RM-3 Form, verifying compliance with record retention and disposition schedules is completed and submitted to the Commonwealth.

b. Employment application materials of non-selected candidates are retained for one year. Application materials for those who accepted a verbal or written offer, but never started work, are treated as employee personnel files.


c. Employment records must be securely destroyed. This includes:

- Destroying or erasing electronic files so that information cannot be read or reconstructed.
- Shredding, burning, or otherwise destroying paper documents so that information cannot be read or reconstructed.

5. Litigation Holds

When the County Attorney's Office anticipates that the County may be involved in litigation, it will issue a litigation hold. All records relating to that matter must be preserved. Failing to do so may subject the County, as well as individual employees, to Court sanction.

The IT department will suspend the automatic deletion of emails for all individuals covered by the litigation hold. Any questions about a litigation should be directed to the County Attorney's Office.

	P - §20	Policy Name: Family Medical Leave	Current Version Approved: September 6, 2023
	Prepared By: Human Resources		Adopted: September 1, 1993
	Amended: June 1, 2005; September 6, 2023		

A. PURPOSE

In accordance with the Family and Medical Leave Act (FMLA), the County will grant up to 12 weeks of unpaid leave during a 12-month period to eligible employees (or up to 26 weeks of military caregiver leave).

The purpose of this policy is to provide a general description of employees’ FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

B. DEFINITIONS

Child - means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18 or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

Family - is defined as the employee’s spouse, children, and parents.

Fitness for Duty - is possessing the physical, emotional, and mental capacities to safely and effectively perform the essential functions of an employee’s job, with or without reasonable Americans with Disabilities Act accommodation, in a manner that does not present a direct threat of harm to self or others.

Health Care Provider - is a licensed Doctor of Medicine or osteopathy or any other person determined by the U.S. Secretary of Labor to be capable of providing healthcare service.

Key Employee - is defined as a salaried FMLA-eligible employee who is among the highest-paid 10 percent of all County employees.

Parent - means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents "in law."

Qualifying exigency - includes short-notice deployment, military events and activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities that arise out of active duty, provided that the employer and employee agree, including the agreement on timing and duration of the leave.

Serious health condition - means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that causes the employee to be absent from work on a recurring basis or for more than three days.

Spouse - means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in common law or same-sex marriage.

Week - is defined as the authorized regularly scheduled hours of the employee's position.

Year - is defined as a rolling 12-month period measured backward from the date an employee uses FMLA leave.

C. ROLES AND RESPONSIBILITIES

Employees – All employees requesting FMLA must provide verbal or written notice of the need for leave to the Human Resources Department. If the need is foreseeable, the employee must provide at least 30 days' notice.

Supervisors – Must recognize when an employee's absence may fall under FMLA. Supervisors are responsible for responding to employee leave requests and notifying Human Resources as soon as an employee is absent for more than 3 days due to a personal or family member illness or injury.

Human Resources – The Human Resources Department must provide employees with information about the leave designation process and explain any required documentation. HR is responsible for notifying the employee, employee's supervisor and department head upon designation and approval of family medical leave, as well as facilitating the return to work process.

D. POLICY

Albemarle County provides job-protected, unpaid leave to eligible employees for a qualifying condition under certain circumstances described in accordance with the Family and Medical Leave Act of 1993 and all subsequent amendments.

1. Eligibility

To be eligible for leave under this policy, employees must meet all of the following requirements:

- Have worked at least twelve (12) months for Albemarle County.
- Have worked at least 1,250 hours for Albemarle County over the twelve (12) months preceding the date the leave would commence.
- Have not used all available FMLA Leave within the 12-month rolling year.

2. Reasons for Leave

To qualify as FMLA leave under this policy, the leave must be for one of the following reasons:

- The birth of a child or placement of a child with the employee for adoption or foster care.
- To care for a spouse, child, or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job.
- For any qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or on call to covered active-duty status.
- To care for a covered service member with a serious injury or illness.

3. Amount of Leave

- A. An eligible employee can take up to 12 weeks of FMLA leave during any 12-month period. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave.
- B. An eligible employee can take up to 26 weeks for the FMLA military caregiver leave during a single 12-month period. For this military caregiver leave, the County will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.
- C. Eligible spouses who both work for the County may only take a combined total of 12 weeks of leave for the birth of a child, adoption, or placement of a child in foster care, or to care for a parent with a serious health condition. Both may only take a combined total of 26 weeks of leave to care for a covered injured or ill service member (if each spouse is a parent, spouse, child or next of kin of the service member).

4. Intermittent Leave or Reduced Work Schedule

A health care provider may necessitate an “intermittent” leave or reduced leave schedule to care for a seriously ill family member or for the employee’s own serious health condition where the need for leave is foreseeable and based on planned medical treatment. In the case of a reduced leave schedule or intermittent use of leave, the health care provider must indicate on the Health Care Provider (WH-380) the need for the leave.

The County will attempt to find work for the employee in accordance with medical provider restrictions and so that it does not place an operational hardship on the department or impede service to the community. As such, the County may temporarily transfer the employee to an available alternative position with equivalent pay and benefits.

For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced-hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the County’s operations.

5. Use of Paid and Unpaid Leave

- A. An employee who is taking FMLA leave because of the employee's own serious health condition, or the serious health condition of a family member will first be compensated using any accrued sick leave and sick bank benefits, as applicable. Sick leave will run concurrently, until exhausted or up to a maximum 12 weeks, with the FMLA leave if the reason for the FMLA leave is covered by the adopted sick leave policy.
- B. The remainder, if any, of the family medical leave requested will be paid from accrued annual leave and earned compensatory leave prior to the employee receiving unpaid leave, except that the employee may save one (1) week of annual leave for use at a later time.
- C. An employee who is using military FML leave for a qualifying exigency must use all paid annual leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid annual, or sick leave (as long as the reason for the absence is covered by the County’s sick leave policy) prior to being eligible for unpaid leave.
- D. Employees on unpaid FML are not eligible for any unemployment benefits.

6. Intent to Return to Work

- A. When FMLA leave was for the employee's own serious health condition, certification from the health care provider releasing the employee to work is required.
- B. If an employee is medically certified to return to work in a restricted capacity or through alternative schedule arrangements, management from the home department and Human Resources will discuss possible options with the employee.
- C. The County may require a second opinion by a health care provider of its choice, and at its expense. If the two opinions differ, a third opinion may be requested from a provider selected jointly by the employee and the County. This third opinion, to be paid for by the County, is final and binding. It is the employee's responsibility to provide the County with up-to-date medical status while on FML.

7. Restoration to Position

When an eligible employee is released to return to work following FML, the employee will be restored to the position held at the time the leave began or to an equivalent position with equivalent benefits, compensation and other terms and conditions of employment. In order to be guaranteed restoration, the employee must return to work at or before the end of the 12-week FML period.

Certain "key" employees may be denied job restoration. A "key" employee is defined as a salaried FMLA-eligible employee who is among the highest-paid 10 percent of all County employees. A key employee will be notified as soon as practicable after receipt of a request for FML that he is considered to be a key employee.


8. Unable to Return to Work

If an employee is medically unable to return to work at the end of the 12 weeks of FML leave, Additional time off may be granted, at the discretion of the County and based upon the likelihood of the employee returning to work at full capacity.

The employee may reach maximum medical improvement (MMI) meaning treatment options have been exhausted and the condition may not improve any further allowing the employee to return to full duty at the job the employee had prior to the injury. If the employee's absence exceeds six months or if the County's circumstances have changed during the employee's absence so as to make it impossible or unreasonable not to discharge the employee, Human Resources will begin the dismissal process. This is a non-disciplinary termination made based on the fact that the employee is unable to meet the essential functions of the job. (Code of Virginia § 40.1-27.1.)

9. Record Keeping

The Department of Human Resources shall maintain confidential medical records necessary to demonstrate compliance with FMLA. Such medical and health records are kept separate from employment documents and are exempt from Freedom of Information Act (FOIA) inquiries.

	P - §22	Policy Name: Fitness for Duty	Current Version Approved: September 6, 2023
	Prepared By: Human Resources		Adopted: August 4, 1993
	Amended: September 6, 2023		

A. PURPOSE

The purpose of the policy is to ensure that employees are physically and mentally capable of performing the essential functions of their positions, with or without reasonable accommodations as mandated by the Americans with Disabilities Act.

B. DEFINITIONS

Americans with Disabilities Act – civil rights law enacted in 1990, and amended in 2008, that prohibits discrimination based on person’s disability.

Fit for Duty (FFD) - possessing the physical, emotional, and psychological capability to safely and effectively perform the essential functions of the job, with or without reasonable accommodation, in a manner that does not present a direct threat of harm to self or others.

Health Care Provider (HCP) – a licensed medical care provider or any other person determined by the U.S. Secretary of Labor to be capable of providing healthcare service.

C. ROLES AND RESPONSIBILITIES

Employees:

- a. Performing essential functions of their position in a safe and effective manner, with or without reasonable accommodations during the entire time at work;
- b. Notifying a supervisor when they are no longer fit for duty due to injury, illness, or medical condition;
- c. Notifying a supervisor when a coworker is observed acting in a manner that indicates the coworker may not be fit for duty; and
- d. Providing relevant medical documentation to the Human Resources Department when a health care provider has determined a changed in the ability to perform the essential functions of their position.

Supervisors:

- a. Observing the attendance, performance, and behavior of the employees under their supervision;
- b. Notifying Human Resources when an employee is exhibiting behavior that suggests they may not be fit for duty;
- c. Maintaining the confidentiality of an employee's medical information; and
- d. Implementing any reasonable accommodation deemed necessary.

Human Resources:

- a. Soliciting information from the supervisor regarding employee behaviors or performance and from the employee regarding any relevant previous or current medical or psychological treatment information;
- b. Coordinating a Fit for Duty Assessment, as necessary;
- c. Communicating the results to the employee if not done so by the health care provider;
- d. Discussing recommendations and subsequent accommodations with the supervisor; and
- e. Communicating with the employee as to their rights, responsibilities, and employment status.

D. POLICY

This policy outlines the responsible parties and necessary actions when an employee's fitness for duty (FFD) is in question, the steps necessary to assess the employee's physical or mental capabilities, necessary follow-up, and return to work requirements.

- a. All employees will be informed of the minimum responsibility to maintain their physical, mental, and emotional health (including free of the effects of alcohol and drugs) to a degree required to carry out their responsibilities as employees. An employee shall not be allowed to work unless the employee is able to safely perform the essential job functions, with or without reasonable accommodation.
- b. All County job descriptions will clearly state the minimum physical and emotional health requirements of the position. Employees are responsible for familiarizing themselves with these requirements.
- c. If a supervisor suspects that an employee is not fit for duty, i.e., is unable to effectively perform their responsibilities due to physical or emotional health problems, the supervisor must refer the employee to the Human Resources Department to arrange a fitness for duty


evaluation. The evaluation will be conducted at County's expense and the employee will be paid their regular rate of pay during the evaluation.

- d. Before initiating a fitness for duty evaluation, the employee's supervisor will meet with Human Resources (HR) to discuss the observed behavior/circumstance that has caused concern about the employee's fitness for duty. HR will determine the appropriateness of a fitness for duty evaluation. The employee will also be given the opportunity to provide any relevant medical or psychological treatment information.
- e. The Fitness for Duty evaluation can be conducted by the employee's own health care provider if the employee is currently receiving care. However, the County has the right to require the evaluation be conducted by an independent licensed healthcare professional at the County's expense. **A fitness-for-duty evaluation must be job-related and consistent with business necessity under the Americans with Disabilities Act (ADA).**
- f. To the extent allowed by law, the County will protect the confidentiality of the evaluation and the results.
- g. Employees may be placed on paid administrative leave while waiting for the results of the fitness for duty exam.
- h. Non-compliance with a request for a Fitness for Duty evaluation shall be cause for disciplinary actions up to and including dismissal.
- i. The employee's satisfactory work performance is the basis for continued employment. Participation in a treatment or rehabilitation program does not guarantee continued employment and will not prevent disciplinary action for violation of County policies or regulations. An employee must comply with all treatment recommendations resulting from a fitness for duty evaluation.
- j. If the fitness for duty evaluation indicates that the employee is capable of performing the essential job functions by receiving medical treatment, it shall remain the responsibility of the employee to undergo the treatment. Failure to do so may result in dismissal from employment.
- k. When an employee returns to work after hospitalization or prolonged absence for health reasons, the County may require fitness for duty evaluation prior to resuming regular work activities.

E. RESOURCES

Americans with Disabilities Act of 1990, 42 U.S.C. §12101, as amended.

Code of Virginia § 22.1-301, as amended. Cost of medical examinations and of furnishing medical records.

	<u>P - §23</u>	<u>Policy Name:</u> Worker’s Compensation	<u>Current Version Approved:</u> September 6, 2023
	<u>Prepared By:</u> Human Resources		<u>Adopted:</u> September 3, 2008
	<u>Amended:</u> April 1, 2019; September 6, 2023		

A. PURPOSE

The purpose of this policy is to outline the basic requirements of Virginia Worker’s Compensation regulations and the associated requirements of County staff.

B. DEFINITIONS

Family Medical Leave (FML) – A type of leave that provides certain employees with up to 12 weeks of unpaid, job-protected leave per rolling calendar year.

Health Care Provider (HCP) - a licensed medical care provider or any other person determined by the U.S. Secretary of Labor to be capable of providing healthcare service.

Maximum Medical Improvement (MMI) - treatment options have been exhausted and the condition cannot not be improved to allow the employee to perform the full scope of the essential functions of their position.

Virginia Worker’s Compensation Act – legislation established to provide specific benefits to workers injured out of and in the course of their work and to provide employers with protection from civil suit.

Virginia Worker’s Compensation Commission – carries out the requirements of the Virginia Workers' Compensation Act, while administering Virginia's workers' compensation program, meeting legal requirements and providing various protections.

C. ROLES AND RESPONSIBILITIES

Employee – Employees are required to immediately report all work-related injuries and illnesses to a department supervisor. This includes any injury that occurs while working and any illness that is believed to be caused by conducting County business. All incidents must be reported regardless of severity. Late reporting or failure to report may result in delayed or denied Workers’ Compensation benefits.

Human Resources – The Department of Human Resources is responsible for providing assistance and information to employees with respect to workers' compensation benefits and return to work procedures and requirements.

Manager/ Supervisor –

- a. Submitting a First Report of Injury immediately upon notification of a work-related injury or illness, or upon obtaining knowledge of the event. All reports must be submitted within 24 hours of the accident, injury, illness, receipt of notice, or obtaining knowledge, whichever occurs the earliest.
- b. Accurately recording absences due to a work-related injury or illness using appropriate timekeeping processes.
- c. Reporting any changes in work status or capability of the injured worker to Human Resources, as soon as possible.

Workers' Compensation Third-Party Administrator - The Workers' Compensation program is administered through a Third-Party Administrator, which handles all employee claims, investigations, and filings with the Virginia Workers' Compensation Commission.

D. POLICY

It is Albemarle County's policy to adhere to all federal and state laws pertaining to Worker's Compensation benefits, and to strive to bring all employees back to their pre-injury/illness work capabilities.

1. LEAVE USAGE


- a. *First 7 Days of Absence* – During the first seven (7) calendar days of absence, beginning from the first full day of work missed due to injury or illness, an employee may use accrued sick leave to account for the absence. If all sick leave has been exhausted, the employee may use other accrued leave in accordance with procedures established by the Department of Human Resources. If no leave is available, these days will be unpaid.
- b. *Absence After 7 Days* – Beginning on the eighth (8) calendar day of absence due to a compensable work-related injury or illness, the employee will receive income benefits equal to 2/3 (66%) of their average weekly wages. Also beginning on the eighth (8) day, the employee may use accrued leave in accordance with procedures established by the Department of Human Resources to supplement their Workers' Compensation income benefits as follows:
 - The leave shall not exceed 1/3 (34%) of the employee's normally scheduled, non-overtime work hours on any shift.

- Accrued sick leave must be taken first. After sick leave is exhausted, the employee may use other accrued leave in accordance with policies and procedures established by the Department of Human Resources.
 - All leave must be accrued by the time of usage. Employees may not borrow against future leave accrual.
- c. *Benefits After 21 Days of Absence* – If the absence due to compensable injury or illness exceeds twenty-one (21) calendar days, the employee will be reimbursed for the leave used during the first seven (7) calendar days and will receive pay for 2/3 (66%) of the employee's average weekly wage. The employee will be allowed to keep this reimbursement without obligation to return any payments to the County.
- d. *Denied Claims* – If a Workers' Compensation claim is deemed non-compensable, standard leave policies shall apply to any leave taken by the employee.
- e. *Family Medical Leave* – Eligible employees will be placed on Family Medical Leave after an absence of three (3) consecutive workdays due to injury or illness, if the employee is unable to return to work at full capacity. This occurs regardless of whether the worker's compensation claim is accepted or denied.
2. CONTINUITY OF BENEFITS
The County will continue all applicable contributions toward retirement, life insurance, health insurance, and dental insurance during the period an employee is absent for a compensable injury/illness. The employee is responsible to make payment arrangements to cover their portion of required contributions.
3. RETURN TO WORK
- a. Upon the medical provider's release to return to work in any capacity, the employee is expected to return to work if the County is able to accommodate any medical restrictions. Alternate work may be assigned within the County to accommodate medical restrictions; however, the pre-injury rate of pay will be maintained. If the employee refuses to return to work in the full-duty or restricted-duty capacity approved by the treating physician/health care provider, the County may take all actions permitted under law, including but not limited to contesting the employee's entitlement to further Workers' Compensation benefits before the Virginia Workers' Compensation Commission and/or termination of employment.
- b. If an employee reaches maximum medical improvement (MMI), or an employee's absence exceeds six months, or the County's circumstances have changed such that an employee's absence creates an operational hardship, the County may seek other employment options or begin a non-disciplinary termination of employment. (*Code of Virginia* § 40.1-27.1.)

E. RESOURCES

Code of Virginia Workers' Compensation

DOL Workers' Compensation

	<u>P - §26</u>	<u>Policy Name:</u> Americans with Disabilities Act (ADA) and Americans with Disabilities Amendments Act (ADAAA)	<u>Current Version Approved:</u> September 6, 2023
	<u>Prepared By:</u> Human Resources		<u>Adopted:</u> May 3, 2017
	<u>Amended:</u> September 6, 2023		

A. PURPOSE

The purpose of this policy is to ensure compliance with all laws federal and state laws concerning the employment of individuals with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC).

B. DEFINITIONS

Americans with Disabilities Act – law that prohibits discrimination against people with disabilities.

Direct threat - A significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.

Disability - a physical or mental impairment that substantially limits one or more major life activities, a record (or past history) of such an impairment or being regarded as having such an impairment.

Essential functions - responsibilities that are determined by the employer to be critical or core to performing the job; the purpose of the position in the organization.

Major life activities – functions necessary for sustaining quality of life. Examples include but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, intellectual disability, mental illness, and major bodily functions. Detailed lists of covered functions are found in the ADA and ADAAA language.

Qualified individual - an individual who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position and who, with or without reasonable accommodation, can perform the essential functions position.

Reasonable accommodation - modification or adjustment to a job, the work environment, or the way things are usually done, that does not create an undue hardship to the employer.

Substantially limiting - a person is unable to perform an activity as compared to an average person in the general population.

Undue hardship - an action requiring significant operational difficulty, impaired service levels, or expense by the employer.

C. ROLES AND RESPONSIBILITIES

Employees – responsible for notifying Human Resources if they believe they need accommodation.

Managers/Supervisors – responsible for notifying Human Resources if an employee has indicated that they have a disability, is perceived in having a disability, or has asked for an accommodation.

Human Resources –

- ensures that all job candidates are given fair and equal consideration without judgment or penalty for any type of disability covered under the ADA/ADAAA.
- ensures that all hiring, termination, training, promotion, and other employment factors adhere to the guidelines outlined in the legislation.
- reviews each request for accommodation, or the perceived need of accommodation, on a case-by-case basis.
- Works with departments to determine whether an accommodation would pose an undue hardship.

D. POLICY

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that prohibit disability discrimination in all employment practices including job application procedures, hiring, termination, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities. It is the policy of Albemarle County to comply with all federal and state laws concerning the employment of persons with disabilities.

1. Job applicants and employees who are qualified individuals with a disability are protected. This includes employees with known limitations related to pregnancy, childbirth, or related medical conditions (Virginia Values Act).
2. Reasonable Accommodation
 - a. Pre-employment
 1. Applicants with a disability who can be reasonably accommodated will be given the same consideration for employment as any other applicant.

2. Human Resources will engage in the interactive process with the applicant to determine if the County can provide a reasonable accommodation without creating an undue hardship or causing a direct threat to workplace safety.
3. Applicants who pose a direct threat to the health, safety, or well-being of themselves or others in the workplace, and when the threat cannot be eliminated by reasonable accommodation, will not be hired.

b. Employee Request

1. Employees with a disability may request a reasonable accommodation by contacting Human Resources or their supervisor verbally or by email.
2. Human Resources will engage in the interactive process with employees with a disability to determine if the County can provide a reasonable accommodation without creating an undue hardship or causing a direct threat to workplace safety.
3. Albemarle County will reasonably accommodate qualified individuals unless doing so causes a direct threat to these individuals or others in the workplace. However, if the accommodation creates an undue hardship to Albemarle County, the accommodation will not be utilized.
4. Service Animals are defined by the ADA as dogs that are individually trained to do work or perform tasks for people with disabilities and may be considered in an accommodation request. If approved, the following rules apply:
 - a. A service animal must be under the control of its handler. Under the ADA, service animals must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or the devices interfere with the service animal's safe, effective performance of tasks.
 - b. When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (I) is the dog a service animal required because of a disability, and (II) what work or task has the dog been trained to perform.
 - c. Staff cannot ask about the person's disability, require medical documentation, require a special identification card on training documentation for the dog, nor ask that the dog demonstrate its ability to perform the work or task.
 - d. Emotional support animals, comfort animals, and therapy dogs are not service animals under Title II and Title III of the ADA. Other species of animals, whether wild or domestic, trained or untrained, are not

considered service animals. The work or tasks performed by a service animal must be directly related to the individual's disability.

3. Excluded from Coverage

a. Direct Threat

Individuals who pose a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation are excluded from coverage under the County's ADA policy.

b. Illegal or illicit Drugs

Individuals who are currently using illegal or illicit drugs are excluded from coverage under the County's ADA policy.

E. RESOURCES

[Americans with Disabilities Act](#)

[Library of Virginia](#)

[Service Animals](#)

Item No. 8.4. Tax Refund Approval Request.

The Executive Summary as forwarded to the Board states that Virginia Code § 58.1-3981 requires that erroneous tax assessments shall be corrected and that a refund, with interest as applicable, be paid back to the taxpayer. Tax refunds resulting from erroneous assessment over \$10,000 must be approved by the Board of Supervisors before any payments are made.

The Department of Finance and Budget is requesting approval from the Board for tax refunds to conform with Virginia Code § 58.1-3981. Each refund amount listed below has been reviewed and certified by staff and the Chief Financial Officer with consent of the County Attorney's Office.

If approved,

- \$10,369.48 will be refunded to PBM Holdings LLC due to the business being located in the City of Charlottesville and not Albemarle County.
- \$26,687.15 will be refunded to Cheryl L Fittery due to tax overpayment on a business that has closed.
- \$35,609.40 will be refunded to Flow Motors due to business overestimation.
- \$38,032.89 will be refunded to Forest Springs LLC due to taxpayer overpayment.

Staff does not anticipate a budget impact associated with the recommended action. Tax refunds are a customary part of the revenue collection process and refund expectations are included in the annual revenue budget assumptions.

Staff recommends that the Board adopt the Resolution (Attachment A) to approve the refund requests and authorize the Department of Finance and Budget to initiate the refund payments.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment A to approve the refund requests and authorize the Department of Finance and Budget to initiate the refund payments:

**RESOLUTION
REQUESTING TAX REFUNDS**

WHEREAS, Virginia Code § 58.1-3981 requires that erroneous tax assessments be corrected and that a refund, with interest as applicable, be paid back to the taxpayer;

WHEREAS, Tax refunds resulting from erroneous assessment over \$10,000 must be approved by the Board of Supervisors, after being certified by the Chief Financial Officer and the County Attorney;

NOW, THEREFORE, BE IT RESOLVED that a refund in the amount of \$10,369.48 has been reviewed and certified due to the business being located in the City of Charlottesville and not Albemarle County and that this refund shall be remitted to PBM Holdings LLC. to conform with Virginia Code § 58.1-3981;

BE IT FURTHER RESOLVED that a refund in the amount of \$26,687.15 has been reviewed and certified due to overpayment on a business that has closed and that this refund shall be remitted to Cheryl L. Fittery to conform with Virginia Code § 58.1-3981;

BE IT FURTHER RESOLVED that a refund in the amount of \$35,609.40 has been reviewed and certified due to business overestimation and that this refund shall be remitted to Flow Motors to conform with Virginia Code § 58.1-3981;

BE IT FURTHER RESOLVED that a refund in the amount of \$38,032.89 has been reviewed and certified due to taxpayer overpayment and that this refund shall be remitted to Forest Springs LLC. to conform with Virginia Code § 58.1-3981.

Item No. 8.5. Mutual Aid Agreement for Fire and Rescue Services Between Albemarle County and the City of Charlottesville.

The Executive Summary as forwarded to the Board states that in May 2000, the County of Albemarle and the City of Charlottesville entered into a comprehensive agreement to provide fire and emergency services to specific response areas within Albemarle County. The primary objective of this agreement was to ensure uninterrupted and dependable fire protection while the County developed its own fire rescue system to effectively meet current and future public safety requirements. Initially, the agreement had a duration of ten years, starting on July 1, 2000, and ending on June 30, 2010. In 2008, an amendment was introduced to grant the County the flexibility to extend the agreement for up to three additional terms, until June 30, 2013. The County exercised this extension option twice, maintaining the agreement under its original terms.

In 2013, as the Ivy Fire Rescue station was scheduled to open, the County and City staff engaged in negotiations to formulate a new contract for fire services. Subsequently, an agreement was reached and approved by the Board, outlining the provision of fire services until June 30, 2018. Additionally, the agreement included the option to extend it for an additional five-year term, until June 2023. The County exercised this extension opportunity, allowing ample time to fully staff a 24/7 paramedic level ambulance and fire engine at the Pantops Fire Rescue Station, further strengthening the Fire Rescue system.

Albemarle County Fire Rescue and the Charlottesville Fire Department have built a strong and enduring partnership based on collaboration and cooperation. Although the long-standing fire services agreement came to an end on June 30, 2023, both departments remained dedicated to maintaining a mutually beneficial relationship.

The attached mutual aid agreement (Attachment A) is a transition towards a more cooperative and reciprocal partnership. Under this agreement, both fire departments are committed to providing service support without direct financial reimbursement.

The attached agreement establishes the terms under which fire and rescue assistance is provided between the two jurisdictions. Staff have reviewed and approved the updated agreement.

The approval of the proposed mutual aid agreement was presumed during the formation of the Fiscal Year 2024 (FY 24) budget. The FY 24 Albemarle County Fire Rescue operating budget includes funding for the final payment for services provided by the City of Charlottesville under the previous fire

services agreement. The budget impact of these agreement changes was captured as part of the Fire Rescue multi-year financial and staffing plan, and future savings created by this agreement change will partially support increased services for Albemarle County Fire Rescue operations.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the mutual aid agreement for fire and rescue services with the City of Charlottesville (Attachment A) and to authorize the County Executive to execute the agreement once it has been approved as to substance and form by the County Attorney.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment B to approve the mutual aid agreement for fire and rescue services with the City of Charlottesville (Attachment A) and to authorize the County Executive to execute the agreement once it has been approved as to substance and form by the County Attorney:

**RESOLUTION TO APPROVE THE ALBEMARLE COUNTY
FIRE AND RESCUE
MUTUAL AID AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE
AND THE CITY OF CHARLOTTESVILLE**

WHEREAS, the Board finds it is in the best interest of the County of Albemarle to enter into a Mutual Aid Agreement with the City of Charlottesville to continue the fire and rescue assistance provided between the County of Albemarle and the City of Charlottesville.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Mutual Aid Agreement between the County of Albemarle and the City of Charlottesville and authorizes the County Executive to execute the Agreement on behalf of the County once it is approved as to form and substance by the County Attorney.

Item No. 8.6. VDOT Revenue Sharing Program Applications.

The Executive Summary as forwarded to the Board states that the Virginia Department of Transportation's (VDOT) Revenue Sharing program provides up to \$10 million in state funding for local projects over the lifetime of the project. Successful Revenue Sharing applications require a 50% local match. Project costs that exceed \$20 million are the responsibility of the locality.

Revenue Sharing project applications are sorted into one of four priority levels, with Priority 1 projects being most likely to receive funding. Priority 1 projects are those that have received funding in a previous round of Revenue Sharing.

VDOT accepts Revenue Sharing project applications in odd-numbered years. Pre-applications are submitted in June and final applications are submitted in early October. For each round of Revenue Sharing, a locality may request a total equal to or less than \$10 million in state funds for any number of projects.

Albemarle County submitted five Revenue Sharing pre-applications in June 2023, requesting over \$15 million in state funds. At the August 2, 2023 Board of Supervisors meeting, staff described all five pre-applications and noted that only a subset of those pre-applications could be submitted as final applications due to the \$10 million request limit per round.

At that meeting, the Board determined that the Hydraulic Road & Lambs Lane Campus Improvements project and the Eastern Avenue South Connection project would not be pursued as final applications in this round. Staff noted that the Hydraulic Road & Lambs Lane Campus Improvements project requires additional investigation. In addition, its priority level categorization (currently Priority Level 4) could be improved in the next two years, making the project more competitive in a future Revenue Sharing round. The cost of the Eastern Avenue project was estimated to have significantly increased since it was initially partially funded, and the maximum \$10 million request over the project's lifetime required a large investment of local funds beyond the \$10 million match. As a result, staff is investigating alternative funding opportunities for this project.

The Board of Supervisors must provide Resolutions of Support in order for the three remaining preapplications to be submitted as final applications. The total request for state funds is less than \$10 million.

Successful Revenue Sharing applications require a 50% local match. If all three project applications are awarded funding, the Transportation Leveraging Fund has sufficient funding to allow Albemarle County to meet its match obligations.

Staff recommends that the Board adopt the Resolutions (Attachment A, B, & C) in support of the submission of the following three Revenue Sharing projects: Commonwealth Drive/Dominion Drive Sidewalks, Berkmar Drive Bicycle and Pedestrian Improvements, and Berkmar Drive Extension to Airport Road.

By the above-recorded vote, the Board adopted the resolutions as presented in attachments A, B, and C in support of the submission of the following three Revenue Sharing projects: Commonwealth Drive/Dominion Drive Sidewalks, Berkmar Drive Bicycle and Pedestrian Improvements, and Berkmar Drive Extension to Airport Road:

**RESOLUTION TO PARTICIPATE IN
VIRGINIA DEPARTMENT OF TRANSPORTATION
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2024
Commonwealth Drive/Dominion Drive Sidewalks**

WHEREAS, the County of Albemarle desires to submit an application for the allocation of funds through the Virginia Department of Transportation Fiscal Year 2024 Revenue Sharing Program; and

WHEREAS, the County is willing to commit local funds of a minimum of fifty percent (50%) of the total project cost in order to compete for a Revenue Sharing Program award; and

WHEREAS, these funds are requested to implement the Commonwealth Drive/Dominion Drive project, which proposes to construct two segments of sidewalk: on Commonwealth Drive from Hydraulic Road to Peyton Drive and on Dominion Drive from Commonwealth Drive to US 29; and

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby commits to provide local funds of a minimum of fifty percent (50%) of the total project cost in its application for revenue sharing funds from the FY 2024 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

BE IT FURTHER RESOLVED THAT the Board of Supervisors hereby grants authority to the County Executive to execute project administration agreements for any approved Fiscal Year 2024 Revenue Sharing Program projects.

* * * *

**RESOLUTION TO PARTICIPATE IN
VIRGINIA DEPARTMENT OF TRANSPORTATION
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2024
Commonwealth Drive/Dominion Drive Sidewalks**

WHEREAS, the County of Albemarle desires to submit an application for the allocation of funds through the Virginia Department of Transportation Fiscal Year 2024 Revenue Sharing Program; and

WHEREAS, the County is willing to commit local funds of a minimum of fifty percent (50%) of the total project cost in order to compete for a Revenue Sharing Program award; and

WHEREAS, these funds are requested to implement the Commonwealth Drive/Dominion Drive project, which proposes to construct two segments of sidewalk: on Commonwealth Drive from Hydraulic Road to Peyton Drive and on Dominion Drive from Commonwealth Drive to US 29; and

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby commits to provide local funds of a minimum of fifty percent (50%) of the total project cost in its application for revenue sharing funds from the FY 2024 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

BE IT FURTHER RESOLVED THAT the Board of Supervisors hereby grants authority to the County Executive to execute project administration agreements for any approved Fiscal Year 2024 Revenue Sharing Program projects.

* * * *

**RESOLUTION TO PARTICIPATE IN
VIRGINIA DEPARTMENT OF TRANSPORTATION
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2024
Berkmar Drive Extension to Airport Road**

WHEREAS, the County of Albemarle desires to submit an application for the allocation of funds through the Virginia Department of Transportation Fiscal Year 2024 Revenue Sharing Program; and

WHEREAS, the County is willing to commit local funds of a minimum of fifty percent (50%) of the total project cost in order to compete for a Revenue Sharing Program award; and

WHEREAS, these funds are requested to implement the Berkmar Drive Extension to Airport Road project, which proposes to construct a new roadway, including bicycle and pedestrian accommodations, to continue Berkmar Drive to Airport Road, where a roundabout will be constructed to connect to Innovation Drive/Lewis and Clark Drive; and

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby commits to provide local funds of a minimum of fifty percent (50%) of the total project cost in its application for revenue sharing funds from the FY 2024 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

BE IT FURTHER RESOLVED THAT the Board of Supervisors hereby grants authority to the County Executive to execute project administration agreements for any approved Fiscal Year 2024 Revenue Sharing Program projects.

Item No. 8.7. Initiate Traffic Calming Process Along Park Ridge Drive.

The Executive Summary as forwarded to the Board states that multiple residents have expressed concern regarding vehicle speeds and pedestrian safety along Park Ridge Drive, a local street with posted speeds of 25 miles per hour. An initial speed assessment by Albemarle County Police Department using radar speed feedback signage in late June 2023 found evidence of speeding with an 85th percentile speed of 31.3 miles per hour. The most recent traffic count in 2021 indicates Park Ridge Drive serves approximately 1,800 vehicles per day.

The Virginia Department of Transportation (VDOT) specifies eligibility for traffic calming measures and outlines the process for implementing them in its Traffic Calming Guide for Neighborhood Streets (Attachment A). Park Ridge Drive meets basic eligibility requirements for traffic calming, as outlined in Step 1 of the Traffic Calming Guide (page 4).

According to the Traffic Calming Guide, to ultimately implement traffic calming measures along Park Ridge Drive, the next step is to conduct an engineering study that includes a speed study and traffic count. The VDOT District Office is willing to complete an official speed study and traffic count for Albemarle County, provided that this action is requested by a resolution from the Albemarle County Board of Supervisors.

The official speed study must find the 85th percentile speed to be 10 mph or more over the posted speed limit (25 mph) in order to advance to Step 4 of the Traffic Calming Guide. Further, the traffic count must find traffic volumes of 600 vehicles per day or greater to be eligible for consideration of the full range of traffic calming measures in the Traffic Calming Guide.

There is no budget impact associated with this item. VDOT would complete the official speed study and traffic count along Park Ridge Road at no cost to Albemarle County.

Staff recommends that the Board of Supervisors adopt the Resolution (Attachment B) to Request a Speed Study and Traffic Count of Park Ridge Drive between Eastern Avenue and Raven Stone Road.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment B to request a speed study and traffic count of Park Ridge Drive between Eastern Avenue and Raven Stone Road:

**RESOLUTION TO REQUEST SPEED STUDY AND TRAFFIC COUNT OF PARK RIDGE DRIVE
BETWEEN EASTERN AVENUE AND RAVEN STONE ROAD**

WHEREAS, concerns have been received from residents along and near Park Ridge Drive in Albemarle County regarding speeding and unsafe conditions for drivers and pedestrians along Park Ridge Drive; and

WHEREAS, the Virginia Department of Transportation (VDOT) offers various programs to address certain traffic problems on local streets, including the Traffic Calming Program; and

WHEREAS, VDOT provides communities with guidance and procedures to implement traffic calming on neighborhood streets, as outlined in the *Traffic Calming Guide for Neighborhood Streets*; and

WHEREAS, the *Traffic Calming Guide for Neighborhood Streets* specifies that a locality must conduct an engineering study that includes a speed study and traffic count; and

WHEREAS, the VDOT District Office is willing to complete an official speed study and traffic count on behalf of Albemarle County, provided this action is requested by a resolution from the Albemarle County Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby requests that VDOT complete a speed study and traffic count of Park Ridge Drive between Eastern Avenue and Raven Stone Road.

Item No. 8.8. Fiscal Year 2023 (FY 23) Preliminary Year-End Financial Report, **was received for information.**

Agenda Item No. 9. **Action Item:** Resolutions Authorizing the Issuance of Bond Anticipation Note and Bond Issuance.

The Executive Summary forwarded to the Board states that the County's adopted Capital Improvements Plan (CIP) is primarily funded with revenues from borrowed proceeds, which are applied to

projects that are eligible to be funded with this revenue. As the CIP is implemented and expenditures are incurred, the County issues bonds to fund the CIP, as authorized by resolutions approved by the Board of Supervisors. For example, between 2010 and 2022, the County undertook seven revenue bond financings through the Economic Development Authority (EDA) and used the proceeds either for reimbursing the County or for refinancing existing bonds at lower rates. Issuances are completed within the framework of the Board's approved Financial Management Policies that are published in the County's Adopted Budget document.

The County seeks to utilize this financing structure to request the EDA to issue a) new tax-exempt revenue bonds (Revenue Bonds) for capital projects not to exceed \$118 million, including cost of issuance, and b) taxable bond anticipation notes (Notes) for the acquisition of the Rivanna Station Futures property not to exceed \$60 million, including cost of issuance.

The proposed plan of financing is comprised of the following:

- a) Revenue Bonds for capital projects not to exceed \$118 million, including cost of issuance: This amount would reimburse the County for approximately \$40.2 million in expenditures already expended. It will also fund approximately \$77.8 million in capital expenditures that are currently appropriated and anticipated to occur through June 30, 2026. This combination of reimbursing the County for prior expenditures and issuing bonds for currently appropriated projects that will soon be expended is recommended so that the County can cost-effectively borrow for future expenditures and more effectively manage its cash flows.
- b) Notes for the acquisition of the Rivanna Station Futures property not to exceed \$60.0 million, including cost of issuance: The County's acquisition of the Rivanna Station Futures property, which was approved by the Board on May 24, 2023, and reaffirmed on June 21, 2023, is proposed to be reimbursed with proceeds of the Notes. The final maturity of these Notes is planned to be within approximately five years of issuance and, due to the nature of the use, the Notes will be issued on a taxable basis. The plan is to permanently finance the acquisition before the Notes' final maturity. The five-year period gives the County flexibility to determine final plans, which could include securing additional funding or consummating partial sale(s), which would lower the permanent funding amount.

Based on the County's triple-AAA credit ratings, it is expected that the debt would be issued with credit ratings in the high 'AA' category, given the appropriation structure of the financing.

The resolution necessary for the Board's approval to advance this borrowing plan is attached (Attachment A). If the Board adopts the resolution, then:

- On September 19, 2023, the County's Financial Advisors, Davenport & Company LLC, will present an overview of the proposed plan of finance to the EDA, which is authorized under state law to assist the County in financing local government facilities and equipment, and will request the EDA to adopt a resolution authorizing the issuance of the Revenue Bonds and the Notes. If the EDA adopts such a resolution, the EDA will serve as the conduit issuer for such debt.
- Upon such adoption, the EDA will issue debt through two public sales for items a) and b) above, as previously described.
- The EDA would then loan the proceeds to the County. The Revenue Bonds and the Notes will be secured under a master trust agreement and master financing agreement structure, based on documents prepared by Hunton Andrews Kurth LLP, the County's Bond Counsel. The security for the Revenue Bonds and the Notes will be the County's promise, subject to appropriation, to make payments to the EDA to enable it to make debt service payments associated with this debt issuance.

A draft Preliminary Official Statement (POS), which is the offering document to the capital market, and drafts of the related supplemental agreements to the master trust agreement and the master financing agreement are all attached (Attachments B, C, and D), respectively, and available for Board review in the Clerk's Office.

The debt payments in total associated with this issuance are anticipated to be similar to or less than the amount budgeted for debt service and the Economic Development Funding for Public-Private Partnerships program in the County's Adopted FY 24 - 28 CIP. This financing adheres to the following County Debt Management Policies, such as:

- *Recognizing the importance of long-term financial obligations, including total tax-supported debt, lease, and financing payments, to its overall financial condition, the County will set target debt ratios, which will be calculated annually and published as part of the budget and bond issuance processes:*
- *Total long-term obligations as a percentage of the estimated market value of taxable property should not exceed 2%; and*
- *The ratio of debt service expenditures to General Fund and School Fund revenues, less General Fund transfers to the School Fund, should not exceed 10%.*

Under the proposed financing plan, the County is projected to be below the financial policy goal where "the County intends to maintain a 10-year payout ratio at or above 60% at the end of each adopted five-year Capital Improvement Plan for tax-supported debt and lease payments." Considering this policy is a goal and not a requirement, and the County's intention to join with financial partners who will financially support the Rivanna Station Futures project, the County's financial advisors determined that

the proposed financing plan is not out of compliance with County policy requirements or best practices.

Staff recommends that the Board adopt the attached Resolution (Attachment A) authorizing the proposed plan of financing through the EDA.

Jacob Sumner, Interim Chief Financial Officer, said that he was joined by Courtney Rogers of Davenport & Company. He said that as their financial advisor, Mr. Rogers helped them with their investments and their debt issuances. He said that presented to the Board was a resolution authorizing the issuance of Bond Anticipation Notes (BAN) and a bond issuance. He said that the financing plan before them was unique in that it was one financing package, but within that package, it contained two debt issuances and two distinctly different debt issuances. He said that the financing plan totaled \$178 million, and of that, \$118 million was for bonds used to fund their capital improvement projects.

Mr. Sumner stated that the capital improvement projects included projects for Schools, such as the school maintenance replacement program, Crozet Elementary renovation expansion, Mountain View Elementary expansion, and other projects related to courts, public safety, parks and recreation, and public works. He noted that of the \$118 million, \$40.2 million had already been expended, and the first \$40 million of the issuance would be used to reimburse the County for these capital improvements. The remaining \$77.8 million would be used to future fund capital expenditures that were currently appropriated and nearing the construction phase of the project. He stated that those would be some near-term expenditures on their capital improvement plan.

Mr. Sumner said the structure of the first issuance would be a non-taxable issuance with a 20-year maturity, which meant it was a long-term debt obligation for the County to undertake. He said the second issuance was different in both structure and utilization.

Mr. Sumner explained that the second issuance was a BAN not to exceed \$60 million for the acquisition of the Rivanna Station Futures property. He said the updates for Rivanna Station Futures were culminating today with the issuance of the BANs. He said that the structure for the BANs was that they would be taxable and had a five-year maturity, which would provide some flexibility to engage with partners as they move through the Rivanna Station Futures opportunity.

Mr. Sumner said that with the debt issuance, they needed to take a look at their financial policies' debt ratios. He said that on the screen were their two main debt ratios: debt to assessed value and debt service to revenues. He said that debt service to assessed values stated that it should not exceed 2% of the estimated market value of the taxable property. He said that the debt service expenditures to revenues ratio should not exceed 10%. He said that the final statement was an intention statement focused on maintaining a 10-year payout ratio at or above 60% of the adopted five-year CIP (Capital Improvement Plan).

Mr. Sumner said that a report out on these financial policies and the projection of what those look like over the next 10 years was currently on the screen and on the next two slides. He said that the financial policy before them was regarding the debt as a percentage of assessed value. He reiterated that it was a forward perspective look and had some assumptions built in. He said that the assumptions included the issuance being requested for authorization that day, as well as debt issuances every other year going forward according to their current projected spend plans for their CIP. He said this also included the full \$60 million of their Rivanna Station Futures conversion of that BAN to long-term debt.

He said that the five-year maturity of the BAN gave them flexibility to bring in partners. He said that however, they wanted to make sure that they took into account worst-case scenarios. He said that therefore, they were taking an assumption that they would convert the long-term debt in its full amount and compare it to what the thresholds would look like. He said that with the policy that was presented, they maintained compliance with the financial policies in relation to the debt as a percentage of assessed value.

Mr. Sumner said that the second financial policy, debt service as percentage of revenues, contained the same assumptions. He said that the debt service as a percentage of revenues started to increase, and particularly took a spike around FY28 and FY29, which was a direct reflection of that worst-case scenario in which they would take on the full component and full long-term debt of the Rivanna Station Futures debt issuance. He said that the BAN was in interest only for the first five years, and the spike in debt service seen in this projection would be when it was converted to long-term debt, which would include both interest and principal.

Mr. Sumner said that the final financial policy he wanted to bring to the Board's attention was the payout ratio. He said that the intention of their policy was to remain at a 60% payout ratio. He said that within the first five years, from FY24 to FY28, they were going to be just below that policy. He said that the reason they dipped below that was a direct reflection of how the BAN for Rivanna Station Futures incorporated into this calculation. As he mentioned, the BAN was in interest only for the first five years, but the full amount of the \$60 million of debt would go into that payout ratio. He said that once they would move into a long-term debt stance with that issuance, they would then start paying down parts of the principal.

Mr. Sumner said that after working with Mr. Rogers and the rest of the financial advisory team, there was no concern with the rating agencies because they understood the structure of the BAN and how it had a short-term impact on this policy.

Mr. Sumner said there were some next steps that were included with this debt issuance. A proposed resolution for the Board to take action upon was presented, and during the evening session of the meeting, as part of the budget public hearing, an appropriation for the Rivanna Stations Futures project would be discussed.

Mr. Sumner said that if the Board were to approve the resolution for them today, they would then take the bond issuance to the Economic Development Authority (EDA), in which they would be the conduit issuer for this financing. He said that at their September 19 EDA meeting, there would be a similar presentation, and staff would be requesting them to take action on a similar bond resolution. He said that staff would then move into October and engage with the rating agencies, and they would work through the presentation on their projects. He said that at that time they will obtain credit ratings from the agencies, with a look into late October into November to move toward bond sale and eventually into bond closing.

Mr. Sumner said that he wanted to thank a few members of their team. He said that they had Davenport and Company as their financial advisors, but the work that goes into the debt issuance was a team effort. He said that he wanted to thank Daniel Green, who was their Chief of Treasury, Heather Taylor, who was their Deputy Chief of Treasury, and Tia Mitchell, who was their Senior Budget Analyst who worked closely with their debt and capital. He said that they were an integral part of where they were today.

Mr. Sumner said that he had another slide after that one with a proposed motion when the time was appropriate.

Ms. Price thanked Mr. Sumner for the presentation and thanked him for acknowledging his team who had contributed.

Mr. Gallaway asked to see the slide showing the total with the 8% and the 10%, with the red line at the 10%. He asked Mr. Sumner if they had a history of the blue line on the slide getting to 8%.

Mr. Sumner stated that he did not think they had been close to 8% in the past two or three years and would need to review their progress further back in time.

Mr. Gallaway said that there was a time or maybe it was projected that they could get between 7% and 8%, but it did not come to be. He said that 8% was always kind of the red zone before they hit the goal line. He said they did not want to get to that red and they wanted to leave that 2% there, so the fact that they were staying below that 8% number in this particular instance with what staff was planning was a good thing in his view.

Ms. LaPisto-Kirtley said that she appreciated the fact that they had given them the worst-case scenario for the \$60 million for Rivanna Station Futures. She asked if Mr. Sumner could provide the best-case scenario and how they would be able to deal with the debt. She inquired about getting other defense contractors involved or having other people in the building do something. She said that in other words, she wanted to know the optimistic point of view.

Mr. Sumner stated that the BANs had a five-year maturity period and that they would need to address them again once it was reached. He said that if they had other partners who were willing to invest in the project at the same time, the final price could potentially be lowered, but he mentioned that the worst-case scenario would be \$60 million.

Ms. LaPisto-Kirtley asked if other entities like the state or federal government could also invest in the project.

Mr. Sumner said that he would have to defer to others who were more closely involved in the matter, as he was not as close to the conversations on the investment with others.

Ms. LaPisto-Kirtley stated that she meant possibilities and not for sure.

Mr. Jeff Richardson, County Executive, said that Ms. LaPisto-Kirtley was correct about the five-year plan as Mr. Sumner had mentioned earlier., this was a five-year plan with an opportunity to extend beyond five years, and staff's financial analysis suggested that there would be no significant change in the next five years, and they could still afford it. He said that however, the point about other partners was that partners would be named as they continued their work with the state regarding asking for help with the perimeter. He explained that they would approach it like a master plan for the Rivanna property could be over the next 15 years.

Mr. Richardson said that it was correct that the partners could be either state or federal agencies, academic institutions, or private entities, either closer to Rivanna Station or farther away. He said that Mr. Trevor Henry, Deputy County Executive, was in charge of communicating with the state on a regular basis and he referred to this as the art of possibility, which meant exploring all possible options to maximize growth over the next fifteen-year period. He added that due diligence work had been done to purchase the property later that year and this would position them well for future partnerships with key players such as the state, federal government, private sector entities, and academic institutions. He said this would help in the growth of the campus and Albemarle County.

Mr. Andrews said that he appreciated the effort put into managing the County's debt and acknowledged the deep thought that had gone into it. He mentioned that he had previously sent an email with some questions and inquired whether it would be possible to share a table comparing the budget projections they had adopted for the year, as well as how those projections had been adjusted by the borrowing from the CIP.

Mr. Sumner said that as part of their budget development process, there were assumptions built into the FY24 budget and five-year plan, and that included future debt issuances that were anticipated. He said that at that point in time, they had anticipated over \$130 million in debt issuance for FY25. He said that they were shifting that timeline a little bit sooner than FY25 to take advantage of the market environment and market rates.

Mr. Sumner said that they had some projects that were now moving toward the construction phase, and they were looking for cash support and bond issuance needs to help to support those projects. He said that the budget had been revised from \$130 million to \$118 million, and he anticipated that next year's budget would be significantly less, around \$40 million to \$60 million range.

Mr. Andrews said that he appreciated the clarification provided on the comparison of four years versus five years, which showed very comparable numbers going out. He said that it was not clear to him that the protected borrowings included the Rivanna taxable borrowing. He said that he understood the need for it.

Mr. Sumner said that perhaps he could answer that question slightly differently. He said that in their CIPs, they had a project titled public-private partnerships within their economic development area. He said that that project had funding in it over the five-year plan, which would help support the debt service associated with the BANs.

Mr. Andrews said that the other chart he would just mention was the five-year history, and while the trend had been downward with respect to the 2% and 10%, it was basically coming back up to levels that had been there five years ago, maybe a little bit higher as they approached that 8% threshold referenced. He said that it was something he definitely was looking at when reviewing those materials.

Ms. Mallek thanked Mr. Sumner and Mr. Courtney Rogers for their work to get them to this exciting venture.

Ms. Price said that the experience of the Board and Mr. Andrew's prior experience as a bond attorney had helped all of them learn about this process, in addition to the professionalism of Mr. Sumner's staff.

Mr. Courtney Rogers, Davenport & Company, stated that he had been working with them for 23 years and thought it might be helpful to share some perspective on their questions and thoughts. He said that their ratios had been going down, which they attributed to the low borrowing rates over the past several years. He said that it had helped not only Albemarle but other entities as well. He added that they projected at a more conservative rate and came in a little better than expected, which was fortunate for them. He said that he believed what the Board was seeing was a result of getting back up to the 8% level, taking into account that some of those long-term bonds were using higher interest rates. He said that what they had been seeing was that those rates had come in better, so they had to trend it back down. He said that they hoped that they would not get up to 8%, but they were at least giving them the worst-case scenario. He also mentioned the possibility of moving these bonds up and stated that they expected to be under 4% for 20-year money for the non-taxable piece, excluding the five-year maturity, which was taxable, so it would be higher.

Mr. Rogers said that for the \$118 million piece, it was expected to be under 4% if going to market today, but they projected it higher, so in the numbers presented, it was projected higher than that, and they hoped to come in lower. He said that hopefully, the market would hang in there for them for another couple of months. He said that last week, for the City of Richmond, they sold bonds for their utilities for a little over \$100 million, and on a normal week, they had been seeing about \$8 billion in the marketplace, but last week was only \$3 billion, and it was not just because they were moving into a holiday week like they were this week. He said that there was just not a lot of folks selling bonds out there, so it was not a bad time to go out and sell bonds.

Mr. Rogers said that they were witnessing the calendar filling up for the fall season. He believed people were realizing that many local governments had received ARPA (American Rescue Plan Act) money, which was finally being spent, but they were also becoming aware that interest rates might not improve, so if they had projects to do, they were going ahead and doing them. He said that this was because there had been a slight slowdown in the early part of the year where individuals had to figure things out before taking on some projects. He said that inflation was not going away and these projects would cost money, and there were only a limited number of contractors who could build, whether it be schools, courthouses or homes. He said that this trend was observed across various regions in the country where they operate.

Mr. Rogers said that inflation was going to be much higher than the 4% borrowing rate. He said that it had been around 20 years since they had last borrowed at 4% or lower and invested at least at that rate. He said that he recalled a time when their investment rates for money sitting idle until they had invoices to pay for projects were only earning .25%, which was significantly less than half a percent.

Mr. Rogers said that they could not earn arbitrage because the U.S. government made them pay back what they did not earn or were not allowed to earn, but they at least would not lose money on the money sitting in the bank until it was spent. He said that it was another good reason to go ahead and get into the market now, and they did not know where rates were going. He said that they might end up lower next year, but if the Fed started finally lowering the front end, the lower rates, the back end could go up. He added that they could go back to a normal yield curve where they had higher rates longer and shorter rates lower.

Ms. Price asked Mr. Rogers to explain the arbitrage.

Mr. Rogers said that the arbitrage aspect of it was that they could not go out and borrow at 4% and invest at 5% and then basically earn that 1% difference unless they met certain tests. He said that those tests meant that they had to spend them very quickly within either an 18-month or 24-month period, and they had to meet certain percentage spend-down requirements. He said that at the time, it was hard to do that because projects were taking a little bit longer than normal.

Mr. Rogers said that their advice to clients was to not expect any arbitrage earnings and to assume that if they borrowed at 4%, they could only earn 4%, and if they earned 5%, they had to pay the U.S. government the difference between that 4% and 5%. He said that this rule was put in place back in 1986 because some individuals took advantage of low interest rates at the time, and the U.S. government decided to take action against it.

Ms. Price said that they were not in the business of doing that, but rather they were in the business of being a local government and not an investment house.

Mr. Rogers said that the reason they did that was because they did not want too many tax-exempt bonds out there because then, the federal government did not get any taxes from those who buy those bonds. And he added that they wanted as few tax-exempt bonds out there as possible.

Mr. Andrews said that the reference to two different interest rates indicates a yield curve effect, as any investment of the proceeds will likely be short term in nature.

Mr. Rogers said that for the taxable piece, that was correct. He said that it was harder to determine the taxable piece right now as it was priced off the 10-year treasury which was at 4.25% or even higher today. He said that there was a wider difference between tax exempt and taxable bonds compared to a couple of years ago.

Mr. Rogers said that they could see for a five-year maturity, and he thinks the five-year rate when he looked at it was like 4.40 or something like that. He said that it was actually higher than the 10-year, so they could be at 5 1/2%. He said that they could even be higher than that with that taxable rate, but that money was going out the door immediately, so they were not going to really be investing that money because they were purchasing something.

Mr. Gallaway said that prior to this, they just went with the lowest rate and that was the cost. He said that this method allowed them to open up capacity without having to increase revenue through property taxes. He said that in order to gain more capacity, they had to go out and get more money, but with this new approach, they could avoid raising the cost and still find ways to open up capacity.

Mr. Gallaway said that with the 8% and the 10%, he would imagine there were folks in the community who had the capacity and decided to go up to 9.8%, but in that case, if you had a blip or an unexpected piece and you bump up over the 10%, it will be problematic. He said that the discipline that this County had, and not to be politically persuaded, had maintained that discipline, which was going to allow them to do these type of creative tools, which then opened up the capacity for them.

Mr. Rogers said that was correct. He noted that one of the reasons they were at the 8% in those guidelines was because an additional \$60 million had been added that was not originally included in the CIP. He said that it was an opportunity for investment that had popped up, and the County had put itself in a position to be able to make this investment without exceeding the 10% number and still have capacity in case of economic recession or a downturn in the values.

Mr. Rogers said that they could have another opportunity come up that all of a sudden they might need funds for. He said that with the good guidance the Board had given to staff, they were in a position to be able to make this investment and still not be right up against the limit in case there was something else that comes down. He said that they had added two things, the \$60 million purchase, but also a very big investment in the courthouse, and that was not something that comes around very often.

Mr. Sumner presented a slide with a proposed motion.

Ms. Price, hearing no other comments, said that the floor was open for a motion.

Mr. Gallaway **moved** that the Board adopt Attachment A, a Resolution approving the plan to finance certain public facilities projects through the issuance of one or more series of revenue obligations by the Economic Development Authority of Albemarle County, Virginia, authorizing the issuance of up to \$178 million in debt and the form and execution of documents proposed to be used in connection with the issuance of such debt, all as further detailed in the resolution.

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

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

NAYS: None.

ABSENT: Ms. McKeel.

**RESOLUTION APPROVING A PLAN TO FINANCE CERTAIN PUBLIC FACILITIES PROJECTS
THROUGH THE ISSUANCE OF ONE OR MORE SERIES OF REVENUE OBLIGATIONS BY THE
ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA**

WHEREAS, the Economic Development Authority of Albemarle County, Virginia (formerly the Industrial Development Authority of Albemarle County, Virginia) (the “Authority”), pursuant to the Industrial Development and Revenue Bond Act (the “Act”), under which it was created, is authorized to exercise all the powers set forth in the Act, which include, among other things, the power to make loans to, among others, a county in furtherance of the purposes of the Act, to finance facilities for use by, among others, a county, to issue its revenue bonds, notes and other obligations from time to time for such purposes and to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans or from any source as security for the payment of principal of and premium, if any, and interest on any such obligations;

WHEREAS, the Board of Supervisors (the “County Board”) of Albemarle County, Virginia (the “County”), desires to finance or reimburse, in conjunction with the Authority, (a) the costs of certain projects in the County’s Capital Improvement Plan, including (without limitation) capital expenditures related to the following governmental and public purpose categories: (i) judicial, (ii) parks, recreation and cultural, (iii) public safety, (iv) public works, (v) schools, (vi) transportation and (vii) solid waste; and (b) the costs of acquiring certain real property to be used for any of the following purposes: (i) any public use, including (without limitation) public facilities such as educational facilities and military installations (pursuant to Virginia Code § 15.2-1800), (ii) facility site(s) (pursuant to Virginia Code § 15.2-4917), and (iii) development of business and industry (pursuant to Virginia Code § 15.2-1802) (collectively, the “Series 2023 Projects”);

WHEREAS, the County Board desires that the Authority issue revenue obligations in the form of one or more series of notes or bonds (such obligations collectively referred to herein as the “Bonds”), and use the proceeds thereof to (a) finance or reimburse the costs of the Series 2023 Projects, (b) pay, if and as desired, interest on the Bonds up to one year following completion of the Series 2023 Projects, (c) fund, if and as desired, a reserve fund for the Bonds, and (d) pay the related costs of issuance;

WHEREAS, the Bonds will be secured by payments appropriated from time to time by the County Board and payable to the Authority in accordance with the terms of the Financing Agreement (as defined herein); and

WHEREAS, there have been made available at this meeting preliminary forms of the following documents (collectively, the “Documents”) proposed to be used in connection with the issuance and sale of the Bonds (in one or more series):

(a) a Supplemental Agreement of Trust, supplementing the Agreement of Trust dated as of March 1, 2003, as previously supplemented (collectively, the “Trust Agreement”), all between the Authority and U.S. Bank Trust Company, National Association, as successor trustee (the “Trustee”), pursuant to which the Bonds are to be issued and which is to be acknowledged and consented to by the County;

(b) a Supplemental Financing Agreement (the “Supplemental Financing Agreement”), supplementing a Financing Agreement dated as of March 1, 2003, as previously supplemented (collectively, the “Financing Agreement”), all between the Authority and the County, pursuant to which the Authority will loan the proceeds of the Bonds to the County and the County will undertake, subject to appropriation, to make payments to the Authority in amounts sufficient to pay the principal of and premium, if any, and interest on the Bonds and certain other related costs;

(c) a Preliminary Official Statement of the Authority relating to the public offering of the Bonds (the “Preliminary Official Statement”); and

(d) a Continuing Disclosure Agreement (attached as Appendix F to the Preliminary Official Statement), pursuant to which the County agrees to undertake certain continuing disclosure obligations with respect to the Bonds;

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

1. The County Board hereby finds that the undertaking of the Series 2023 Projects and the financing thereof will be in the best interests of the County and its citizens. The County Board hereby requests that the Authority undertake the following plan to issue the Bonds for such purposes. The Authority will issue the Bonds (in one or more series) and use the proceeds thereof to (a) finance or

reimburse the costs of the Series 2023 Projects, (b) pay, if and as desired, interest on the Bonds up to one year following completion of the Series 2023 Projects, (c) fund, if and as desired, a reserve fund for the Bonds, and (d) pay the related costs of issuance. Pursuant to the Financing Agreement, the County will undertake to make certain Basic Payments and Additional Payments (each as defined in the Financing Agreement) to the Authority in amounts sufficient to amortize the Bonds, to pay the fees or expenses of the Authority and the Trustee and to pay certain other related costs. The obligation of the Authority to pay principal of and premium, if any, and interest on the Bonds will be limited to the Basic Payments and Additional Payments received from the County. The Bonds will be secured by an assignment of the Basic Payments and certain Additional Payments due under the Financing Agreement, all for the benefit of the holders of the Bonds. The undertaking by the County to make Basic Payments and Additional Payments will be subject to the appropriation by the County Board from time to time of sufficient amounts for such purposes. The plan to issue the Bonds and to finance the Series 2023 Projects shall contain such additional requirements and provisions as may be approved by the County Executive (the "County Executive," which term as used herein shall also include any Deputy County Executive of the County, the Chief Financial Officer of the County and any person serving in an interim capacity in such roles) and the Chair or Vice-Chair of the Authority.

2. The County Board, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make appropriations in future fiscal years in amounts sufficient to make all payments due under the Financing Agreement and hereby recommends that future County Boards do likewise during the term of the Financing Agreement. The County Board hereby confirms that the facilities and purposes of the Series 2023 Projects are either essential to the efficient operation of the County or important to the welfare or quality of life of County residents, and the County Board anticipates that such facilities and purposes will continue to be so during the term of the Financing Agreement.

3. The Chair of the County Board and the County Executive, either of whom may act, are hereby authorized and directed to execute the Documents to which the County is a signatory, which shall be in substantially the forms made available at this meeting, which forms are hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer signing such Documents. Such officer's execution and delivery thereof shall constitute conclusive evidence of such officer's approval of any such completions, omissions, insertions and changes.

4. In making completions to each Supplemental Financing Agreement (which may relate to one or more series of Bonds), the County Executive, in collaboration with the Financial Advisor and the Authority, shall provide for Basic Payments and Additional Payments in amounts equivalent to the payments on the Bonds and certain related costs and expenses, which Bonds shall be sold to the purchaser(s) thereof on terms as shall be satisfactory to the County Executive. The County Board consents to the issuance by the Authority of one or more series of Bonds pursuant to the provisions of the Trust Agreement; provided that (a) the aggregate principal amount of all series shall not exceed \$178,000,000, (b) the "true" or "Canadian" interest cost of the Bonds of any series issued on a federally tax-exempt basis shall not exceed 5.5% (taking into account any original issue discount or premium), (c) the "true" or "Canadian" interest cost of the Bonds of any series issued on a federally taxable basis shall not exceed 6.5% (taking into account any original issue discount or premium), (d) the Bonds of any series shall mature or be subject to mandatory sinking fund redemption in installments ending not later than December 31, 2043, (e) the Bonds of any series shall be sold to the purchaser(s) thereof at a price not less than 98% of the aggregate principal amount thereof (without taking into account any original issue discount or premium), (f) the Bonds of any series shall be subject to optional redemption, if at all, at a redemption price not to exceed 102% of their principal amount or at a "make whole" redemption price, and (g) no Bonds may be issued after June 30, 2024, without further approval by the County Board. The County Executive is also authorized to approve, in collaboration with the Chair or Vice-Chair of the Authority, the timing for the issuance of the Bonds of any series, the determination of whether the Bonds of any series are issued on a federally tax-exempt or taxable basis, the aggregate principal amount of each series (subject to the aggregate limit for all Bonds set forth in clause (a)), the maturity schedule (including serial maturities and term maturities for the Bonds) for each series and the redemption provisions for each series, all as the County Executive shall determine to be in the best interests of the County.

5. The County Board hereby approves the following terms of sale for the Bonds of any series:

(a) Each series of Bonds shall be sold through a competitive sale or a negotiated sale, as the County Executive, in collaboration with the Financial Advisor and the Authority, determines to be in the best interests of the County.

(b) If the County Executive determines that a series of Bonds shall be sold by competitive sale, the County Executive is hereby authorized to receive bids for such Bonds and award such Bonds to the bidder providing the lowest "true" or "Canadian" interest cost, subject to the limitations set forth in Section 4. Following a competitive sale, the County Executive shall, in collaboration with the Chair or Vice-Chair of the Authority, file a certificate with the Authority and the County Board setting forth the final terms of such Bonds. The actions of the County Executive, in collaboration with the Chair or Vice-Chair of the Authority, in selling such Bonds by competitive sale shall be conclusive, and no further action with respect to the sale and issuance of such Bonds shall be necessary on the part of the County Board.

(c) If a series of Bonds is sold by competitive sale, the County Executive, in collaboration with the Financial Advisor, is hereby authorized and directed to take all proper steps to advertise such Bonds for sale pursuant to the terms of a notice of sale, the form of which shall be prepared by the Financial Advisor and the County's bond counsel and approved by the County Executive.

(d) If the County Executive determines that a series of Bonds shall be sold by negotiated sale, the County Executive is hereby authorized, in collaboration with the Financial Advisor and the Authority, to choose one or more investment banks or firms to serve as underwriter(s) for such Bonds and to execute and deliver to the underwriter(s) a bond purchase agreement (a "Bond Purchase Agreement") in a form to be approved by the County Executive in consultation with the County Attorney and the County's bond counsel. The execution of a Bond Purchase Agreement by the County Executive shall constitute conclusive evidence of his approval thereof. Following a negotiated sale, the County Executive shall file a copy of the applicable Bond Purchase Agreement with the records of the County Board. The actions of the County Executive in selling such Bonds by negotiated sale to the underwriter(s) shall be conclusive, and no further action with respect to the sale and issuance of such Bonds shall be necessary on the part of the County Board.

6. The Preliminary Official Statement in the form made available at this meeting is approved with respect to the information contained therein (excluding information pertaining to the Authority). The County hereby authorizes distribution of the Preliminary Official Statement to prospective purchasers of the Bonds of any series in a form deemed to be "final" (within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule")) as of its date, except for the omission of certain pricing and other information permitted to be omitted pursuant to the Rule and with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Executive. Such distribution shall constitute conclusive evidence that the County has deemed the Preliminary Official Statement to be "final" (within the meaning of the Rule) as of its date.

7. The County Executive is hereby authorized and directed to approve such completions, omissions, insertions and other changes to the Preliminary Official Statement that are necessary to reflect the terms of sale of the particular series of Bonds, determined as set forth in Section 4, and the details thereof and that are appropriate to complete it as an official statement in final form (the "Official Statement"), and distribution thereof to the purchaser(s) of such Bonds shall constitute conclusive evidence that the County has deemed the Official Statement "final" (within the meaning of the Rule) as of its date.

8. The County covenants that it shall not take or omit to take any action the taking or omission of which shall cause any series of Bonds issued on a federally tax-exempt basis to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations thereunder, or otherwise cause interest on such Bonds to be includable in the gross income for federal income tax purposes of the holders thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of existing law that may require the County at any time to rebate to the United States of America any part of the earnings derived from the investment of the gross proceeds of such Bonds. The County shall pay from its legally available general funds any amount required to be rebated to the United States of America pursuant to the Code.

9. The County covenants that during the term of the Financing Agreement it shall not permit the proceeds of any series of Bonds issued on a federally tax-exempt basis or the facilities financed therewith to be used in any manner that would result in (a) 10% or more of such proceeds or facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of such facilities, (b) 5% or more of such proceeds or facilities being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on such Bonds from being includable in the gross income for federal income tax purposes of the holders thereof under existing law, the County need not comply with such covenants.

10. Such officers of the County as may be requested by bond counsel for the County are authorized and directed to execute an appropriate certificate setting forth (a) the expected use and investment of the proceeds of the Financing Agreement (derived from any Bonds issued on a federally tax-exempt basis) in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and (b) any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with bond counsel for the County, and such elections shall be made after consultation with bond counsel.

11. All costs and expenses incurred in connection with the issuance of each series of Bonds and the financing of the Series 2023 Projects, including the Authority's fees and expenses and the related fees and expenses of bond counsel, counsel for the Authority, and the Financial Advisor, shall be paid from the proceeds of the particular series of Bonds or other legally available funds of the County. If for any reason any series of Bonds is not issued, it is understood that all such fees and expenses incurred in connection with such series of Bonds shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.

12. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and, if applicable, to record such document where appropriate.

13. All other acts of the County Executive and other officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of each series of Bonds and the financing of the Series 2023 Projects are hereby authorized, approved and ratified.

14. This Resolution shall take effect immediately.

Agenda Item No. 10. **Presentation:** Metropolitan Planning Organization (MPO) Smart Scale Changes and Review Process.

Ms. Sandy Shackelford, Director of Planning and Transportation for the Charlottesville Albemarle MPO (Metropolitan Planning Organization), which was administered by the Thomas Jefferson Planning District Commission (TJPD), said that she would be speaking about a discussion that had been occurring among the members of the Commonwealth Transportation Board (CTB) related to a review of the SMART SCALE program. She said that this presentation was summarizing many hours of technical detailed discussions by the CTB. She said that the goal was to very briefly cover some background information that would be helpful to have fresh in everyone's mind as they heard about the proposed changes.

Mr. Shackelford said that she would first review the discussions that the CTB had been having about the administration and performance of the SMART SCALE program. She said that this would cover the issues identified by the Office of Intermodal Planning and Investment staff in their review of the program, as well as their recommendations. She said that at the end of each section, she would briefly highlight the potential implications for the changes and review the process that the CTB was following to receive feedback and make final decisions about the changes to the SMART SCALE program.

Ms. Shackelford said that all analysis presented during the afternoon was based on her understanding, but the Office of Intermodal Planning and Investment staff had been requested to prepare the likely outcomes for each of the construction districts for consideration at the September CTB meeting. She said that Ms. Hersh-Ballering provided some good background information on the SMART SCALE program over the last several months, and that she was going to provide a brief refresher.

Ms. Shackelford said that SMART SCALE consisted of two funding programs, a district grant program and a high-priority program. She said that the district grant program was intended to fund projects that were of local significance, and the only eligible applicants for the district grant program were localities. She said that the high-priority program was intended to fund projects that were of regional or statewide significance, so in addition to localities, regional entities such as MPOs or PDCs (Planning District Commissions) were also eligible applicants.

Ms. Shackelford explained that applications were scored based on the scoring factors listed on the slide, including safety, congestion, and accessibility. She stated that the factor weighting was based on the defined area type. She said that the urbanized portions of Albemarle County included in the MPO boundary were reflected in area type B, while the rural portions would be considered area type C.

Ms. Shackelford said that in February, the Office of Intermodal Planning and Investment staff was charged with conducting a comprehensive review of the SMART SCALE program to assess how well it was meeting its stated objectives. She said that the presentation today was based on the program review and discussions that had been held.

Ms. Shackelford said that the next slide showed a summary of the major issues that had been identified and discussed at the CTB to date. She said that she would briefly review the first bullet, the application quality and administration burdens today, then spend most of the afternoon talking about bullets 3 through 5. She said that she did not have a lot of information yet on the implications of bullet number two, which would likely be discussed further at the CTB meeting in September along with some other implications.

Ms. Shackelford said that the first issue she would like to discuss was related to the administrative burden identified, associated with preparing a high number of applications, therefore supporting the delivery of a high number of projects, and concerns regarding declining application quality. She said that as the SMART SCALE program had grown since its initial inception, the state's capacity to maintain the program had remained the same, leading to significant capacity constraints, so to resolve this issue, the CTB was considering reducing the maximum number of applications each entity was eligible to submit. She said that currently, each entity in the region could submit four applications, and the recommendation was to reduce that number to two.

Ms. Shackelford said that moving forward to their discussion about process biases, the second issue was related to the amount of time that had been spent at the CTB meetings discussing perceived process biases that led to outcomes that favored small projects over large projects. She said that in this context, small projects were defined as projects with a cost of less than \$10 million, and specifically, small projects that favored small bicycle and pedestrian improvements. She said that a project was considered a bicycle or pedestrian project in this discussion if bicycle and pedestrian improvement was the largest

component of the application, although they had stressed at the CTB meetings that 50% of highway projects also include multimodal elements.

Ms. Shackelford said that discussions about the process bias had centered around the following concerns. She said that first, there was a perception that applicants were submitting smaller projects because they were likely to be more competitive, not necessarily because those were the highest priority projects for the locality or the region. Second, there was a concern that applicants were breaking what should be one large project into several smaller projects in order to make them more competitive for funding, and third, concerns were expressed about high-priority program funding being allocated to small projects that were not demonstrating significant impacts or improvements to corridors of statewide significance or regional networks.

Ms. Shackelford said that the Board may recall that there were a significant number of projects that were funded in their region in round four, and that was largely due to the additional revenue generated by the statewide wholesale fuels tax, which increased the amount of funding added to the district grant program. She said that one of the concerns with the increased funding of small projects through the high-priority program was that funding for the district grant programs, which were intended to fund smaller locally significant projects, had increased as a result of that additional wholesale fuels tax, dedicating more money to that funding source while the amount of funding for the high-priority program had not increased since the program was originally implemented.

Ms. Shackelford said there were two main factors that had been discussed at the CTB meetings that were contributing to the process biases that were being demonstrated, she said. The first was the influence of the land use scoring factor in determining project benefits, and the second was the types of projects that were eligible to receive funding through the high-priority program.

Ms. Shackelford said that they would start with the land use scoring factor as part of the discussion. She said that the land use scoring factor was intended to improve the consistency of the connection between local comprehensive plan goals for transportation-efficient land use and the transportation infrastructure design, multimodal accommodation, and system operations. She said that however, the land use coordination factor was not explicitly listed in the state code as a required consideration in the SMART SCALE project prioritization. She said that concerns that the land use coordination factor center around the amount of influence the single scoring factor had over the selection of projects for funding.

Ms. Shackelford said that based on the program analysis conducted by the Office of Intermodal Planning and Investment staff, it was found that when considering the projects that were selected for funding between rounds one and five of SMART SCALE, the total percentage of benefits that those successful projects received from the land use score more than doubled, going from 23% to 49%. She said that funded small projects received a higher percentage of their benefit points from land use than funded larger projects. She said that notably, funded bicycle and pedestrian projects received 74% of their benefit points from the land use scored round five compared to the 37% that funded highway projects received.

Ms. Shackelford said that concerns had been raised about the current application of the land use scoring process included that it was capturing where projects were located, not necessarily what the expected outcomes of the projects were, and that projects were being selected for funding without demonstrating benefits and other scoring criteria that were included as mandatory considerations in the state code, and that this single scoring factor was having a disproportionate influence over the types of projects that were being funded.

Ms. Shackelford said that to address these concerns about the land use score, the Office of Intermodal Planning and Investment staff recommended that projects continue to receive land use coordination benefits, but that the land use coordination factor be converted from a standalone score to a multiplier, and the multiplier would be used to enhance the benefits that projects receive and other scoring factors.

Ms. Shackelford said that the rationale was that a land-use multiplier would continue to provide a benefit for projects that would support coordination between land use and transportation but ensure that land use was not driving the selection of projects for funding. She said that while the impact of this change would lower SMART SCALE scores overall, it would have the largest impact on small projects, which were defined as projects that cost less than \$10 million and specifically those related to bicycle and pedestrian infrastructure.

Ms. Shackelford said that based on this adjustment, the only project within the MPO region that would likely have been recommended for funding was the US 250 Peter Jefferson Parkway Intersection Improvements Project submitted by the TJPDC. She said that the project was recommended for funding and then substituted out to fund the District Avenue Roundabout Project. She said that the Avon Street Multimodal Project, which was submitted by the MPO and had the second-highest score in the district in round five, would rank 32 out of the 38 projects that were submitted in the Culpeper Construction District under the revised land use scoring methodology.

Ms. Shackelford said that the second factor contributing to the small project bias that had been discussed in the CTB meetings was regarding the type of projects being funded through the high-priority program. She said that the stated purpose of the high-priority program in the state code was to fund projects that had regional or statewide significance. The current SMART SCALE policy defined where the

projects must be located in order to be eligible for funding through the high-priority program, which meant they had to meet a state-defined need on a corridor of statewide significance or regional network, but it did not currently define the types of projects that should be eligible through the high-priority program.

Ms. Shackelford said that to address the concern about small projects without regional or statewide significance being funded through the high-priority program, the CTB was considering defining the types of projects that would be eligible for high-priority program funding, which were to include new capacity highway, managed lanes, newer improved interchanges, newer improved passenger rail stations or service, freight rail improvements, and fixed guideway transit. She noted that regional entities like the MPO and the PDC were only eligible to submit projects for funding through the high-priority program, this would limit the types of projects that the MPO, PDC, and transit agencies would be eligible to the types of projects that were listed here.

Ms. Shackelford said that the slide showed the total number of projects submitted within the MPO region during rounds one through five of SMART SCALE that would meet the definition. She said that as a comparison, TJPDC and the MPO had submitted a combined total of 28 project applications to date. She said that she was uncertain whether the last two projects on the bottom would meet that revised definition, but it would be between six and eight of the 28 projects that would have been eligible based on the new definition. She said that the MPO was the submitting entity for all the projects shown, which indicated that their region had already relied on the MPO to submit high-priority regional applications, however there were also projects identified as regional priorities that the MPO would no longer be eligible to submit, such as the Hydraulic-29 project package that was successfully awarded funding when the full grade separated project failed to be competitive.

Ms. Shackelford said that while the proposed changes to the SMART SCALE program aimed to increase the likelihood of funding larger projects, it also meant that there would be more reliance on localities to act as applicants for improvements that were less extensive even if they were identified by the region as high priorities.

Ms. Shackelford said that the final discussion was related to a concern with the high-priority program funding low scoring projects, which was a result of the way the high-priority program funding was allocated. She said that currently, all applications, regardless of which funding program they were eligible for, were sorted by construction district. She said that the first step in funding projects through SMART SCALE was to allocate the district grant program funding, and the second funding step allocated high-priority program funding on a district-wide basis. It was not until the third step that high-priority program funding was allocated on a statewide basis. She said that the second funding step currently provided a reasonable opportunity for each district to receive funding allocations for projects that were only eligible for high-priority program funding.

Ms. Shackelford said that one of the concerns expressed was that this was also at times leading to projects that were demonstrating lower overall benefits being funded over projects in different districts that may have had higher demonstrated benefits. She said that to explain how this was occurring, she would go through an example using a hypothetical construction district with a hypothetical set of projects.

Ms. Shackelford explained that all projects were first sorted into construction districts and prioritized based on their score regardless of which grant program they were eligible for. She said that in the first step, funding was allocated for district grant program eligible projects only, then in the second funding step any projects that were only eligible for high-priority programs were reviewed. She said that the lowest scoring funded project in the district grant program, which would be the West Lane shared use path in the example, would be considered. She said this would set the threshold for how well a high-priority program eligible project must score in order to be considered for funding in the second funding step.

Ms. Shackelford said that in this example, high-priority program projects considered for projects that score higher than a 6.4 would be eligible for funding in step 2, which would be the one interchange improvement project. She said that the concern was that if one district had overall lower scoring projects than another district, it also meant that the high-priority program funding intended to be used for projects of statewide and regional significance may also be going to projects that were demonstrating fewer benefits compared to projects in other districts that were demonstrating more benefits overall.

Ms. Shackelford said that the recommendation from the Office of Intermodal Planning and Investment was to eliminate the second funding step in the allocation process and move directly from prioritizing projects in the district grant program to prioritizing high-priority program eligible projects statewide. She said that looking at the likely round 5 impacts of this change if it was implemented, and without considering the other changes that had been recommended, this change would not appear to impact project outcomes for their region. She said that however, it did remove some of the assurance that each district will receive funding through the high-priority program and certainly would impact districts that see lower overall benefits scores comparatively.

Ms. Shackelford said that looking at the impact of all the recommendations discussed today, plus an adjustment to a forward-looking congestion benefits calculation that they did not discuss, this was a statewide change in outcomes for the types of projects that would have been funded through SMART SCALE. She said that the average total cost of project costs would have increased by \$6.7 million, and 39 fewer projects would have been funded overall, mostly in a reduction in the number of bicycle and pedestrian projects that were funded through SMART SCALE.

Ms. Shackelford presented a slide depicting the schedule for what the rest of the process would look like as far as updates to the SMART SCALE program. She said that the CTB had set up an online portal to receive comments and respond to questions, and Albemarle County staff was prepared to coordinate any responses that the Board may wish to provide about the proposed changes.

Mr. Gallaway said that for him and Supervisor Mallek, this was their third pass and asked if the rest of the Board could see why they wanted to get a head start on this. He said they would have more iterations of this as the CTB continued their conversations. He said that he believed that Ms. Shackelford's understanding of the issue and that of the Transportation staff was more than adequate. He said that he asked questions he had previously at the MPO.

Mr. Andrews said that there were several threads running through how the changes were working, and one of them was dealing with the readiness of the proposals and the fact that 50% of them were not ready when they were submitted. He said that there were different reasons why this could happen, and one of them was that the guidance was not always clear.

Mr. Kevin McDermott, acting Planning Director, said that regarding the readiness of proposals, that was something they had been working to improve in Albemarle County by investing money upfront for design on projects and trying to get ahead of the application process with more detailed planning and design. He said that smaller localities without funding may struggle with this aspect, but they had generally been successful in preparing projects before submitting them.

Mr. Andrews stated that he was very concerned that this would disadvantage multimodal projects, which had been an important part of their planning. He inquired about the difference between the U.S. 29 Fontaine Interchange Improvement funded and the Exit 118, which were pretty close.

Ms. Shackelford said that the description of the Exit 118 project on the application she reviewed was more focused on correcting the weave pattern after exiting rather than improving the interchange itself. She said that she was unsure what the interpretation of this particular project would be, whether it would be considered an interchange improvement project or not.

Mr. Andrews said that he noticed that Exit 118 was already in the third on the list, so he was kind of confused when he saw that as to which ones they were talking about here.

Mr. McDermott said that there was a project initially, before his time at the County, where an application was submitted to rebuild the entire Exit 118 that failed mostly because the cost was so high, so after that they began breaking it up into multiple projects. He said that the project marked with an asterisk was if one was heading westbound on Interstate 64 and taking Exit 118 to head north on Route 29, there used to be a single lane that then had to weave with the existing traffic on northbound Route 29, and with Fontaine Avenue being right there, it caused a lot of accidents, so that project added another lane so that they did not have to do that anymore. He said that Exit 118 at the top was the entire rebuild of the interchange, which would clearly fit under that definition.

Mr. Andrews said that he appreciated the information provided. He said that he looked forward to learning more about how to prepare and to receive guidance on how to influence these changes to the extent that they may harm some of their goals.

Ms. Mallek thanked Mr. McDermott for the explanation about the project's challenges. She said that she was concerned about the cost of construction in different districts and asked if there was any balance for that. She emphasized the need for a solution to avoid being up the creek again due to high right-of-way expenses in some areas compared to others with lower costs.

Ms. Shackelford said that she did not think so as far as the high-priority program was concerned. She said that it should not affect the district grant program as significantly because that was prioritized within a smaller geographic area.

Ms. LaPisto-Kirtley asked to see Slide 3. She asked for an example regarding the scoring factors and environment.

Ms. Shackelford said that the scoring factor in the SMART SCALE Technical Guide included avoiding negative environmental impacts, which involves ensuring that no wetlands or sensitive environmental areas were disrupted. She said that there was an air quality aspect to the environmental measure that would provide a positive benefit as well.

Ms. LaPisto-Kirtley asked which interstate changes were referred to on Slide 11.

Ms. Shackelford said that any interchange that was on a corridor of statewide significance should be qualifying, such as Route 29, Route 250, or Interstate 64. She added that since it was a new proposed definition, there was not a technical manual available yet to provide further details.

Ms. LaPisto-Kirtley stated that it would only be those three, and not the secondary rural roads.

Ms. Shackelford said she believed so.

Ms. Price asked to see slide 5, and said that with the last bullet, it was clear that they would be going from four to two projects. She said that as she looked at overall, a lot of the information provided

indicated that the resources had gone up money-wise, but it sounded like staffing personnel resources had not. She asked if they could use an avenue of approach such as working with their legislators to try to get more funding into VDOT for people so that they were not having a reduction in programs simply because they were not adequately staffed?

Ms. Shackelford said that it was not just about the application process and preparing the applications, but it was also about the delivery of the projects themselves. She said that the same staff that supports the development of the applications and reviews them was responsible for constructing the projects once they were awarded funding, so it was a capacity issue across the board as far as all that creating a backup.

Ms. Price said that it was a personnel capacity issue. She said the problem was that they had given more money but not enough resources to be able to adequately process the additional funding.

Mr. McDermott said that was correct. He said that the use of consultant services had increased significantly for not only the delivery of projects but also for reviewing applications and other related tasks. He agreed that one possible solution was to allocate more funds toward staffing, personnel, or administration of the program instead of just adding money directly to the actual physical improvement.

Ms. Price said that she recalled that Charlottesville, TJPDC, and Albemarle were all able to submit four, which was 12 in total, and now they would be looking at six.

Ms. Shackelford said that was correct.

Ms. Price asked to see slide 8 and said that she appreciated the in-depth analysis that Ms. Shackelford provided. She said that it was a lot of information and hard to follow, but it was very clear that the MPO had done some really good work and analyses. She said that her interpretation of slide 10 was that the projects should be based on why and what was being done more than where the project was located.

Ms. Shackelford said that they were trying to get at both of those issues. She said that this would still only apply to regional networks and corridors of statewide significance and the technical guide would further specify which types of projects.

Ms. LaPisto-Kirtley asked if Ms. Shackelford could address managed lanes.

Ms. Shackelford stated that the rule would apply to an HOV (high-occupancy vehicle) or an HOT (high-occupancy toll) lane, where access was limited to specific individuals.

Ms. LaPisto-Kirtley asked if the highways were once again going to be 29, 64, and 250.

Ms. Shackelford said that those were corridors of statewide significance, assuming they still applied to regional networks, the regional networks were defined based on the MPO travel market. She mentioned that there was a map of those on the statewide plan.

Mr. Gallaway said that the project was not yet completed, and the CTB would have their meeting on October 20, discussing economic development and other factors. He said that it was essential to get ahead of this issue because they did not need to combat it but rather understand it to recalibrate. He said that the Secretary of Transportation back in VACo (Virginia Association of Counties) in the fall made a comment about bike lanes and monies that had been put into projects where there were no bikes in the lanes. He said that his initial reaction was that there would be less bike ped projects, but it actually might mean there would be better bike ped projects because people were throwing multimodal projects to help the scoring even though the impact for those facilities was nonexistent. He said that he saw this thread through the CTB where it was trying to get at impact because money was limited.

Mr. Gallaway said that as a locality, if they thought they had high multimodal, bike ped, transit, all the above, they would have to submit that as a locality. He said that they could still do that and make their case, and then it had to be scored relatively. He expressed his faith in the County staff and TJPDC staff that they would be able to keep up with the changes as they had been. He said that his hope was that as they discuss this more, they would get up to speed.

Mr. Gallaway said that they had a Hillsdale and Rio Road intersection issue. He said that they had submitted a rerouting of Hillsdale to go up to where putt-putt was as two separate projects, but if one started thinking of that as one larger project, if Hillsdale was rerouted, then there would not be such an intersection problem anymore. He said that perhaps those projects could be combined into one and that could be a larger higher priority project, and the impacts could be greater versus doing one here, then if it ever gets rerouted, maybe that intersection does not exist, and they wasted that money.

Mr. Gallaway said that he appreciated that the Board was getting ahead of this so that they could be ready when the CTB did make their final decisions and a new technical manual came out, they would all be on the same page and moving forward. He asked when the next round would be.

Ms. Shackelford said that they would begin preparing pre-applications in February.

Mr. Gallaway said that they needed to do some quick work in order to determine how the next submission would be handled.

Mr. Andrews said that he appreciated the comments made by Mr. Gallaway, and that it helped to clarify a lot of this. He said that he was glad they were getting prepared for the upcoming event. He expressed his gratitude for all the hard work put into this and looked forward to hearing more.

Ms. Mallek said that she wanted to clarify one thing because she may have had it wrong all this time. She said that multimodal means all, not just one, and the complaint she heard about at the transportation committee at VACo was that there were projects that were just bike and ped, with no car transit, meaning the multimodal was lost. She said that was a bigger distinction that she heard in Richmond that she had not heard in the presentation downtown.

Ms. Mallek said that regarding funding for VDOT, in the 2009 and 2010 recession, 700 employees were laid off throughout all levels, including experts in inspections and bridges. She said that previous governors had gotten rid of staff and tried to hire consultants thinking they were going to save money, and they ended up costing them three times as much, so they were sort of still behind the curve on that.

Ms. Mallek stated that one very good thing people should be aware of was that when they got snared with their original application for Exit 118, it was something like \$150 million, while a similar project at Route 17 and Route 29 in Prince William County was priced at \$50 million less and therefore got built first. She said that they now had a very strict standard across the state, which was supposedly carried out for the first time. She said that they had a better chance of getting treated fairly for their projects than before. She agreed with Ms. Price's statement about the why and the what being more important than where.

Ms. Mallek said that she completely supported what Mr. Gallaway had said about this not being a fightback situation and it was about doing their best job with the rules they were given. She expressed her disappointment toward other communities who had not worked hard on their preparation and wanted to change the rules, because it was absolutely the wrong thing to do as the state had invested in this project for six years and wanted to make every penny count. She said that they all had to live and learn while being nimble.

Non-Agenda Item. **Recess.** The Board recessed its meeting at 2:47 p.m. and reconvened at 2:59 p.m.

Agenda Item No.11. **Work Session:** AC44 Phase 2: Planning Toolkits.

The Executive Summary as forwarded to the Board states that Albemarle County's Comprehensive Plan Update (AC44) is currently in Phase 2. At the beginning of Phase 2, staff shared a series of topic reports with data, trends, challenges, and opportunities for each Plan chapter. Community members shared input on their priorities by topic through an online questionnaire, community chats, and pop-up events. The second round of Phase 2 engagement focused on planning toolkits, a consolidated approach to land use and transportation planning. The four toolkit topics are: Activity Centers in the Development Areas, Factors for Development Areas Expansion, Rural Crossroads Communities, and Rural Interstate Interchanges. A detailed description of each planning toolkit topic may be found in the staff report, Attachment E. Planning toolkits will build on current Comprehensive Plan recommendations including the Growth Management Policy and implement the Framework for an Equitable and Resilient Community (Attachment F), developed in Phase 1 to provide guidance for AC44. Community members shared feedback for each topic through online questionnaires, online and in-person open houses, and several community chats. A summary of all community input shared to date in Phase 2 is provided in Attachment A. A more detailed timeline of Phase 2 and upcoming fall engagement is provided in Attachment B.

At the August 8, 2023 Planning Commission work session, the Commission provided feedback on which option should be pursued for each of the planning toolkit topics. A summary of Commission input is provided in Attachment C. The minutes from the Planning Commission meeting are included as Attachment D and a recording of the meeting is available on the Albemarle County Planning Commission website. At the meeting, the Commission reached general consensus on which options should be used for AC44, with some requested changes and noted concerns.

Based on the Commission's input, staff recommends the following options for each toolkit topic, noting that the options for Topics 2, 3, and 4, have been updated from the original staff report. The updated recommendations, based on Planning Commission feedback are indicated by red text within Attachment E.

Topic 1: Activity Centers in the Development Areas

Option 2: Update all of the Center locations in the Development Areas using the mixed-use Activity Center place types (Neighborhood, Town, Destination) in this Comprehensive Plan update. This would give a consistent format and terminology for all Centers in the current Master Plans. Continue to use Districts to identify areas of activity that are primarily single use (e.g. parks, employment centers) and identify updated Districts. This option is unchanged from the staff report.

Topic 2: Factors for Future Development Areas Expansion

Option 3: Develop a set of location, process, and timing factors for consideration in potential future Development Areas Expansion. Along with draft factors that have been shared for community input (Attachment 2 of the Commission's staff report), these factors should also include an analysis of whether the Development Areas are achieving a mix of uses, higher density, walkability, redevelopment, and quality open spaces prior to expansion. Conduct an analysis on the feasibility of potential areas for future Development Areas expansion by first using factors related to location to develop a generalized map of broad potential locations for future Development Areas expansion and second, by using the factors related to timing and infrastructure feasibility to develop possible timeframes for future expansion with this Comprehensive Plan update. This option has been updated from the staff report based on the Commission's input.

Topic 3: Rural Crossroads Communities

Option 2: Develop a clear definition for crossroads communities and apply this definition to identify an updated list of crossroads communities. In crossroads communities, continue to encourage adaptive reuse of existing structures, including for small-scale uses that support surrounding community members, such as community resilience hubs, small medical offices, and country stores. Evaluate opportunities to provide 'community resilience hubs' in crossroads communities, which would provide local support services, such as: healthcare, food access, emergency preparedness/response and local gathering spaces. The community resilience hubs would be created with coordination from Fire/Rescue and the Virginia Department of Health. Prior to any changes of recommended land uses or existing zoning districts in a crossroads community, engage with members of each community to determine what small-scale uses are appropriate, desired, and feasible. This option has been updated from the staff report based on the Commission's input.

Topic 4: Rural Interstate Interchanges

Option 2: In the updated Comprehensive Plan, include recommendations for future Small Area Plans for the Shadwell (southeast of the interchange primarily on the northern side of Route 250 E) and Yancey Mills (east of the interchange primarily on the southern side of Route 250 W) rural interstate interchanges, with the Shadwell Small Area Plan prioritized. Small Area Plans for these interchanges should include recommended future land uses, transportation networks and needed improvements, protection of natural, scenic, and historic resources, public water and sewer feasibility, and any other infrastructure needs. This option has been updated from the staff report based on the Commission's input.

There is no budget impact associated with this agenda item.

Staff recommends that the Board provide feedback on the four planning toolkit topics, specifically, which option should be pursued for each topic, to provide staff with direction to draft relevant Goals, Objectives, and Action Steps for the updated Comprehensive Plan.

Mr. Kevin McDermott, acting Planning Director, stated that the team for this item included Tori Kanellopoulos, a Principal Planner in the long-range planning team, Ben Holt and David Benish, members of the long-range planning team, along with Vlad Gavrilovic who was their consultant with EPR. He said that they also had Serena Gruia in the audience, who had been an unofficial member of the long-range planning team working with CAPE (Community and Public Engagement), whose team had helped develop all of the public engagement that will be discussed today. He stated that Jesse Brookins from the Office of Equity and Inclusion (OEI) was also present, as well as the Climate Action Team, who had been key members throughout the process. He said that they had worked with all of the departments and agencies that could be imagined, but that CAPE, OEI, and the Climate Action Team were the primary offices they met with regularly.

Mr. McDermott said that the agenda for the day focused on the four planning toolkit topics. He said that they would provide an overview of what they had done during phase two, as well as each of the topics, including activity centers, factors for future development area expansion, rural crossroad communities, and rural interstate interchanges.

Mr. McDermott said that the purpose of the work session was for the Board of Supervisors to give specific recommendations to the staff on how to carry forward each of the toolkit topics. He said that all of these topics were in the current Comprehensive Plan, and what they were asking for was whether they should continue with the existing language that was in the Comprehensive Plan or if updates were needed for the new Comprehensive Plan.

Mr. McDermott said that the slide on the screen displayed the different project phases, and they were currently in phase two, which was in the gray area where they were discussing a lot about the topics included in the Comprehensive Plan as well as the planning toolkits, which they would go over that day, then they would be moving into the goals and objectives.

He stated that phase one of the Comprehensive Plan focused on growth and identified the framework for an equitable and resilient community. He said that they also discussed the four big ideas, that Albemarle will be a welcoming, equitable, connected and accessible, thriving and prosperous, and

green and resilient community. He said that those ideas were carried through phase two and beyond in the plan. He said that they started with a high-level of these broad topics and slowly trickled down to more specific action steps, and phase three will prioritize those actions before finalizing and adopting the plan.

Mr. McDermott said that this phase focused on AC44 phase two, which began in early 2023 when looking at challenges and opportunities. He said that they discussed the topics that would be covered throughout the plan, including transportation, land use, and natural resources. He said that they received feedback through community engagement. He said that step two of the process, which is where they currently were, involved developing planning toolkits since spring of that year and through the summer, and the next step was defining goals and objectives.

Mr. McDermott explained that in phase two, step one, they engaged with the community to ask what their priorities were. He said that they had topic area reports that they put out online and questionnaires on the challenges opportunities. He said that they received 532 responses from the questionnaires they distributed online. He said there were six pop-ups held, one in each magisterial district, and they continued to meet with their working group. He said that there were 40 members of the working group for phase two who had been continuously meeting with and talking to throughout the process. He said that one of the primary areas that that group helped staff with was getting out into the community with chat kits or a meeting in a box, in which staff gave materials for the working group members to take out to their community and hold meetings and get feedback and bring that back to staff. He said that there were 15 total meetings hosted with approximately 130 total participants.

Mr. McDermott said that the community input in step one from the public regarding transportation was the need to keep infrastructure and development aligned, which focused on the need for improved bike ped infrastructure as well as improved transit service.

Mr. McDermott said that related to economic development, there was a lot of discussion about workforce development, housing to support the local workforce, and providing enough land for businesses to locate in Albemarle County or grow in Albemarle County.

Mr. McDermott said that related to housing, the biggest issue raised was the need for more affordable housing programs, including supporting repair and maintenance of current homes and offering a variety of housing types, including smaller and more affordable units, which could be accessory dwelling units, cottage courts, or the missing middle, which focused primarily around the idea of allowing the community to age in place, and there was a lot of discussion about that.

Mr. McDermott said that related to parks and recreation, they heard about the need for more greenways and trails, and how those were connected with bike ped facilities and how the neighborhoods could utilize those.

Mr. McDermott said that related to land use, they heard a lot of feedback about how coordination of their land use and transportation was necessary in order to have walkable communities, and also looking at infill and adaptive reuse.

Mr. McDermott said that related to community facilities, as with transportation, infrastructure needs to keep up with growth, and this was related to the school capacity question. He stated that community resilience and emergency preparedness were important points discussed during the meeting.

Mr. McDermott said that for environmental stewardship, they heard a lot about protecting and restoring their natural environments, as well as increasing resilience against natural hazards. He said that there was a lot of connection to their climate action program, and how they were providing resilience against the changes in the climate.

Mr. McDermott said that for historic, cultural and scenic resources, they heard a lot about sharing more of their history and preserving more of their history in Albemarle County, including ways that they could incentivize and regulate those protections, especially around historic and scenic resources.

Mr. McDermott said that in phase two, step two, their community engagement included five open houses, four in person and one online, and there were 86 attendees at all those open houses. He said that they had online questionnaires for each one of the toolkit topics, and they got responses ranging from about 19 on one of the topics up to 52 on another one. He said that they continued to work with their working group and sent them out with community chat kits, and they continued to host their own meetings. He said that they had about 40 total participants in all those working group meetings, which was a little bit lower than he thought it was in the first phase, but he attributed it to the fact that this was really dense material, which was shown by the fact that they did have over 5,000 website visits during that time period, so people were going to the website to try and learn more about it, even if they were not specifically responding to their surveys.

Mr. McDermott said that the planning toolkit topics were areas covered in the current Comprehensive Plan primarily related to growth management, and growth management referred to how they were addressing the needs of the community while protecting the environment and addressing climate change and retaining the resources that made Albemarle special. He said that these topics were all touched on in the current Comprehensive Plan, so they were looking to how those can be moved forward into the growth for the next 20 years. He said that the topics all support growth management policy by coordinating land use and transportation planning. He mentioned that they were looking at the AC44 framework and how it will be applied to these recommendations, and then they will be carrying

those through the goals and objectives and action steps in the future.

Mr. McDermott said that they would now get into the topic areas and would pass it off to Ms. Tori Kanellopoulos to talk about the first one, which was activity centers in the Development Areas.

Tori Kanellopoulos, Principal Planner, said that activity centers were locations in the development areas either now or in the future with a mix of residential, business, and recreational use that had a higher intensity and concentration of uses than surrounding areas and underlying land use, and they should have a variety of destinations to walk to. She said that the draft activity centers were identified based on existing development patterns, known plan projects in the pipeline, recommendations in the master plans, and estimates for current and future jobs and people. She said that activity centers were similar to the current plan recommendations for designated centers, however the activity centers used a more focused approach with fewer total centers and standardized center place types across the development areas. She said that currently some master plans had tax recommendations for centers while other plans had center land use designations and others used center place types.

Ms. Kanellopoulos said that the updated approach would also be paired with the Virginia Department of Rail and Public Transit's (DRPT's) multimodal planning guidelines which had been reviewed and supported by VDOT. She said that activity centers supported using development areas land efficiently, providing services and infrastructure in a cost-effective manner and improving multimodal transportation options to provide more choice for community members to reduce greenhouse gas emissions and vehicle miles traveled. She said that they also supported several actions in the County's Climate Action Plan including to incentivize denser and more mixed-use development patterns within the Development Areas.

Ms. Kanellopoulos said that the map displayed on the slide showed the southern neighborhoods from the Southern and Western Master Plans with draft activity center and district locations. She said that draft activity centers were shown with dashed purple lines and labeled as neighborhood, town or destination centers. She said that many of the currently identified centers shown in this master plan with the letter C on the map were proposed to be activity centers or districts. She added that many of the current centers would be consolidated, and a few would no longer be designated. She said that in the Places 29 and Southern and Western Master Plans, there were a significant number of centers. She said that the activity center approach would consolidate the total centers, especially in these areas. She said that minimal changes would be expected in the other Development Areas.

Ms. Kanellopoulos said that during the AC44 phase 2 engagement, they heard overall support for the activity center concept, particularly a mix of uses, housing choice, redevelopment, and safe walking and biking. She said that however, there were concerns that a mix of uses might not always be feasible. She said that the center should balance quality amenities with higher intensity of uses and more frequent and reliable transit was needed. She said that most comments were about the overall approach, with the only center change being to slightly decrease the size of the Mill Creek town center area.

Ms. Kanellopoulos said that the proposed approach would provide more opportunities for engagement on specific center place types and locations. She said that today's work session was about whether or not they should continue forward with this overall approach during AC44.

Ms. Kanellopoulos said that at the Planning Commission's (PC's) August 8 work session, the following two options were shared for consideration. She said that option one was to not change any of the currently identified 50 centers in the master plans so they would remain until they were updated. She said that option two was to update all of the center locations in the Development Area using the activity center place types during AC44. She said that at the work session, there was consensus from the PC that the activity center approach should be used with AC44 as the concept encourages infill, redevelopment, walkability, and a mix of uses.

Ms. Kanellopoulos said that the PC felt the current number of centers was too high and reduced their effectiveness and the ability to prioritize projects. She said that if the centers were updated with AC44, the PC wanted to make sure the Community Advisory Committees (CACs) had many opportunities for input on the center locations and place types, especially for master plans that had been updated less recently. She said that the PC also noted the balance needed for high quality amenities and services while considering the potential associated cost increases. Since the PC's meeting, staff had not made any changes to option 2, and staff was recommending this option as this approach would give a consistent format for all centers, could provide more focused direction for future projects and redevelopment, and would encourage efficient use of land in the Development Areas.

Ms. Kanellopoulos said that with this option, the next steps for AC44 would be to continue revising activity center and district place types and locations, and to draft a multimodal plan that connects centers using the Virginia DRPT multimodal guidelines and coordinating with VDOT.

Ms. Kanellopoulos said that if the centers were updated during AC44 through master plan amendments, staff would expect minimal changes to the Crozet and Pantops Master Plans as those were most recently updated. She said that the activity centers would likely match one to one in those master plans and in the Village of Rivanna as only the Village Center was expected in that Development Area. She said that with this approach there would be opportunities for additional engagement in phases two and three on center locations and place types.

Mr. Gallaway asked Ms. Kanellopoulos to restate what was said about options two and three.

Ms. Kanellopoulos said that if the Board directed staff to move forward with option two during phases two and three of AC44, so this fall and then next year, there would be more opportunities for input from the community, Planning Commission, and Board on the actual center locations and place types. She said that this approach would not lock in the current recommended centers with the draft activity centers.

Mr. Gallaway asked how their decision or actions today would limit or not limit their future steps when they got to that work. He questioned whether they were truly restricting themselves from taking certain actions due to a choice made in September regarding toolkits.

Ms. Kanellopoulos said that that was correct. She said the main focus was to reach a consensus on whether they should proceed with these approaches or keep what was in the current Comprehensive Plan to aid in drafting the action steps and other plan recommendations.

Mr. Gallaway asked if Ms. Kanellopoulos had shown only the southern center during her presentation.

Ms. Kanellopoulos said that it was only that example.

Mr. Gallaway said that the issues of transportation and SMART SCALE came up during his CAC meeting, particularly along the Rio corridor and people not having places to go to inside the Development Area. He mentioned how people living in Woodbrook and Carrsbrook had difficulty accessing Riverside Park, which was located just north of the bridge on 29. He said that another example was that residents in Woodbrook were located exactly one mile away from the library, which was walkable for most people but not for those living in Woodbrook. He emphasized that a big part of this toolkit was to figure that out.

Mr. Gallaway said that the Small Area Plan aimed to achieve that, but they could not have four corners with identical features that would cause people to stay in their quadrant. He said that it was essential to create an interconnected system, but walkability was challenging due to 29 cutting right through the middle of it all. He said that if one lived in the Development Area and the urban ring, the available open space and green space was minimal. He said that they discussed putting a floodable park behind the library, but then he wondered how would one access it.

Mr. Gallaway said that how they used the Development Area obviously needed to be included. He said that the purpose of the Development Area was to maximize density and functionality while protecting the remaining 95% of the land. He said that it could not just all be density, and that the action steps would define how they aimed to achieve this goal.

Mr. Gallaway said that when asked about whether there were too many centers or not, he said that he did not know. He said that there were centers in areas that had not yet been developed, such as the Small Area Plan. He said that they had answered the question regarding that particular geography, saying that the County should invest in public spaces and provide maintenance for them, but until the redevelopment occurred, the County could not do anything about it. He said that they could plan all day and put it anywhere they want, but until someone actually constructs it and does it, then they could not really go in there and do it because the County did not own the property.

Mr. Gallaway said that there was a point made in the presentation where aging in place was tied under a category. He said that in the urban ring, aging in place, that walkability function and the ability to stop relying on car. He said that going from Woodbrook to Kroger, which was right across the street, one had to rely on a car. He said that aging in place was important for individuals who do not have or do not want access to a car, so it was important to get them ¼ mile away. He said that it should not be limited to one category but should apply to all of these.

Ms. Kanellopoulos said that she thought it was in Housing.

Mr. Gallaway said that in terms of this toolkit and moving forward, it looked like with the exception of the number of centers the PC was in agreement with staff, and he did not have any disagreement with that, and understood how it could be helpful in moving forward.

Ms. LaPisto-Kirtley said that she was also in agreement with option two. She said that they had listed Profitt as having 13 activity centers. She said that she did not know anything about them, and that she was unsure if they currently existed or if they had been historically included. She agreed with the PC's recommendation to reduce the number of activity centers but emphasized the need for appropriate amenities in new communities. She mentioned the importance of working with developers to ensure adequate land for public spaces and activity centers.

Ms. Kanellopoulos said that she did not want to speak for Parks and Recreation and what their plans might be, but she thought it could be a combination. She said that it was a good point that recommendations from this topic did not just have to be in the land use section; they could also be in parks and recreation. She said that they wanted to work with the Parks and Recreation Department to ensure that general open, green, recreation space recommendations were included in the center place types, so that would be an expectation that the centers would have usable public space for community members.

Ms. LaPisto-Kirtley asked if it was possible to include Free Bridge Lane in the Greenway

Promenade for an art festival or music festival.

Ms. Kanellopoulos indicated that was correct.

Mr. Andrews said that sticking to looking at the activity centers in the Development Areas, he appreciated the intent to give consistent format and terminology, but he would echo Commissioner Firehock's concern that each one was located in a different proximity to other things and therefore had to be considered as to what was in the neighborhood and what was available otherwise. He said that 50 seemed excessive not just on its face but after looking through he was convinced that some of these fit the criteria of what they would call a destination center, what they called the different categories, neighborhood, town. He said he thought that needed to be looked at further.

Ms. Mallek said that reading the PC notes and the redlined chapter that they sent, she thought that one of the difficulties in the 2005 master plan in Crozet was that activity centers were plunked in the middle of old neighborhoods, and even the NOAH (Naturally Occurring Affordable Housing) neighborhoods all of the sudden became completely gentrified and the population was projected to be 25,000 people. She said that when the next one came around in 2010, the whole goal was to get that under control, and 70% of those things were realized to be not a good idea and were removed, and the population came back down to 16,000, which was still 6,000 more than people were told it was going to be. She said that it was the kind of adjustment that needed lots of careful attention, and she appreciated what Ms. Kanellopoulos said about it being the beginning and they would have lots more iterations. She said that her experience had shown that if they were not careful to raise questions at the very beginning about things, all of a sudden they grew roots. She asked what "match one to one in Crozet" meant in regard to updating the centers.

Ms. Kanellopoulos said that the current center place type table that Crozet had was almost exactly the same as the updated activity center place type table. She said that the building height was the same, as well as the form and scale. She said there might be some slight updates to the recreation open space recommendations, things like that, but the overall the form and scale should be the same for both Crozet and Pantops.

Ms. Mallek said that she checked the maps, and the circles were in the expected places, so that was fine, she just wanted to ensure that she was not missing something.

Ms. Mallek said that they had seen in various magisterial districts that people's concerns about new projects were usually grounded in the fact that they already lacked sidewalks, bridges, and infrastructure, therefore, it was essential to focus on providing amenities and infrastructure, as they had not done for 20 years. She said that the previous expectation was that developers would build everything, including the Eastern Avenue Bridge.

Ms. Mallek said that somewhere in the notes, it said that for seniors, walkability was not so important. She said that she believed that this was probably a typo and added it to Ms. Kanellopoulos's to-do list to look for and try to make sure that she was not missing about that.

Ms. Mallek said that regarding what Ms. LaPisto-Kirtley said about new communities, Brookhill and Old Trail were perfect examples of where they were building from scratch, that they built in all those things, those plazas, the things that now bring people together and those park spaces and that kind of thing. She said that she was trying to wrap her brain around this sort of one step at a time. She said that they should be careful when they paint things with broad brushes to ensure that they were really being focused so that people who read it had enough detail to not panic. Because with broad brushes, anybody can interpret it any way they want. She stated that the uncertainty would breed a lot of concern.

Ms. Mallek said that the whole downtown Crozet district, which was the form-based code area there, was one activity center made sense, and people from Star Hill could walk down there. She said that the 50 centers on the map so far, even funding one amenity in each one, was something they would never be able to do in a reasonable time frame. She said that she loved the fact that she was already thinking about bringing those back in.

Ms. Price said that she supported option two. She said that she appreciated the work of the PC and their comments were incredible.

Ms. Price commented that Route 29, Route 250, and Interstate 64 were the most important roadways for vehicular traffic, and of course, pedestrians should never cross I-64. She said that Route 250 at Pantops and Route 29 North were difficult for pedestrians crossing. She said that she was driving downhill McIntire Road toward Preston Avenue when she noticed a young man diagonally crossing through the opening between Commonwealth Building and McDonald's. She pointed out that there were two crosswalks between the traffic lights, one of which required pushing a button to activate flashing yellow lights. She said that the young man could have safely crossed at the crosswalk with the flashing yellow lights, which was only 15 feet uphill from where he was crossing. However, he chose to cut through traffic going in different directions. She said that she made that point because crossings can be made as safe as possible, but people might not actually do that.

Ms. Price stated that Route 29 North would have limited access for pedestrians and bicyclists due to traffic flow issues, and every time a crosswalk was added, it slowed down the traffic, and they had already done all they could to make that a speedy pass. She said that there may be situations where they would need to replicate or duplicate on both the west and east of 29 North and in the north and south of

250 at Pantops because it would not be very safe. She said that microtransit could help with connectivity. She said that another library might need to be built on the east side of 29, somewhere up in the area, because the Northside Library was going to be too difficult for too many people to get to.

Ms. Price said that they had too many activity centers, and she appreciated Mr. Andrews' comments on the different terminology used. She said that she believed that having an economy of scale and critical mass was essential for success, otherwise, it would be like what they saw in Rural Areas with abandoned little buildings on roadways due to insufficient business. She said that she supported option two, and they needed to reduce the numbers. She appreciated Mr. Andrews' comments on how they would be defined but emphasized the need to reduce the numbers so that it was more workable.

Mr. Andrews said that if they looked at Slide 8, it showed land use, coordinated land use, transportation, and creating walkable communities. He said that he had concerns about the southern neighborhoods, and it being difficult to walk across Interstate 64, as well as 29 with four lanes of highway. He said that the destination appeared unworkable, stuck between two four-lane highways, and he continued to question why it was a destination.

Ms. Kanellopoulos said that there were two reasons, one being that there was potential from a space standpoint for additional buildings and other uses in the future if property owners decided to expand or redevelop the area. She said that the second was that there were plans for a trail hub that would connect to that area, which could attract more people who would like to walk or bike there from other places in those neighborhoods.

Ms. Price said that she believed Mr. Andrews was referring to the destination center in the upper left corner of the chart.

Ms. LaPisto-Kirtley asked if the 50 activity centers were also country markets.

Ms. Kanellopoulos said that the crossroads communities in the Rural Areas were different from the 50 centers located in designated Development Areas. She said that some of the centers were quite small, such as a corner store, a trailhead, or a park.

Ms. LaPisto-Kirtley gave her appreciation for the explanation and expressed her support for option two, and reducing the number of activity centers that were not serving people.

Ms. Price asked if Ms. Kanellopoulos had what she needed from the Board.

Ms. Kanellopoulos said that she believed so.

Ms. Price said they could go on to Topic #2 now.

Mr. McDermott said that he would discuss the factors for future Development Area expansion. He said that factors would serve as guidance for evaluating how, where, and when Development Area expansion may occur. He said this was briefly discussed in the current Comprehensive Plan, and it recommended monitoring the Development Area capacity for future residential and business demand with high-level guidance on when an expansion may need to be considered. He said that while an expansion may not be needed in the near future, as they looked at long-range planning in the context of uncertain and changing conditions, the possibility that current Development Areas may at some point no longer have sufficient capacity to accommodate the future housing and employment needs must be considered in the current Comprehensive Plan with AC44.

Mr. McDermott said that the current 2015 plan does not have guidance on how to identify the locations for expansion if an expansion was found to be needed. He said that if they look at an updated plan that could include factors for how and where to expand, including the infrastructure considerations, the protection of natural resources and water supply, watersheds, and expectations for future development patterns, these factors could be taken a step further in the next plan and applied to map possible locations for the future development. He said that they would coordinate with service providers on that long-term infrastructure planning and establish the expectations for those development patterns to avoid sprawl.

Mr. McDermott said when they looked at the factors for Development Area expansion, it was as much about where they did not want to grow as where they wanted to grow. He said that some factor examples, which were provided to the Board in the report, could help assess which possible locations would be most in line with Comprehensive Plan goals, including avoiding conservation areas identified in the Biodiversity Action Plan and the potential timing and infrastructure feasibility considerations, that meant infrastructure upgrades for public water and sewer. He said that it was important to consider and balance the factors together, so they may have two locations that avoid sensitive natural features, but one needed significant upgrades for public water, so they would like to know that in advance before they moved forward.

Mr. McDermott said that the community input themes were that there was overall support for using the Development Areas efficiently and only expanding when new redevelopment options within the Development Areas had become extremely limited. He said that the priorities for how and where to expand the Development Area included protecting natural environments, preserving Rural Area, protecting water resources and tree coverage, and looking at the transportation impacts of any expansion. He said that the priorities for when included considering if the infrastructure was in place or

planned before they started pushing additional growth outside of the current Development Areas, and encouraging density and mix of uses within the Development Areas before they considered expanding.

Mr. McDermott said that would take into account the high cost of housing and the significant need for affordable housing. He said that multiple areas did say that the Development Area should not be expanded at all, while several comments recommended specific areas where expansion could occur.

Mr. McDermott said that the options shared with the PC included maintaining the recommendations that were currently in the 2015 Comprehensive Plan without developing new factors or criteria.

Mr. McDermott said that the second option was to develop a set of factors for consideration in potential future Development Area expansion that would include both timing and location factors without identifying any potential time frames or locations for those future expansions.

Mr. McDermott said that the third idea was to conduct an analysis that would apply those additional factors that they provided from option two to develop a mapping of potential locations for Development Area expansion and develop possible time frames for future expansion with this Comprehensive Plan update.

Mr. McDermott said that during the Commission meeting, the consensus was that they should have a set of factors for future Development Area expansion that would guide identifying the locations and timing of that expansion.

Mr. McDermott said that some Commissioners were supportive of mapping those potential locations, while others were very concerned with that mapping, thinking that could cause land speculation and increase those land costs. He said that the Commissioners recommended analyzing how the County was using its Development Areas and if that development was achieving the Comprehensive Plan land goals of mixed use, walkable redevelopment, high density, and quality open spaces. He said that if they were not achieving that within the Development Areas, then they should not look to expand the Development Area. He said that they discussed planning for adequate infrastructure in both current Development Areas and within any potential future expansion areas.

Mr. McDermott said that based on that input, staff had reconfigured option three, which was supported by the PC. He said that to do this, they had added within this recommendation that they should include an analysis of whether the Development Areas were achieving a mix of uses, including higher density, walkability, redevelopment, and quality open spaces prior to expansion. He elaborated that they would conduct an analysis on the feasibility of those potential areas for future Development Area expansion by first looking at the factors related to the location to develop a generalized map of broad potential locations for Development Area expansion. He said that it would primarily be looking at where it was possible to serve with infrastructure as well as natural resources and environmental constraints to make sure they were avoiding those areas. He said they would use those factors related to timing and infrastructure feasibility to develop possible time frames for future expansion within the Comprehensive Plan.

Mr. McDermott said that with this option, the next steps for AC44 could include continuing to refine the draft factors, which were included in the packet, with more detailed descriptions and potential metrics, using these draft factors to evaluate areas adjacent to the current Development Area and develop a generalized map of potential areas for expansion, and then developing broad timing considerations and future land use priorities.

Mr. McDermott said that future steps after this Comprehensive Plan update would include continuing to update the land use build-out analysis, monitoring development trends, and developing small area plans that look at those future expansion areas they identified and the factors, so they could start to think about where they might develop in the future.

Mr. McDermott said that the PC did recommend the updated option three, which included additional metrics for looking at the current Development Area uses and having a more generalized map of where certain resources may constrain the future Development Areas.

Mr. Gallaway said they had discussed the potential of expanding the Development Area as a way to have a conversation about how the effective use of the current Development Area was being accomplished. He said that they really could not think about future expansion until they did an analysis of the current Development Area.

Mr. Gallaway stated that in order to theorize about the timing of expanding the Development Area, they first needed to determine what was currently there and how long it would get them to based on infrastructure, transportation, growth potential, employment buildout, redevelopment capacity, and other factors. He said that discussing expanding the Development Area without taking those factors into account, it would be an uninformed conversation. He asked if that was what it was trying to get at, minus the mapping of future sites for expansion.

Mr. McDermott said yes, that was what was in the recommendation from the PC, which suggested evaluating how they were using the current Development Area to ensure they were meeting their Comprehensive Plan goals for density, walkable neighborhoods, and addressing the needs before considering any expansion.

Mr. Gallaway stated that at some point, the County would have to grapple with the idea of expanding the Development Area. He said he was unsure when that would be, as it could be 10 years or even 50 years down the road. He said that the alternative was to say no to any expansion and cut off growth entirely and asked if that was a realistic option. He said that decision would fall to future boards to determine.

Mr. Gallaway said that the analysis of the current Development Area needed to happen. He said he was in agreement with option three. He noted that Mr. Williamson said if the Board did not maximize the density when they have rezonings before them, and they did not allow the density to go to the max for whatever reasons, good, bad, or indifferent, then they are bringing that discussion of the expansion closer to them. He said if they had 10 places left to develop and they only rezone them at 50% of their capacity, then they upped the timeline of when they have to deal with what was introduced. He said that in addition to just housing density, it also had to look at the network of the infrastructure.

Mr. Gallaway stated that it was assumed that the Development Area had the infrastructure and the network to function as a development area, but it did not. He said there was an example that would come before the Board in the next six to 12 months. He explained that along Berkmar, if one were to cross over Woodbrook, take a left going to Lowes and Kroger, and if they hit Berkmar, they crossed over the road up to Woodbrook, on the west side of Berkmar, where a lot of that was developing into apartment units and townhome units. He said the latest development in the area was going to be a 300-unit piece that backed up to Woodburn.

Mr. Gallaway stated that it was unclear whether or not the vehicles could get out there. He said everyone would assume, based on where he had just located it, that that was the perfect place for density. He noted there was transit, and it was close to Kroger. He said that at the intersection of Berkmar and Woodbrook, there were no crosswalks to get from the west side to the east side of Berkmar. He noted that it was the same issue they had on Route 29.

Mr. Gallaway said if the development came to them, they would discuss the site, the proffers, parking, accessibility, and amenities on the site. He said that not even a quarter of a mile down, they would say that Kroger and Lowe's were right there, so they could walk over there. He said that once they got to the traffic light, there would be no network to get them across.

Mr. Gallaway said that they would need to have that conversation before discussing expansion, as he could not get people from Woodbrook to Kroger. He noted that Berkmar traffic was not easier due to the presence of a stoplight but lack of painted crosswalks. He mentioned that the infrastructure was there, but the network to get them across was missing. He said they were planning to build a multi-use path that went from Woodbrook down to Sam's Club and out to Berkmar North, but he wondered where the crossability for that would be.

Mr. Gallaway said that they could not have a conversation about expanding the Development Area without first determining the capacity for residential density, the economic development factor, where the employment centers were going to go, and were those employment centers, and he thought it was the same for destination centers. He explained that there were destination centers that were just vehicle destination centers. He said that Lowe's and Kroger out in his district were vehicle destination centers, not walking destination centers.

Mr. Gallaway said that if they have, in the Development Area, walking destination centers, recreational destination centers, economic and employment centers, multi networks to get them there, places for people to live that are close to travel there, and stormwater networks, then they could theorize Development Area expansion in 20 years. He said that they were far from achieving that goal if they continued as they had, with gaps in the network of infrastructure.

Mr. Gallaway said he had been a part of decisions reducing density. He acknowledged the difficulty of getting transit. He said he hoped microtransit would help solve part of the problem. He said that they needed to have a conversation about figuring out how to get those networks in place or they would be talking about Development Area expansion much faster and sooner than expected.

Mr. Gallaway said he was in agreement with the option. He stated that the analysis should not only consider density in terms of residential but also take into account the Board's decisions that had allowed commercial to turn into residential in their Development Area, resulting in a loss of development area space without any gain. He emphasized the need for an analysis of the issue.

Mr. Gallaway stated that it was not only about the six individuals at the dais, but rather the deficits created by the Board's decisions over the past 10 years that led them to have a conversation about the expansion of Development Areas before they wanted to. He noted some people may be philosophically opposed to the expansion of Development Areas. He said that as they analyzed density, networks, and infrastructure, the Board's decisions and actions needed to be part of the analysis.

Ms. LaPisto-Kirtley said that she agreed with everything Mr. Gallaway said. She said she preferred option three and believed that they needed to do as much as possible in the Development Areas. She said if they did not do that, then they would have to expand sooner. She said she did not think any of them wanted to do that. She said she thought that they all wanted to delay expansion for 20 to 80 years to preserve their Rural Areas. She said that in order to achieve that goal, they would need to step up and maximize their Development Areas.

Ms. LaPisto-Kirtley stated that the priorities, as far as protecting the natural environment, preserving the Rural Area, and protecting water resources, were extremely important before deciding to expand the Development Areas. She noted there was a suggestion to do an overlay or a heat map of the development or potential Development Areas. She said she was not in favor of that idea and would prefer to do it in five or 10 years.

Ms. LaPisto-Kirtley stated that this was a 20-year plan, and she was not sure if she would be in favor of it. She said she believed it could cause land speculation. She noted that they would not reveal the exact location, but she felt that the criteria would lead people to speculate. She said that they did not need to do it at the current time and suggested delaying the mapping portion. She said she agreed with the rest of the plan and thought it was necessary to consider. She believed that the priorities were general enough that they could do that and maximize the Development Areas.

Ms. LaPisto-Kirtley stated that they were defining everything, but there was no potential time frame or location for future expansion at that time. She said that it was very important, because they had received numerous emails and people were nervous. She said they were thinking the County was going out into the Rural Areas and now planning to do that. She said that was not necessarily what they wanted, but they were realistic, and they had to plan for it at some point in the future. She said she liked option three, but she would not want to do any kind of mapping of potential locations or heat map.

Mr. McDermott stated that the idea behind that was to map constraints, and by rasterizing these constraints, one could easily visualize where there were a lot of constraints to future development so if there were a lot of natural resources there, they would know that was not an area that would be appropriate for it, and because it would be done on a map, one could see the gradient of areas suitable for expansion and those that were not.

Ms. LaPisto-Kirtley stated that it could lead to land speculation and suggested deferring it for five years or revisiting the issue every five years. She said she agreed that planning for it was necessary as it was coming. She also acknowledged that future boards could change everything. She said there was an issue with a page of their packet regarding the single tier four site in the current Development Area.

Mr. McDermott said that he believed the tier four site was from the economic development analysis which indicated North Fork was the tier four site. He said it was an area that had potential for future economic development, and most of its infrastructure was already in place. He said there were not many places like that in the County. He said that if they started to look at other areas outside of the current Development Area, they might be able to identify places where it would be feasible to bring to a tier four development.

Ms. LaPisto-Kirtley asked if the discussion would involve the mapping.

Mr. McDermott stated that it could or it could not. He said the mapping would begin to identify areas for potential for redevelopment, and it would also consider infrastructure. He explained that it might start identifying some of those areas.

Ms. LaPisto-Kirtley stated that she would be cautious about taking that step at the moment. She said they should aim to maximize their Development Area without revealing the specific location they aimed to target in the Rural Areas, but that they should prepare for all of this.

Mr. Andrews stated that this was the most difficult one for him as he believed it to be an important discussion. He said he was leery of developing a set of factors because people would start to say they could make certain things come into play. He said this was a dangerous way to go. He said he understood that without it, they would open themselves up to arbitrariness and challenge on any actions they took.

Mr. Andrews stated that he did not agree with the inevitability of expansion of the Development Areas. He said he understood the capacity issues and the need to review what had been done with development. He said if it were an island or Charlottesville, there was a limit geographically, and there was no question about developing beyond that limit. He said that it became a matter of deciding what they wanted to do with the Development Areas. He said that Mr. McGinnis had a great idea in trying to establish a development area task force and to look closely at this issue as part of the current process rather than waiting until later.

Mr. Andrews said that philosophically, it seemed convoluted to him. He noted they were discussing a chapter, a toolkit for expanding the Development Areas. He said they had not really talked about the thriving Rural Areas, thriving in the sense of the biodiversity, the natural resources, and the watersheds. He said those things should be part of their thinking at all times.

Mr. Andrews noted that the existing plan said to keep recommendations, and the introduction page to the existing 2015 plan said the order of the chapters was intentional. He noted that it went on to say natural resource protection was the chapter before the chapter on economic development, and the chapter on the Rural Areas was before the chapter on the Development Areas. He said he did not want to lose sight of that because it was a valuable approach and way of thinking about this.

Mr. Andrews stated that he was still in favor of looking at the factors because he believed they would help limit what they were able to consider. He said that they would identify important factors so

they could prevent development from happening in those areas. He said identifying critical natural resources was helpful.

Ms. Mallek stated that it was the Board's job and the leadership of each community to decide how they will use zoning to create the quality of life for the community they represent. She said that it was not a given that they had to become Richmond or Fairfax. She said these were the kinds of incremental decisions that have been made over the last 40 years, often without a lot of consequence understood. She said that when you look at the growth numbers of population, since 2015 or 2010, it had been vertical.

Ms. Mallek stated that unfortunately, their area had become the gotta-go-to place to stay due to the quality of life created by their predecessors. She said she was very committed to being watchful of that. She mentioned that there were people in 1985 who said that the Growth Area was too small, and they needed to expand it. She said that it had been a constant drumbeat every year since, and this was nothing new. She said it was just the interests of different groups and their own desire to create a pathway. She said it was their job to welcome all these different views and try to find a way to move forward.

Ms. Mallek said that while she understood the benefits of the analysis described, option three, as it was initially proposed, was a slippery slope because a different Board would repeat what had been done from 2004 to 2007. She said they would rubber-stamp every single rezoning application that came in. She said they ended up with five huge rezonings, and since there were so many in a short period of time, there was no demand to fill them. She said that four of the five projects were incomplete.

Ms. Mallek said that was history she would like to not repeat because they did not need to have more unfinished things. She said the most important thing to her in the analysis that had been proposed was when they got to the point where they actually delivered on the infrastructure that was implied in all of the master plans since 2005, it was a time to consider other things. She said they will never have the funds to deliver what had been already laid out for their existing residents if they are now doing it for some other green field.

Ms. Mallek said that even if it is in 10 years, they had been looking at the same list of infrastructure projects since the 2005 Crozet Master Plan. She mentioned that only two of the 20 had come off the list. She explained that the reason it was such a long list was because of the 8,000 residents who were there now who were not there in 2004. She said it was important to provide the amenities and infrastructure to create the reality where people could get from A to B safely. She said an example was a stretch of sidewalk that would allow people to walk their children to school instead of spending 45 minutes in the car. She said that a mile or so of sidewalk would make a huge difference, and it had been talked about for 15 years, but was still not there yet. She stated that the small things may not seem significant individually, but when added together, it required a great deal of effort to accomplish.

Ms. Mallek said she was happy to learn more about the constraints because she believed there was less appreciation for natural resources and their benefits. She said that they cannot claim to be taking action against climate change if they want to put their Rural Areas, which provided essential ecosystem services, under pavement. She stated that one of the main focuses for this iteration of the Comprehensive Plan was to incorporate climate change into all levels.

Ms. Mallek said that walkability should not just be a term, but rather a reality in order for them to get where they needed to go. She said that redevelopment was necessary for areas that needed it but that nobody talked about it because it was challenging to do. They all wanted green dirt. She noted that the J.B. Barnes Project in Crozet had faced several challenges, but they were getting closer to starting construction. She noted that it was more difficult to use previously used spaces and restore them to create something new and restored, and that it would never happen if there was new land for them to go to instead. She said that was why she had been putting the brakes on the whole thing.

Ms. Mallek said there should be absolutely no mapping because it would repeat what happened when Crozet was designated as the first Growth Area. She explained that all the big farms around town were purchased in just a few years under cover of nobody knowing. She said that everything remained quiet until 2004 when there was a huge plan for Old Trail and Western Ridge.

Ms. Mallek said that this would happen everywhere if they were not incredibly careful, methodical, and cautious about going forward. She noted the potential risk to lose all of the naturally occurring affordable units that they had. She said that when they gentrify or have the potential to have a change in designation of some place, it was a real hazard.

Ms. Mallek said that they were now in balance as far as the ability for people of moderate income to find a place to live. She said they did not have the option to say to all the people in the Rural Area who had lived there their whole lives that they were now within the Growth Area. She said that they would have no chance to stay and neither would the houses unless they had some rules that she did not know about.

Ms. Price said that she supported the updated option three. She said she appreciated the comments from the Planning Commissioners. She asked the County Executive to share a bit of a conversation that they had about different communities in Virginia and North Carolina. She said the conversation was about actions they took or did not take and the consequences of that.

Mr. Jeff Richardson, County Executive, said that in talking to Ms. Price, he discussed the natural tension that existed any time a community talked about its future, and the long-range vision. He said he discussed the natural stress that existed between growth and no-growth discussions. He noted that he had been in several communities prior, and he could look back on the 1990s in those places where there was not the same level of framing of the future of growth, and that 30 years later, they had what they had. He said that there was a tremendous amount of stress, and there had been growth that occurred, but that it was very difficult to find the infrastructure. He noted the multimodal transportation and the infrastructure that was necessary for higher density.

Mr. Richardson said that for this community, looking back on the 1980s, there was careful thought that was put in place to carve out of 726 square miles, 5% growth, and 95% non-development. He explained how it set the stage for the community moving forward. He said that he was not here to be a part of discussions with people in the 1980s as to how hard or easy it was. He said that at that point in time, it set the stage for the future growth of the community. He said that when looking back at the growth, it was in the 4% range in the 1980s and about 1% to 1.5% a year over the past 20 years.

Mr. Richardson said that there had been growth governors through these policies, and that had restricted population growth in the community because of the decisions that were made in the 80s and the 90s. He said that when they look at the vision that was set for the community many years ago, it talked about the balance. He said that there was a balance between the natural environment and protecting the non-development areas. He said that it spoke to economic vibrancy and a wonderful, thriving economy. He noted therein lay the tension when they talked about creating and being a part of economic vitality and also protecting people's quality of life.

Mr. Richardson said that the discussions were hard and would continue to be extremely hard. He said that most communities did not have 5% growth areas and 95% non-development. He said that destination communities without similar restrictions had grown much quicker than Albemarle County, and that data could easily be provided to them. He said there was additional tension due to the timing of aligning the Strategic Plan with the Comprehensive Plan update and looking at some of the Board's goals.

Mr. Richardson said that housing affordability, maintaining economic vibrancy, and the Climate Action Plan were important factors to consider. He noted that those factors contributed to the tension that existed when discussing such matters. He acknowledged the staff's efforts to identify ways for the Board to consider a continued level balance that would alleviate some of the pressure and tension.

Mr. Richardson stated that the forefathers of the County did a wonderful thing when they put a framework out 30 years ago that clearly identified growth versus non-growth. He said that it had to do with public water and sewer. He said that in some of the past communities he had been in, there was no such framework. He said that if they went there today, there would be difficult incompatibilities about how to do multimodal, how to locate the infrastructure, how to create the activity centers. He said the County was in a much better place than its other counterparts in local government who are destination communities.

Ms. Price said she liked the updated option three because it did not set in stone but was not exactly speculative. She said that there would always be land speculation. She said that it was naive to think that there would not be such activities. She said that regardless of what the Board did, there were people with resources, time, and interest in trying to figure out where the development would go. She noted that it did not take a rocket scientist to identify certain areas where growth might be more likely than others if the growth area was expanded.

Ms. Price stated that if they expand the Development Area, it will be built. She said that doing so too soon might not yield the necessary density within their existing Development Area. She said that she did not think that the existing Development Area had to be built to its maximum density, but that it had to be built to its maximum reasonable and sustainable density that maintained the quality of life that they wanted. She said she appreciated Mr. Andrews for highlighting the priorities laid out in the previous Comprehensive Plan. She said she believed that their community wanted them to uphold those priorities, which included protecting the environment and preserving the Rural Area before considering expanding the Development Area.

Ms. Price stated that 30 to 40 years ago, the County government, both elected and other officials, came up with a plan which had allowed them to avoid the sprawl that would happen if they expanded the Development Area too soon. She said that for those who did not want to talk about potential expansion of the Development Area, they could be Florida and pretend that climate change did not exist.

Ms. Price said that they had to be realistic about the possibility of expanding the Development Area. She said they had to take into account various factors such as restrictions on solar installations, data centers, Bitcoin mining, and other developments in neighboring counties. She mentioned that Louisa had recently approved a large-scale data center. She said the County needed to be mindful of the future of those areas.

Ms. Price stated that it was important for them to consider and contemplate what an expansion of the Development Area might be like and where they most likely would want it to be without specifying a location or time frame for the expansion. She said that once they made the decision, there would be no more density in their existing Development Area. She said that everyone would immediately go and fill the new Development Area, causing sprawl that they were trying to avoid for environmental, transportation, and infrastructure reasons. She said she supported the updated option three.

Mr. Gallaway said that he did not think it was inevitable that the Growth Area would expand. He said it was inevitable that the Board would have to grapple with that decision. He said that if they could not contemplate or discuss it, then they would not be doing their jobs. He said that when they talked about the framework to get to this point, he spent a month being a climate change denier based on the emails he was getting.

Mr. Gallaway said that he wanted to be clear on his stance regarding the Development Area, which he believed was dysfunctional in many ways based on what currently existed there. He said that if they continued to put things into it, they needed to take responsibility for fixing the dysfunction. He said that the analysis this option called for would help them identify the issues. He said it was a higher priority than mapping out a potential new Growth Area.

Ms. Mallek and Mr. Andrews said that they agree with that.

Ms. LaPisto-Kirtley noted that none of them wanted to go into the Rural Area, but they were also realistic and understood that their job was to look into the future and to plan for that to avoid sprawl. She said she believed that option three did that. She said she was not sold on the mapping and heat map. She said that on Slide 20, she would have liked to see an additional sentence after the first sentence, "factors or guidance for evaluating how, where and when," stating, "if Development Areas expansion may occur." She said that they did not know when it might happen.

Ms. LaPisto-Kirtley stated that they owed it to the community to prepare and consider the potential future. She said that as a Board, they needed to ensure they maximized their Development Areas and addressed the issue adequately. She mentioned that there were always people who both supported and opposed the Development Areas, which created a dilemma for them. She said she believed that option three would be sufficient to solve their problems.

Ms. Price asked if Mr. Richardson and Mr. McDermott had everything they needed from the Board.

Mr. McDermott clarified there was support for the PC's updated option three, which focused on considering transportation and transportation connections to destinations within the Development Area. He noted there was also support for the PC's idea that they needed to combine this with an assessment of how they were using their current Development Area before factoring in expansion.

Mr. McDermott noted he had heard support for mapping and some support for not mapping. He said that Ms. Mallek suggested mapping the natural resources. He asked if there was a way they could produce the mapping for the natural resources and then come back to the Board in the next phase to discuss how it may be incorporated into the Development Area expansion toolkit.

Ms. Price noted that if they mapped anything, it would contribute to mapping everything.

Ms. LaPisto-Kirtley suggested that they consider including climate change as one of the factors.

Ms. Mallek stated that she wanted to read one sentence out of an email that they all received, "AC44 framework relegates the values of natural resource preservation, biodiversity, cultural landscapes, water resources, and rural area character to be secondary to growth management and land development." She said that Mr. McDermott had implied or said that this included environmental protection when he was talking about the Growth Area, which was a different way than it had been described before, which was why people were anxious. She suggested that staff amplify that when they returned so that they all can understand what was going to come. She mentioned that all the paperwork they received had emphasized the growth and not sustainability and climate change.

Mr. Gallaway said that the analysis of the current Development Areas should focus on networking, not just destination centers. He mentioned that they already had destination centers, but the MPO's long-range transportation plan showed that employment destination centers were only accessible by cars. He said that based on their climate policy, they wanted to expand access to centers beyond cars. He said that the analysis of the Growth Area would help them figure that out, in the same way the long-range transportation plan was trying to do so.

Mr. Gallaway said that one must consider past Board decisions. He said that when they considered the Small Area Plan at Rio 29, they talked about how high the buildings could be. He said if they allowed double the density they decided on at those sites, sure it could allow for more density. He said that thankfully, they did not allow all the density, because otherwise, it would have been dysfunctional. He said that if they had done what Mr. Williamson suggested, which was to do 100% of the density, they would really be in a difficult situation.

Mr. Gallaway said that they could get more out of it, but that they needed to be smarter with what that network system was and not assume that the infrastructure was there. He said they made many statements about having a transit line and a bus stop. He said that if they wanted to prevent people from moving out of the area, then they needed to address why someone would choose to live across the street from Kroger when they could not walk there. He added that it would be better to live in a nicer area with fewer neighbors because the drive time was the same. He said it was part of how they could achieve what the current Comprehensive Plan says while keeping the 5% Growth Area intact to protect the rest.

Ms. Price said they could move on to Topic #3.

Ms. Kanellopoulos stated that rural crossroads communities were recognized as places in the Rural Area with a small historic commercial center that may or may not still have active commercial uses or gathering places. She said they can provide businesses and services for surrounding community members and were intended to encourage adaptive reuse and historic preservation. She said that they could also potentially have community resilience hubs or places that can serve as both community gathering spaces and emergency response and preparedness locations. She said the current plan identified seven crossroads communities, though it did not have a clear definition, and community input had reinforced the need to look at how the communities were designated. She said that they could reduce the distance needed to travel for some services and activities for nearby community members, which would reduce greenhouse gas emissions.

Ms. Kanellopoulos said that North Garden was an example of a community that was not currently designated but would likely be included if there was a consistent definition for crossroads communities used across the Rural Area. She said that in North Garden and any other designated community, adaptive reuse of existing structures would be encouraged, along with community resilience hubs. She said that there would be no changes to land use during AC44. She said that there would be community engagement with crossroads communities individually in the future prior to any potential changes, as some land uses may not be feasible or desirable in every location.

Ms. Kanellopoulos said that crossroads communities could be places to identify and support resilience hubs, which could be in community facilities, but could also be in businesses or nonprofits. She said they should be places where community members already go and where they feel comfortable. She said they could be used for emergency preparedness and response, and also more generally for building community resilience, accessing resources, and sharing information. She said it included building community resilience to adapt to climate change and reduce harmful impacts, including the main areas of climate change impact identified in the County's vulnerability and risk assessment, such as extreme heat.

Ms. Kanellopoulos said that the TJPDC (Thomas Jefferson Planning District Commission) Regional Hazard Mitigation Plan recommended studying ways to accommodate community support facilities in the County's Rural Area. She said this was something that would be recommended in the Development Areas.

Ms. Kanellopoulos noted that during AC44 phase 2 engagement, they heard interest in small scale businesses or services in some communities, such as medical services and health care, country stores, small grocery stores, and community centers. She said there was a general preference to have input on what community members would like to see in their specific crossroads community prior to any changes to underlying zoning or any by-right uses. She said that Esmont, Scottsville, North Garden, Earlysville, Keene, and several other areas were mentioned as possible designations.

Ms. Kanellopoulos stated that there was overall support for community resilience hubs, with a preference to use existing buildings and to include services like classes, food access, senior and youth programming, and emergency shelters.

Ms. Kanellopoulos said that staff shared two options with the PC during their work session. She said that the first option was no change to current plan recommendations. She said option two was to have a clear definition of crossroads communities, apply the definition during AC44, and have recommendations for resilience hubs.

Ms. Kanellopoulos stated that there was consensus from the PC that there should be a clear definition of crossroads communities and an updated list with AC44. She said the PC was supportive of the resilience hub concept and with having locations generally in the Rural Area for building community. She stated that the PC felt there should be further study of individual communities prior to any changes to land use designations or by-right development to assess potential impacts. She stated that the PC noted buildings should be small scale and appropriate for the Rural Area, and services should be focused on existing community members.

Ms. Kanellopoulos said that based on the PC's input, staff recommended an updated option two, which included more detail on encouraging adaptive reuse and made clear that uses should be small scale. She said staff recommended the option as it would provide a clear and consistent definition for crossroads communities across the Rural Area and would encourage community resilience hubs. She said community input indicated support for resilience hubs, and staff from Albemarle County Fire Rescue (ACFR) and the Virginia Department of Health were interested in pursuing these hubs in both the Development Area and rural area.

Ms. Kanellopoulos stated that, with this option, the next steps with AC44 could include developing a clear definition of crossroads communities and applying the definition, adding narrative to the updated plan document to highlight histories of several communities, and continuing to coordinate with stakeholders and community members on recommendations for resilience hubs. She said future steps after AC44 could include engagement with individual communities to delineate crossroads boundaries and identify any potential land use updates.

Mr. Gallaway stated that he liked what the PC had to say about this and supported the option coming forward. He said that having a definition was important, and when they got to the action step phase, it would be an interesting conversation. He mentioned that it was one thing to say they have

crossroad communities, and that they wanted country stores and medical offices, but they had to be viable businesses. He said that otherwise, there would be empty buildings in their crossroad community. He said their economic development plan considered economic development differently from how it existed in the Rural Area for places like this.

Mr. Gallaway stated that they were going to be coming up on updates to Project ENABLE. He said that the action steps could support what they ended up deciding for crossroad communities. He said they could not assume that putting up a country store was going to be a viable business prospect. He said he wanted to be mindful as they thought about how these quaint, little areas were going to pop up, exist and be vibrant. He said there were several that he thought would be vibrant in areas that had a lot of traffic but had not been successful. He said he was supportive of the option that was presented.

Ms. LaPisto-Kirtley said that she was supportive of the updated option two. She said that she did not have any problems with it. She agreed that one could not force things on a community, and that a business may or may not survive. She said that natural business acumen had to take precedence over everything else.

Mr. Andrews stated that he was in agreement with the updated option 2. He said his comments were focused on this as community resilience hubs and identifying existing communities. He said that he did not see this as development, but as an existing historical communities and existing infrastructure. He said they were not putting up the country stores so he was less worried about the failure of country stores, although having a bunch of failed country stores would be an awful thing for that community. He said that they needed to be careful about what they said constituted a country store, and whether that would include a Dollar General. He noted they cannot impose a rule about who can do what. He said that they should go into this with the expectation that these were existing areas with identification of a population to that center.

Mr. Andrews said that they should consider community resilience as an important factor for helping that, but without significant engagement of that community, they did not expect that they were adding more to the community. He said North Garden was a great example of something that was done, and he didn't see a reason why they would want to add more. He said that the North Garden Plank Road and Route 29 intersection was already burdened and dangerous.

Ms. Mallek noted that the rural communities were established to recognize older historic communities, which was why Advance Mills existed. She said that it had a general store, a post office, and a power station, which still existed. She noted that those buildings either underwent renovation or fell down. She said the main focus was to preserve historic buildings by offering a chance for reuse in the existing framework, building, or footprint without allowing new developments that would change the character of the area. She explained that they did not want to turn something in Free Union into something that looked like it was out of Route 29, such as a gas station that covered an acre of asphalt.

Ms. Mallek said that the list of ideas concerned her, and that people who chose to live in the Rural Area may not necessarily expect or want that kind of buildup of services. She said that Earlysville stopped being a village in the mid-1980s because the community requested sidewalks and sewer, but the Board of Supervisors at the time said they were not getting any, so the response was then to take away the village designation. And the Board agreed. She said that Earlysville was back to being a rural community, and that was how the Earlysville area was created, a crossroads community.

Ms. Mallek said that an example of what they had lost was their grocery store that had been there for 100 years. She said they still had the firehouse, school, auto and tractor repair, five churches, Bookmobile, Earlysville Exchange, which was the gathering place for everyone, a new shared workspace in the old medical building, a yoga studio, and a warehouse in the former electric plant on Ray's Ford Road. She added that it was one of the two national companies that made circuit breaker boxes, along with Standard.

Ms. Mallek said that she was supportive of better definitions, but she was concerned that it said they would talk to people after the Comprehensive Plan. She said she preferred public engagement before the recommendations were written in stone because once things got written down, it was hard to put the genie back in the bottle.

Ms. Mallek stated that during the derecho, they learned about the need to build out resources they already had at schools and fire stations to help rural residents, who were not going to leave their animals and go to a shelter far away. She said it was traumatic for them, and for people who were trying to help them. She noted the fire company provided water for livestock, and once the trees were cleared, they could fill up containers with water and get supplies for their animals since it took 10 days before services returned.

Ms. Mallek said she recalled holding a town hall meeting with the residents of White Hall community village who were interested in doing something more for their area. She said the pushback from the community was adamant. She said all they wanted was to get the speed down because they had a drag strip right through the middle of the community between the two stores and the post office.

Ms. Mallek said that places felt a lot of pressure from logging trucks, which were necessary, and they just needed to slow down. She noted the dump trucks hauling everything from rural growth that happened. She noted there were tourists, cyclists, and many people engaged in different activities who traversed through the countryside for recreation or commuting. She said they had to find a way to keep

talking about the issue and work together on these communities.

Ms. Price stated that she supported the updated option and was not in favor of expanding or adding additional crossroads communities at the time. She said she believed that it was a dream of days gone by for many people. She said that the economic viability of businesses in those locations was not sustainable. She said she did not see the economic viability of bringing businesses into those locations that would attract a consumer base that would sustain them, despite the local residents' desire for that.

Ms. Price said that it was completely different if someone wanted to have their business where they work remotely, and they did not want dollar stores or whatever company that may be spread throughout the County. She said that once one got off the frontage of Route 29, there were so many vacant stores, and in Fashion Square Mall, there were so many vacant storefronts. She said she just did not see this as really being something that the County could push. She said if the local residents were able on their own to bring that energy, she would be supportive of that, but she did not see it working.

Ms. LaPisto-Kirtley noted that the report specifically discouraged strip malls.

Ms. Mallek said the reason the old Zoning Ordinance prevented restaurants in these Rural Areas was to prevent the establishment of franchise restaurants.

Mr. Andrews said that he believed their differences were mainly due to terminology and expectations regarding what it meant to designate a crossroads community. He said he was concerned that he did not get a good enough understanding of the definition to determine whether there should be more or fewer. He said that he did not think they should use this as a tool for development, regardless of whether they identified the community or not. He said that it should be a recognition of a community of people who simply identify that way.

Ms. Price stated that she agreed with the statement. She asked if Ms. Kanellopoulos and Mr. Richardson got the information that they needed.

Ms. Kanellopoulos said yes.

Mr. McDermott stated that the final one was rural interstate interchanges. He said rural interstate interchanges were defined as the I-64 interchanges located in the Rural Area of the County. He said they included Shadwell, Yancey Mills, Black Cat Road, and Ivy. He said the current Comprehensive Plan only recommended land uses that supported agriculture and forestry. He said that they specifically stated they did not want tourist stops, and there was no intention for public water and sewer at those areas. He said that only Shadwell was identified as having potential for additional intensity in development in the current Comprehensive Plan. He said two of those four rural interstate interchanges had existing commercial-industrial development; Shadwell and Yancey Mills.

Mr. McDermott said that the by-right development potential for those existing commercial-industrial zoning districts did not match with what they saw in their current Comprehensive Plan recommendations that those were supposed to be Rural Areas. He said the current Comprehensive Plan identified some target industries as being agribusiness and food processing for those rural interstate interchanges. He showed a map of the existing zoning in those four areas and said that there was nothing going on in Ivy or on Black Cat Road, but there was at Shadwell and Yancey Mills. He noted that in certain areas, there was existing zoning and current land uses that complied with that zoning.

Mr. McDermott said that the community input themes were evenly split among the respondents when asked about changes to be made to the current recommended land uses. He said those who talked about minimal or no change expressed concerns about additional traffic and pollution from cars and trucks. He said they noted it would add potential for more pressure and growth in Rural Areas, and that there would be impacts on scenic and historic resources. He said some comments for the four changed land use recommendations included support for target industries and employment generated industries. He said there was support for gas stations and convenience stores, light industrial uses, and general commercial and retail hotels.

Mr. McDermott said that a significant number of comments indicated that the Shadwell interchange should be rezoned to allow for commercial and industrial uses. He said that Yancey Mills could be rezoned for additional uses. He said comments indicated support for commercial-industrial development at all four of those interchanges, however, there was a clear distinction between those at Ivy and Black Cat not being recommended for additional uses.

Mr. McDermott said the options shared with the PC were to keep the current recommendations with no change. He said the second option was to add recommendations for commercial office flex or research development uses at Shadwell and Yancey Mills only. He said that the PC' input included a consensus to include recommendations for future small area plans to be developed for the Shadwell and Yancey Mill interchanges with Shadwell being the priority. He said they were very clear to say they thought that no possible land uses should be specified. He continued that those potential land uses should be determined through the small area plan process. He said the small area plan should evaluate the land uses, the transportation, and other infrastructure, along with the protection of the natural environment and how it impacts the areas adjacent to those interstate interchanges. He said that the other rural interstate interchanges should remain the same as they were in the Rural Area. He said it would provide the opportunity to be proactive and consider possible light industrial agricultural uses that may be appropriate and feasible.

Mr. McDermott stated that based on that, they updated option two to include recommendations for future small area plans in Shadwell. He said the primary focus would be southeast of the interchange on the north side of 250, where some development was already taking place. He said they would also consider Yancey Mills but would focus on the east or northeast of the interchange, primarily on the south side of Route 250 where there were already some developments. He said the Shadwell small area plan would be the priority. He said the small area plans should include recommended future land uses, transportation networks, and needed improvements. He said it would identify the protection of natural, scenic, and historic resources, and the feasibility of providing public water and sewer and other infrastructure needs.

Mr. McDermott said that with this option, they would look at the high-level recommendations for what topics should be reviewed and considered in those small area plans. He mentioned that they would make no changes to the land use designations during the Comprehensive Plan process. He said that during a future step, they would prioritize Shadwell for a small area plan followed by Yancey Mills.

Mr. Gallaway said that he had been back and forth on the issue because he understood the rationale behind doing the small area plans. He said that given their work plan, he did not know when it would happen. He said it was difficult for him to make a decision. He said if the Board grappled with it as part of AC44, the decisions would be made sooner rather than later. He said if they decided to put off and do small area plans, he did not know how these fit in. He said he struggled with the timing on the issue. He said whether or not it was coming back to the Board, he was concerned about the analysis, time, and effort that would be put into small area plans.

Mr. Gallaway said that the planning effort was good and should be implemented at those two interchanges. He said he did not disagree with the process and approach of recommending small area plans as a way of delaying decisions for 10 or 15 years. He said he disliked using mechanisms within the process to push off making decisions. He said if it came to the Board, they could just make some decisions and move on with it. He said he was back and forth on this and looked forward to where the other Supervisors were.

Ms. LaPisto-Kirtley asked Mr. Gallaway if he believed the small area plan could potentially hinder the implementation.

Mr. Gallaway said a small area plan and the planning effort required to create it were wise for making decisions about where they should go. He said that in this instance, it was being used to delay the decision-making process for determining what those interchanges were. He said if they were going to get into it, the Board could make the decisions and get all the analysis that a small area plan would gather as part of the AC44 decision and make those decisions sooner rather than later. He said if staff came back and said they thought that given the current work plan and other efforts, he wanted to know where these small area plans would fit, whether it was 10 years down, 15 years, or 20 years.

Mr. Gallaway acknowledged the importance of small area plans, but he questioned the lengthy process. He noted what it took to create one for Rio 29, which required a significant amount of staff time. He said he was concerned that if small area plans were used as a delay tactic to postpone decisions about interchanges, he was not in favor of such tactics.

Ms. LaPisto-Kirtley asked if the process was a delay tactic.

Mr. McDermott stated that was not the intent of what they were looking at. He said that a small area plan would provide them with enough information to present to the Board and make a final decision on appropriate land uses in those areas. He said that if the Board decided to go in a different direction, then they would have to scale back the plan. He said it would not be as comprehensive as a full small area plan, but it would still include some abbreviated information. He explained that they could bring that back to the Board for a decision on how to proceed.

Mr. Gallaway said that he was not insinuating that staff or the PC were suggesting delay tactics, but that there were people who were smart enough to know how this stuff worked out and played out. He noted that it would take longer to do small area plans no matter what their work plan looked like. He noted that the work plan was stacked. He said they can either grapple with it and make some decisions as part of the Comprehensive Plan or not make any decisions and put it in the work plan.

Ms. LaPisto-Kirtley said that she understood and believed that engaging more with staff would help determine which option would be better to pursue. She asked if it did happen, would it stop at Hunter's Way or continue all the way to Edge Hill Farm. She said she doubted that it would go that far, as it would enter a rural area of 100 acres.

Mr. McDermott said that this would be the type of question that they would utilize a small area plan to identify. He said they could examine the resources out there and what was going on and attempt to establish reasonable boundaries for any potential new uses.

Ms. LaPisto-Kirtley said that the area was convenient for accessing I-64 and hopping off at various locations such as medical offices or R&D (research and development) facilities. She mentioned that there were some businesses in the area, including Comfort Inn, Kohr's, and others.

Ms. Price stated that she wanted to remind the Board that it was already past five o'clock and

they had another presentation to receive. She mentioned that they still had a closed session to conduct and urged everyone to be mindful of their time.

Mr. Andrews said that on the fourth bullet on the first slide, he mentioned that by-right development potential for existing commercial-industrial zoning districts did not match with the current Comprehensive Plan recommendations. He asked what the by-right usage was at these interstates, particularly Shadwell and Yancey Mills.

Mr. McDermott stated that at Yancey, there was some Heavy Industry zoned land and Highway Commercial. He said that Light Industrial had been added to the Shadwell area.

Mr. Andrews said that they were discussing the small area plan, which involved examining the designations and determining whether they should maintain the current limitations or expand the potential uses. He mentioned considering alternative uses for specific areas.

Mr. McDermott said that was correct and suggested looking at the areas that were not zoned as well. He said they would consider if there were any lands between the interstate and existing uses that should be zoned for different uses, with focus on Commercial, Light Industry, or Flex.

Mr. Andrews said that it started to look like development in the Rural Area. He said that there had been much discussion with the PC about activities at these interchanges supporting the Rural Areas, such as agricultural facilities or food processing. He said he believed that a discussion on this matter was necessary and that a small area plan process would provide the time needed for it. He said he was not suggesting delaying but rather ensuring sufficient time necessary to do that.

Ms. Mallek said that she would ask people to dig out the 2010 Crozet Master Plan because the small area plan type discussion happened there about Yancey Mills where the lumber yard was. She said it was an agricultural support business and completely compliant with the current Comprehensive Plan. She said that one of the previous generations put in an application to have a million square feet of retail. She noted what had happened to retail since then, and everyone was quite grateful that it did not happen. She said there was now a new generation of lumber yard managers, and they were booming. She said they had upgraded their equipment in every way.

Ms. Mallek said that she was aware of the numerous applications that had been submitted to the Board over the past five years. She explained that the blue area was functioning as it should, while the red area was designated for historic commercial uses in Rural Areas. She said that landowners were asked about their preferred zoning and received commercial zoning accordingly.

Ms. Mallek said that they had an original gas station, the easternmost green on Brownsville Market, the Re-Store'N Station, the engineering firm F&R, a brewery, three gas stations, arbor business, heavy equipment repair, and the lumber yard. She said that everything south of the red was the Freetown neighborhood, an African American neighborhood started in the 1830s, and their quality of life had drastically changed from the gas station that was located in the red. She said that she was not in favor of redoing all of the effort that was done in 2010 to try to figure out something else that could be jammed in there.

Ms. Price said that she was definitely not in favor of any development at 114 and 129. She said that she was open to discussing other options but did not necessarily support anything at 107 as she needed more details. She said her preference was toward I-64 on the west side of Yancey Lumber Mill rather than to the right side of the mill because it was an existing community.

Ms. Mallek noted that everything to the west was the historic district.

Ms. Price said that it was the lot between I-64 and the blue of Yancey Lumber Mill.

Ms. Mallek said that it was residential.

Ms. Price said she was open to a discussion on it, not that she supported it. She said that in regard to 124, the property north of Route 250, south of I-64, to the west of all of Hunter's Way, she would be open to discussion. She said that it was being pinned in between Route 250 and I-64, which diminished its viability as a residential area due to noise and traffic. She suggested that this area could possibly be an area where they could increase Commercial Light Industrial. She said she was open to discussion on 107 and 124 and was definitely no on 114 and 129.

Ms. LaPisto-Kirtley said that she agreed, and that there should be a definite no on both propositions 114 and 129.

Ms. Price asked if the Board had given staff what they needed.

Mr. McDermott said that he thought so.

Ms. Mallek asked whether the PC was aware of the fact that there was a drinking water watershed at Yancey. She explained everything south of Route 250 drained to Stockton Creek, which flowed directly into the Mechums River. She said that they had to be cautious to have any drinking water in the area.

Mr. McDermott said that it was identified as a concern.

Ms. Kanellopoulos said that the next steps for the AC44 team involved coordinating with staff across the organization to draft updated goals and objectives for each Comprehensive Plan chapter. She mentioned that they had been sharing the results of community input with staff, including summaries organized by topic so that all staff had access to what the community had been sharing. She said that the AC44 team had gathered input from several County committees and partner agencies, such as RWSA (Rivanna Water and Sewer Authority) and the Health Department, and was using the AC44 framework and best practices to help inform updating plan recommendations.

Ms. Kanellopoulos stated that during fall, the draft goals and objectives would be shared two to three chapters at a time with online and in-person opportunities for input. She said the goals and objectives would inform the action steps to be developed in phase three. She said phase three would include metrics for assessing plan implementation. She said it prioritized big moves for wide reaching initiatives to be accomplished in the first five years after the plan was adopted. She said engagement was anticipated to include online questionnaires, pop-ups and office hours with staff. She said they expected to hold a Board work session early 2024 to share input from the community and the PC and to ask for Board direction on goals and objectives for all chapters.

Ms. Mallek asked where the Rural Area discussion was going to take place.

Ms. Kanellopoulos replied that that would primarily take place during the land use, transportation, and community facilities discussion, but there would be relevant recommendations in earlier chapters, such as environmental stewardship and historic resources. She said that the content from the current Rural Area chapter would be incorporated into the land use and transportation discussion.

Ms. Mallek clarified that there would be a discussion regarding the items being removed.

Ms. Kanellopoulos said yes, and what was being carried forward as well.

Agenda Item No.12. **Presentation:** Board-to-Board, A Quarterly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

Ms. Judy Le, Chair of the Albemarle County School Board, stated that she and Vice Chair Kate Acuff were there to provide the Board with updates about the schools and to answer any questions.

Ms. Le said that she would begin with Transportation and noted that the school bus driver situation was an ongoing national crisis and one that was being addressed locally. She stated that last year, starting salaries were raised to \$21.50 and a step pay scale was implemented, making their drivers the best paid in the area. She said that with this year's salary increase, the starting wage was now \$22.58. She said they worked with their legislators to remove barriers for drivers to get both their VRS retirement and a salary after a six-month waiting period. She said they had always offered free training, paid signing bonuses, and heavily recruited. She said additional hours of employment at ACPS (Albemarle County Public Schools) were offered to create full-time employment for those who were interested. She said that they had taken other measures to get to the point where they were.

Ms. Le said that there were positive updates regarding Transportation during the summer. She said that at the end of the season, they had 12 open routes which equated to almost 1,000 students who did not receive bus transportation despite signing up for it. She mentioned that progress had been made even before the start of the school year. She said the team worked diligently to reconfigure the routes and will be able to serve more students from the previous week. She continued that as a result, the number of students without morning or evening routes was reduced to 391, while 165 students only had a morning route.

Ms. Le said that the changes impacted Mountain View, Walton, Stone Robinson, Monticello, Journey, Albemarle, and Western Albemarle. She said the total number of students currently registered for transportation was 9,582. She said they were serving about 94% in both directions, and almost 96% in the morning. She said their goal was 100%, but they were moving in the right direction. She said the team was analyzing ridership data. She noted that students who had not ridden for 10 consecutive school days would be taken off the bus manifest unless there was some explanation that warranted them staying on the manifest. She said it would help them have further progress in their efforts.

Ms. Le said that the Transportation Department had a healthy pipeline with seven drivers currently in training and additional drivers waiting on paperwork and background clearances. She said two drivers recently completed training and would be assigned a route. She said that starting on Monday, an additional 116 students would be able to have a bus. She mentioned that principals, assistant principals, and other school staff had helped transport students home in rented vans. She said that Superintendent Matt Haas had been driving a morning route since the first day of school, as he had a CDL.

Ms. Le said that they were in the planning stages for the first new school facilities to be built in the County in more than 20 years. She said the new facilities included Center 2 and an elementary school in the southern feeder pattern. She said both were scheduled to open in 2026. She said a third school would be built in the northern feeder pattern, scheduled to open in 2030 to alleviate overcrowding at Baker

Butler Elementary and Woodbrook Elementary.

Ms. Le said that they were moving forward with plans for Center 2, which was similar to Center 1 and allowed students to pursue coursework outside of a traditional classroom setting. She said that in 2018, instead of advocating for a new high school to address capacity issues at AHS (Albemarle High School) and projected capacity issues at WAHS (Western Albemarle High School), the School Board had adopted a high school center model coupled with significant reconfigurations and modernizations at all three high schools. She said it was at a lower total cost than the estimated \$150 million to build a new high school. She said that after a long COVID-related delay, they were now launching part of the option with the Center 2 plans on the Lambs Lane Campus. She said that they were working through zoning issues, but Center 2 would be located along Hydraulic Road in front of Building Services.

Ms. Le stated that Center 2 at an estimated 60,000 square feet was planned to accommodate 400 students by 2026. She said its facility would be designed to facilitate both collaborative and individual learning and provide space for interaction with local business partners. She said plans included that it would house some of the ACPS career learning communities including math, engineering, and science, and hospitality and tourism. She said early plans by Quinn Evan Architects included open co-working spaces, a café, and an outdoor project space. She said the bidding process was to begin in September of 2024, with construction beginning in early 2025, and the facility opening in the fall of 2026.

Ms. Le said that in terms of the southern feeder pattern, there were two elementary schools planned for the next decade. She said the first one being in the northern feeder pattern and the second one in the southern feeder pattern. She said the planning for the southern feeder pattern elementary school aimed to alleviate overcrowding at Mountain View. She said Mountain View was their largest elementary school, and last year's enrollment was 699 K-5 students plus three pre-K classes for a total of 752 students. She said the new school would be designed for 450 to 500 students and would be located on the Founders Place parcel near Monticello High School.

Ms. Le said that they had met with the developer of Southwood to assess the feasibility of locating the school there. She said that with nine classroom trailers already at Mountain View, the small parcel size offered, and the earliest availability to begin construction being 2027, the option was deemed a non-starter. She said that for the project, ACPS would be working with VMDO Architects and would collect feedback from a planning committee, stakeholders committee, and the public.

Ms. Le said the new school was on a trajectory to be completed by fall of 2026. She said part of the project would be redistricting. She said the 10-year capital plan showed a second elementary school in the northern feeder pattern to alleviate overcrowding at Baker Butler Elementary School. She noted that the enrollment at Baker Butler last year was 727 plus one pre-K. She noted that it was significantly over capacity and required six classroom trailers.

Ms. Le said that opening a new school would not happen until the 2029-30 school year. She noted that the School Board had approved an extensive redistricting study at its August 10 meeting. She said the goal of the study was to alleviate overcrowding at Baker Butler and ensure that students would not be redistricted again once the new school was built.

Ms. Kate Acuff, Albemarle County School Board Vice Chair, said that she would discuss two different topics during her presentation. She said one of them was a bellwether study, and a detailed press release would be released later in the week. She said she would discuss the School Board's Advisory Committee on Environmental Sustainability.

Ms. Acuff stated that regarding the Bellwether study, although ACPS consistently ranked in the top 5% to 10% of school divisions across the country, it still had work to do. She said the Strategic Plan placed reducing the achievement gap as a high priority. She said ACPS had implemented many measures over the years to support their students. She said that, for example, they had some of the smallest class sizes in the state of Virginia. She said that they had staffed instructional and equity coaches, implemented culturally responsive teaching, and expanded mental health support. She said the efforts were not sufficient to have the impact that they desired. She said that within the past couple of years, the following actions were taken to look more granularly at what ACPS could do.

Ms. Acuff stated that Dr. Haas invited superintendents and principals across Virginia who were in similar school divisions, but whose students of color outperformed those in Albemarle County. She said that students of color in the County in the latest SOLs were 8 to 10 points below the state average. She said Dr. Haas invited the group to visit ACPS to see what lessons they could learn. She said she was at one of those meetings, and it was very interesting.

Ms. Acuff said that second, two years ago they did a Gallup survey of their staff to see what issues there may or may not be with climate in their School Division.

Ms. Acuff stated that third was the Bellwether report. She said that Bellwether was a nonprofit instructional or educational consulting firm, and they contracted with Bellwether to do a very granular study looking at their instructional practices, particularly as they impacted students of color. She said it was focused on elementary school reading and middle school algebra. She said the Bellwether report cited multiple areas where ACPS should focus its resources. She said a very detailed press release would be held in the next few days. She said that it noted there needed to be strategic alignment throughout ACPS with clarity about how each role, program, and approach aligned with their strategic goals.

Ms. Acuff stated that having a top-notch instructional program for math or reading was undermined if it was not consistently implemented across the division, schools, and even in the classrooms. She said there were gaps in content, for instance, being able to take algebra in eighth grade was a critical indicator of success in taking STEM (Science, Technology, Engineering, and Mathematics) classes in high school and even getting into college. She said there were significant differences in the rates at which children of color took algebra in eighth grade, so it was necessary to address this issue. She mentioned that they had established five implementation teams to work on these various areas, including curriculum, professional learning, instruction, family engagement, and transparency of communication. She said that they had tasked their brand-new assistant superintendent, Chandra Hayes, with leading the effort.

Ms. Acuff said the report was very detailed, and she believed it to be a very actionable report. She said it was available online on their website, and they would be coming out with more detail in the next few days and in the next several months. She said one of the recommendations from the team was to have all the elementary schools have a strategic plan on how they were going to address this and really hold people accountable.

Ms. Acuff mentioned ACES, the Advisory Committee on Environmental Sustainability. She said that in 2021, the School Board had established ACES, which included members appointed by the School Board, the superintendent, as well as staff from ACPS. She noted that Gabe Dailey from the County was on that committee.

Ms. Acuff said that the first annual report was presented in August and should be included in the Board's materials. She said that because ACPS had a large energy footprint in the community, they wanted to maximize their efforts. She said ACPS had 25 school facilities, three more in the pipeline, as well as numerous other buildings, and almost 100 trailers. She said there was a fleet of between 150 and 200 buses. She said there were 2,700 staff, and maybe 2,000 students who drove to school most days. She said there was 760 acres of property. She said ACPS was already promoting environmental sustainability, including entering into PPAs, or power purchasing agreements, to finance the installation of solar panels at many of their schools, as well as PPAs to install LED lighting and high efficiency plumbing fixtures across their division.

Ms. Acuff stated that ACES was designed to provide an overarching framework for this work and to seek out expertise to further the work. She said ACES mission included coordinating ACPS's activities with the County's Climate Action Plan. She said the work of that committee was divided into the same similar categories in the plan: transportation, buildings, renewable energy, landscape and natural resources. She said they included a committee looking at how to prioritize environmental studies and climate education into students curriculum.

Ms. Acuff said that acquiring electric school buses was already in the works, and they had two electric buses primarily in the urban ring that ran last school year. She added that they had two more that were promised to them in September. She said one of them came last week, and the other one was experiencing slowness in the production line. She said they ought to get the second one in the next 30 to 60 days. She said the first bus, after a week or so of driver training, would be making runs. She said that part of ACES's work was consulting with experts on what it would take to expand the fleet. She said that adding four electric buses sounds like a drop in the bucket, but the challenge was having the lines of the cost going down as the funding disappeared. She stated that an average school bus costs \$100,000 while an electric school bus costs \$315,000, making it difficult to acquire them without substantial grants.

Ms. Acuff said another activity of ACES and ACPS was developing school-level report cards that documented historical energy and water usage, emissions, and renewable energy. She said future dashboards will be more interactive and include solar energy, composting, waste reduction, transportation, conservation, mowing, and emissions. She said the dashboards were very important tools as they permit ACPS and ACES to track measurable smart goals, supported the integration into the curriculum and STEM education, and promoted transparency to the public.

Ms. Acuff stated that ACES had worked with the division to develop a sustainable construction policy. She noted that they already had to comply with Virginia's high performance building law, but they went a bit further and set a goal for all new construction over 20,000 square feet to be net zero ready and require solar-ready rooftops, which would help eliminate the barriers in installing solar panels on some of their existing old buildings and prioritize the elimination of fossil fuels in new construction. She said that they were able to put Crozet Elementary School on geothermal energy. She said there was a marginal cost of replacing that existing system versus geothermal, so it was cost effective.

Ms. Acuff said that about 25%, or 190 acres, of their 760 acres were being mowed. She said it did not include the athletic fields. She said they adopted a goal to reduce the mowing of these non-athletic field areas by 15% in 2024 and 5% a year after that. She said they prioritized the steep slopes and underutilized areas to begin with. She said it will decrease noise and fossil fuel use, and over time, promote pollinator-friendly plants. She said that they are going to put signage up so people did not think they were neglecting maintenance.

Ms. Acuff said that they had collaborated with several organizations across the County, including the local government Solid Waste Alternative Advisory Committee (SWAAC) to educate students and staff on composting and to develop cafeteria composting programs at numerous schools. She said Greer Elementary School produced nearly four tons of composting from January to June 2023, outperforming

the next highest school, Western Albemarle High School, by more than double. She noted that Western Albemarle had twice the number of students and they had an environmental studies academy.

Ms. Acuff said that ACPS was one of only 25 school divisions in the country to receive a U.S. Department of Energy's energy class prize. She said the prize included an initial award of \$100,000 and energy management training and coaching for the Building Services staff. She said that at the end of the program, ACPS was eligible for an additional \$50,000 award. She said the preliminary plans for the prize money included sustainability liaisons program, student energy management internships, and energy improvement projects in one or more facilities.

Ms. Acuff stated that during the upcoming year, ACES planned to consider and advise on the sustainable designs of Center 2 and the southern feeder pattern elementary school. She said they planned to implement a large solar PPA project in 2024 to meet approximately 25% of ACPS energy needs. She said they planned to expand the cafeteria composting programs to other schools and develop an electrification master plan, perhaps in concert with the County.

Ms. Acuff said that there were currently two charging stations on the Transportation Department's area of the Lambs Lane Campus. She said one of the reasons was because they would eventually like to move Transportation off of that campus, so it did not make sense to put additional charging stations there. She said that broadly, they needed to consider how the County was going to support electrification. She mentioned that they also plan to add alternative fuel vehicles to ACPS's fleet.

Mr. Gallaway asked if the Lambs Lane Master Plan would be supplemented for the center design that was happening. He mentioned that the location of where it was going was not going to disrupt much on the master plan. He noted there was the transportation plan with the loop road and the work being done on Hydraulic Road. He said he wanted to know what the game plan was for getting, he assumed it would be an addendum to the master plan of where the center was going. He said that the last time he saw an update on the loop road, the center plan was known. He said when they currently looked at the master plan, they needed to ensure that it was not lost in the shuffle. He noted that the center was a much better idea than a proposed parking deck. He added that they would lose some parking, so maybe a parking deck was not such a bad idea.

Ms. Acuff stated that parking was an issue in the short term, and they had tried to identify additional areas where they could put parking. She said she did not believe it would be adequate in the long run.

Mr. Gallaway said he was sure the loop road went around it because that space was not impacted by where the road was at. He said it was important for people when they heard Lamb's Lane Master Plan referenced and went in and looked at it, that the center was not there yet, but it needed to be in there somewhere. He said an addendum might be appropriate.

Ms. Mallek stated that she would email Ms. Le with a question regarding the education provided for parents and how the children could share their knowledge on sustainability with them.

Ms. Price stated that she wanted to express her appreciation and recognition of the challenges that the School Board always faced in the School System. She mentioned how much of a pleasure it had been to collaborate with the School Board and the Superintendent as they collectively faced the challenges from both the Schools and County Government.

Agenda Item No.13. Closed Meeting.

Mr. Steve Rosenberg, County Attorney, said that given the time constraints, he wanted to share with the Board that there were two items that were the subject of the closed meeting; boards and commissions as they customarily handle in their first meeting each month, and the second was an item regarding real property acquisition. He said there was no urgency to the real property acquisition item, so if the Board desired, they could convene the closed meeting only for purposes of boards and commissions, and they could deal with the real property acquisition item at the next meeting or the meeting after that. He said if that was the Board's desire, he would advise Ms. LaPisto-Kirtley to read only the first portion of the motion.

Ms. Price said that the consensus appeared to be consistent with that offer.

At 5:35 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- under subsection (1), to discuss and consider appointments to various boards and commissions including, without limitation, 5th and Avon Advisory Committee, Pantops Community Advisory Committee, Places 29 (Rio) Community Advisory Committee, Albemarle County Service Authority, Community Policy and Management Team, Albemarle-Charlottesville Regional Jail Authority, Jaunt, and Solid Waste Alternatives Advisory Committee; and

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

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

Agenda Item No.14. Certify Closed Meeting.

At 6:01 p.m., Ms. LaPisto-Kirtley **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

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

Agenda Item No. 15. Boards and Commissions.
Item No. 15.a. Vacancies and Appointments.

Mr. Andrews **moved** that the Board appoint the following individuals to boards, committees and commissions:

- **REAPPOINT** Mr. Craig Roller, Mr. Evan MacBeth, and Mr. Roger Schickedantz to the 5th& Avon Community Advisory Committees with said terms to expire September 30, 2025.
- **APPOINT** Ms. Kimberly Swanson to the Albemarle County Service Authority as the Rio District Representative, with said term to expire December 31, 2025.
- **APPOINT** Mr. David Pastors to the Jail Authority with said term to expire August 6, 2026.
- **REAPPOINT** Mr. Bill Wuensch and Mr. Jacob Sumner to the JAUNT Board with said terms to expire September 30, 2026.
- **REAPPOINT** Ms. Anne Oliver to the Pantops Community Advisory Committee with said term to expire June 30, 2025.
- **REAPPOINT** Mr. Martin Meth, Ms. Nicole Scro, Mr. Rick Seaman, Mr. Todd Cone, and Mr. Tom Paoletti to the Places 29 (Rio) Community Advisory Committee with said terms to expire September 30, 2025.
- **APPOINT** Mr. Joe Szakos, and Mr. Michael Kruse to the Solid Waste Alternatives Advisory Committee with said term to expire May 31, 2027.

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

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

Agenda Item No. 16. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report.

Agenda Item No. 17. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

There were none.

Agenda Item No. 18. **Public Hearing: Fiscal Year 2024 Budget Amendment and Appropriations.**

The Executive Summary as forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year, as shown in the currently adopted budget provided. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget.

The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The cumulative total of the Fiscal Year 2024 (FY 24) appropriations itemized below is \$81,067,665. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 24 Budget Amendment totals \$81,067,665. The estimated expenses and revenues included in the proposed amendment are shown below:

PROPOSED FY 2023-24 BUDGET AMENDMENT

ESTIMATED REVENUES

Local Revenues	\$
	36,881
State Revenues	\$
	3,000,000
Federal Revenues	\$
	222,000
Loan Proceeds	\$
	60,921,500
Other Fund Balances	\$
	16,887,284
	<hr/>
TOTAL ESTIMATED REVENUES	\$
	<hr/>
	81,067,665

ESTIMATED EXPENDITURES

Special Revenue Funds	
Capital Funds	\$
	20,097,665
TOTAL ESTIMATED EXPENDITURES	\$
	<hr/>
	60,970,000
	<hr/>
	\$
	<hr/>
	81,067,665

The budget amendment is comprised of a total of 10 separate appropriations, six of which have already been approved by the Board of Supervisors. - One appropriation approved 06/01/2023

- Two appropriations approved 07/19/2023
- Three appropriation approved 08/02/2023
- Four appropriation requests for approval on September 6, 2023 as described in Attachment A.

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

Appropriation #2024007

Sources: Housing Fund's fund balance \$5,572,357

Uses: Housing Fund \$5,572,357

Net Change to Appropriated Budget: \$5,572,357

Description: This request is to re-appropriate \$5,522,357 in Housing Fund's fund balance for a Housing Fund Reserve intended to support housing initiatives that are one-time costs and will support the County's strategic and housing goals. \$829,509 of this amount is obligated to projects and programs that are continued from FY23, the remaining \$4,742,848 will be placed in the FY24 Housing Fund Reserve.

Appropriation #2024008

Sources: Borrowed Proceeds \$60,000,000

Uses: Rivanna Station Futures \$59,500,000
Cost of Issuance 500,000

Net Change to Appropriated Budget: \$60,000,000

Description: This request is to appropriate up to \$60,000,000 in borrowed proceeds associated

with the Rivanna Station Futures Project and associated cost of issuance expenditures. This appropriation is contingent on the Board of Supervisors' approval of the related resolution authorizing this action, also on the September 6, 2023 agenda.

Appropriation #2024009

Sources: Special Revenue Funds' Fund Balances	\$7,728,487
Uses: Special Revenue funds	\$7,728,487
Net Change to Appropriated Budget:	\$7,728,487

Description:

This request is to re-appropriate the following Special Revenue Funds:

- \$6,427,979, a portion of the American Rescue Plan Act (ARPA) funds' fund balance, for the continuation of programming in human services economic vitality projects, public safety bonuses, broadband, and ARPA eligible uses. Of this amount:
 - \$4,309,949 to the Albemarle Broadband Authority (ABBA) for the continued work on the Virginia Telecommunication Initiative (VATI) 2022 grant.
 - \$2,000,000 for the Broadband Accessibility and Affordability Office's continued work on ARPA eligible broadband uses which may include, but not be limited to grants, installing fiber for development areas where fiber is not currently planned; and potentially wireless broadband projects to address public safety needs in rural areas to help fill in known gaps in service.
 - \$118,030 for the continued work related to the Continuation of Operations Plan (COOP). The COOP is a business continuity plan designed to sustain essential departmental functions until normal operations can be restored following an emergency or other incident (examples might include a pandemic, blizzard, hurricane, or cyber-attack). The COOP Plan ensures that essential public services are not interrupted.
- \$1,070,000, a portion of the American Rescue Plan Act (ARPA) Reserve funds' fund balance, for the continuation of expenses related to support additional ARPA aligned projects that may include for public health or continuation of operations for the County. Of this amount:
 - \$1,000,000 for continued work relating to the Albemarle County Sewer Connection Program. The goals of the program include but are not limited to: supporting residents who have failing septic or septic systems that are in eminent danger of failing, protecting the general public from environmental harm, improving wastewater management, and preserving and improving environment for fish and wildlife quality.
 - \$70,000 for the Department of Parks and Recreation's continued work on the Meadow's Community Center Generator project. The project includes the purchase of a generator and related equipment/items for the community room to prepare it for use as an emergency shelter for The Meadows community.
- \$230,508 for the Opioid Direct Settlement Fund, comprised of the fund's fund balance from the prior year. Funds will be released based on programming proposals approved by the County Executive, consistent with prior appropriations of these revenues.

Appropriation #2024010

Sources: State Revenue	\$3,000,000
Local Revenue	\$36,881
Uses: Virginia Business Ready Sites Program (VBRSP) grant	\$3,000,000
Opioid Direct Settlement fund	\$36,881
Net Change to Appropriated Budget:	\$3,036,881

Description:

This request is to appropriate the following Special Revenue Funds:

- \$3,000,000 in state revenue for the Virginia Business Ready Sites Program (VBRSP) grant. The County will pass grant funding through to the University of Virginia (UVA) Foundation to complete design and grading for a pad ready site at North Fork, a UVA Discovery Park.
- \$36,881 from an Opioid Distributor settlement payment for the Opioid Direct Settlement fund to be used for continuation of opioid abatement programming based on eligible uses and requirements. Funds will be released based on programming proposals approved by the County Executive, consistent with prior appropriations of these revenues.

Mr. Ryan Davidson, Deputy Chief of Budget, said the item was a public hearing and action to amend the FY24 budget. He said he would go over the contents of the amendment and then allow for Board questions. He said Virginia Code required a public hearing before amending the budget when the

total amount exceeded 1% of the currently adopted budget, which was the case tonight.

Mr. Davidson stated that the primary reasons for the amendment were listed, including the \$60 million for the Rivanna Station Futures borrowing, and several other appropriations related to ARPA (American Rescue Plan Act) grant reappropriations and the housing fund. He said Attachment A, included in the agenda item, contained all the details, and after the public hearing was held, staff recommended that the Board adopt the resolution in Attachment B.

Mr. Gallaway said that when he saw the housing fund balance, none of the \$4.7 million was currently obligated. He clarified that was what sat in the housing fund, not connected to anything.

Mr. Davidson said that the amount in the housing fund reserve was correct, and out of the \$5.6 million, there were approximately \$800,000 that had designated obligated uses. He said the rest was in the reserve.

Mr. Gallaway asked what they had budgeted into the housing fund.

Mr. Davidson said that he could get back to him on that because he did not have it memorized at the moment.

Mr. Gallaway said that he believed they had a greater obligation than just \$4.7 million.

Mr. Davidson stated previously, there was a \$3 million reappropriation for PHA (Piedmont Housing Alliance) and the Southwood piece that was coming from the housing fund. He said there was \$3.8 million that would be obligated, and the additional \$4.7 million was not obligated.

Mr. Gallaway said that he would refer to the budget book and remind himself of its contents, and he might have a follow-up question.

Ms. Price, hearing no questions from the Board, opened the public hearing. She asked the Clerk if there was anyone signed up for this item.

Ms. Borgersen said there were not.

Ms. Price, noting that there were no signups, stated that the public hearing was closed and the matter was back before the Board for any comments.

Ms. Price, hearing no comments from the Board, said that the floor was open for a motion.

Mr. Andrews **moved** that the Board the Board adopt the Resolution to Approve Additional FY24 Appropriations (Attachment B).

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

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

NAYS: None.

ABSENT: Ms. McKeel.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2024 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 24 Budget is amended to increase it by \$81,067,665;
- 2) That Appropriations #2024007; #2024008; #2024009; and #2024010 are approved;
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2024.

* * * *

APP#	Account String	Description	Amount
2024010	3-5341-82100-324000-240500-9999	SA2024010 VBRSP State Grant	3000000.00
2024010	4-5341-82100-481000-593000-9999	SA2024010 Pass Thru Grant	2940000.00
2024010	4-5341-82100-481000-390004-9999	SA2024010 Administrative Fee	60000.00

Agenda Item No. 19. **Public Hearing: ZMA202300003 Maple Grove Church - Residential.**
PROJECT: ZMA202300003 Maple Grove Church – Residential
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL(S): 032000000029D0
LOCATION: 3208 and 3210 Proffitt Road
PROPOSAL: Request to rezone 0.32 acres from R-1 to R-4.
PETITION: An application to rezone 0.32 acres of TMP 32-29D from R-1 Residential to R-4 Residential. Submitted with this request is a preliminary plat showing the proposed subdivision of this 0.32 acre lot surrounding the existing parsonage building identified as 3208 Proffitt Road
OVERLAY DISTRICT(S): AIA Airport Impact Area, Managed Steep Slopes Overlay District
ENTRANCE CORRIDOR (EC): No
POTENTIALLY IN MONTICELLO VIEWSHED: No
PROFFERS: No
COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in the Community of Hollymead in the Places29 Master Plan.

The Executive Summary as forwarded to the Board states that at its meeting on July 11, 2023, the Planning Commission (PC) voted 6:0 to recommend approval of ZMA202300003 for the reasons stated in the staff report.

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

At the PC public meeting there was minimal discussion and no concerns raised. No members of the public spoke during the public hearing.

Mr. Syd Shoaf, Senior Planner, explained that ZMA2023-0003 was a proposed rezoning of a 0.32-acre lot from R-1 Residential to R-4 Residential. He said the property was located north of the City of Charlottesville near the Charlottesville Albemarle Airport, off of Proffitt Road east of US Route 29 North. He said there were three addresses associated with this parcel, which were 3208, 3210, and 3212 Proffitt Road. He said the tax parcel number was 32-29 D, and the entire parcel was approximately 6.86 acres.

Mr. Shoaf stated that the property in question contained an existing one-story single-family dwelling unit and an existing 18,000 square foot church used by Maple Grove Christian Church. He said there were two playgrounds, a basketball court, a youth center in the rear, and existing parking areas. He said the specific area being discussed was 3208 Proffitt Road, which was 0.32 acres and contained the existing one-story single-family dwelling unit. He mentioned that the property was zoned R-1 Residential, with a majority of the surrounding properties being single-family residential uses.

Mr. Shoaf stated that to the west of the property was Lighthouse Christian Church and Bright Beginnings Preschool, and a variety of commercial uses along US 29 North. He said that to the east of the property was mostly residential with some rural areas uses to the northeast. He said the applicant requested to rezone 0.32 acres of the property from R1 to R4. He mentioned that the applicant was requesting this rezoning to allow for the creation of a new 0.32-acre lot which would contain the existing single-family dwelling unit.

Mr. Shoaf stated that the church building, parking areas, playgrounds, basketball court, and the youth center will all remain outside of the proposed rezoning area and on their own parcel. He added that the minimum lot size for conventional development in the R-1 zoning district was 45,000 square feet, so rezoning to a higher density zoning district was necessary to allow creation of the proposed residential lot. He stated that the minimum lot size for conventional development in the R-4 zoning district was 10,890 square feet. He said that given the proposed lot size of 13,932 square feet, only one dwelling unit would be permitted on the proposed lot.

Mr. Shoaf said there was a proposed subdivision plan if the rezoning were to be approved. He said the subdivision would be reviewed by staff to ensure it fulfilled all of the Albemarle County zoning regulations. He said the subject property was located within the community of Hollymead in the County's Places29 Master Plan. He said the future land use was Urban Density Residential, which called for residential uses at a density of 6.01 to 34 dwelling units per acre. He said that although the proposed rezoning suggested a density of one dwelling per acre, staff believed it was appropriate given the existing density of the surrounding area.

Mr. Shoaf stated that staff found two favorable factors for the zoning request. He said the first factor was that the request would have no impact on the neighboring properties, public facilities, and services, and the second was that it was consistent with the County's Growth Management Policy and the recommendations in the Places 29 Master Plan. He said that there were no unfavorable factors. He said staff recommended approval of the zoning map amendment request.

Ms. Price, hearing no questions from the Board, asked the Clerk if anyone was signed up to speak.

Ms. Borgersen stated that there were not.

Ms. Price stated that they could close that part of the public hearing.

Ms. Price apologized and said that the applicant, Mr. Bailey, was present.

Mr. Andrews read the rules for comment.

Mr. Steve Bailey, applicant, stated he had only one slide that laid out the timeline for the project. He said that their leadership had decided last summer to pursue the sale of a portion of their property. He noted that it took a while to get a surveyor to be able to do the plat for them. He mentioned that they were hoping to get it before fall, but that did not occur, so it was actually February when the property was surveyed. He said on April 10, they had a pre-application meeting with the Zoning Department, and they submitted an application on April 21. He said it was approved unanimously on July 11.

Ms. Price, hearing no questions from the Board and no rebuttal from the applicant, closed the public hearing and said that the floor was open for a motion.

Staff recommends that the Board approve ZMA202300003 Maple Grove Church - Residential Rezoning (Attachment D).

Ms. LaPisto-Kirtley **moved** that the Board approve ZMA202300003 Maple Grove Church - Residential Rezoning (Attachment D).

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

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

NAYS: None.

ABSENT: Ms. McKeel.

ORDINANCE NO. 23-A(6)
ZMA 2023-00003

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCEL 03200-00-00-029D0**

WHEREAS, an application was submitted to rezone 0.32 acres on Parcels 03200-00-00-029D0 from R-1 Residential to R-4 Residential; and

WHEREAS, on July 11, 2023, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2023-00003;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2023-00003 and their attachments, including the application materials last revised July 7, 2023, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-15.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2023-00003 as to the subject land on Parcel 03200-00-00-029D0.

Agenda Item No. 20. **Public Hearing: Plank Road (Route 692) Through Truck Restriction.** To receive public comment on the County's intent to request the Commonwealth Transportation Board prohibit through truck traffic on 1) Plank Road (Route 692) from Monacan Trail (US 29) to Rockfish Gap Turnpike (US Route 250).

The Executive Summary as forwarded to the Board states that the state of repair of the existing Plank Road bridge over Mechums River, just north of the intersection with Craigs Store Road, previously limited the weight of vehicles using the bridge to no more than 17 tons. The Virginia Department of Transportation (VDOT) recently improved the bridge using maintenance funds. These improvements increased the weight limit allowed on the bridge. Residents have expressed concern that the weight limit change would result in increased use and larger truck traffic routing through Batesville. Given the condition and typical use of Plank Road, this additional truck traffic is a safety concern and therefore a Through Truck Restriction for this segment of Plank Road is under consideration.

The "County of Albemarle and VDOT 'Through Truck Restriction' Process", adopted December 2000 (Attachment A), outlines the process for assessing and approving through truck restrictions. Further guidance is included in the VDOT "Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways" (Attachment B). The steps that County and VDOT staff have taken to this point, described above, constitute the Neighborhood Request & Supporting Documentation phase of the project.

On May 3, 2023, the Board adopted a resolution (Attachment C) to request that VDOT provide an assessment of the appropriateness of a Through Truck Restriction on Plank Road between US 29/Monacan Trail Road and US 250/Rockfish Gap Turnpike. VDOT has completed that assessment and determined, based on a preliminary evaluation of the route and the potential restriction, that this route

segment appears reasonably feasible to qualify for a through truck restriction. According to the "County of Albemarle and VDOT 'Through Truck Restriction' Process," the next step is to hold a public hearing.

Albemarle County and VDOT staff have reviewed the through truck restriction request and preliminary information related to transportation on Plank Road, including an assessment of the current roadway, the proposed alternate route for differences in distance and travel-time, and an evaluation of crash history of this road segment. The travel time from the Plank Road/US 29 intersection in North Garden to the US 250/Plank Road intersection is approximately 15 minutes for the 9.3-mile journey. The proposed alternate route, beginning at the Plank Road/US 29 intersection in North Garden, would follow US 29 north to I-64 west to Exit 107, Crozet Avenue, and then head west on US 250 to Plank Road. This would take 23 minutes and be a 23.1-mile drive (Attachment D). However, because many of the trucks taking this route are attempting to access I-64 west, an assessment of the distance and travel time to I-64 was also completed. Trucks taking Plank Road to the US 250/I-64 interchange would have an 11-mile journey and take 17 minutes. The alternate route of US 29 to I-64 is 20 miles to get to the same interchange and would be a 20-minute drive (Attachment E).

There is no identified truck crash history on Plank Road. Since 2018, there have been one fatal crash and two severe crashes, involving either an SUV or a pickup truck. The western segment of Plank Road has an Average Daily Traffic (ADT) volume of 2,000 vehicles per day and trucks make up 3.5% of the total traffic, with trailer trucks being 0.55% of the vehicles on this road.

A through truck restriction would not restrict all trucks from using Plank Road. Pick-up and panel trucks would still be able to travel along the road. Trucks whose destination is on that road or only accessible from that road, which includes package and postal service trucks, moving trucks, and businesses/residents that receive goods, would still be allowed to use it. A through-truck restriction would restrict only the movement of trucks using Plank Road as a through movement to connect to destinations not located on that road.

County staff recommends that, following the public hearing, the Board of Supervisors adopt a Resolution (Attachment F) formalizing the through truck traffic restriction request to the Commonwealth Transportation Board (CTB). If approved, VDOT would finalize the detailed assessment of the potential through truck restriction, hold its own public hearing, or at a minimum, post a willingness to hold a public hearing on the through truck restriction, and then forward the final report and request to the CTB, which then would have nine months to act on this request.

There are no anticipated budget impacts beyond staff time.

Staff recommends that the Board adopt the resolution (Attachment F) to request the Commonwealth Transportation Board to restrict Through Truck Traffic on Plank Road.

Mr. Alberic Karina-Plun, Planner, said that he would be presenting staff findings on the northern portion of Route 692 Plank Road to have a public hearing about the desire for a through-truck restriction. He said the road was chosen because of residents' worry about an increase in large truck traffic through Batesville resulting from the necessary repairs of the Mechums River Bridge just west of town.

Mr. Karina-Plun said that in May, the Board adopted a resolution requesting VDOT to look into the appropriateness of a through-truck restriction. He said VDOT later informed them that a through-truck restriction would be an appropriate request. He said the goal for the meeting was for the Board to decide whether to adopt a resolution formally requesting VDOT to impose a through-truck restriction on the road.

Mr. Karina-Plun said that there were certain criteria for imposing a through-truck restriction. He said criteria included that reasonable alternate routing was provided, that the character and/or frequency of truck traffic on the route proposed for the restriction was not compatible with the affected area, and the roadway must be classified as either a local or collector road. He noted that Plank Road was classified as a major collector. He stated that based on this evaluation, the route appeared to qualify for through-truck restriction.

Mr. Karina-Plun said Plank Road was classified as a secondary road in the state system, which were roads with a number of 600 or higher and had an average daily traffic count of 2000 vehicles. He said that 3.5% of the traffic was trucks, excluding panel and pickup trucks, and 0.5% of traffic was trailer trucks. He said that there had been two fatal crashes and four severe crashes, either involving a pickup truck, an SUV, or a passenger car such as a sedan, since 2018.

Mr. Karina-Plun said that the map showed trips that could go from North Garden to the I-64 and Route 250 interchange. He said trucks coming from North Garden could take Plank Road to Route 691 or Ortman Road to 250 to reach the interchange. He said that with a restriction, trucks would now have to continue up along Route 29 North then turn left on the I-64 to reach an interchange and then reverse the way for the other direction.

Mr. Karina-Plun said that the map was showing trips that could be go from North Garden to Afton West. He said trucks would take Plank Road to get to Afton, but with a restriction, they would have to instead stay on Route 29, turn left on the I-64, and then get off at Route 250 before continuing west to Afton.

Mr. Karina-Plun stated that there were a few restriction options available. He said one of them

was the full through-truck restriction. He said trucks whose destination was somewhere along Plank Road or began somewhere on Plank Road were allowed to use the road. He said companies like FedEx, Amazon, mail or moving trucks, and any other companies located on Plank Road were included. He said another option was restricting trucks based on weight or length limit, such as those more than 65 feet in length. He said there was the restriction option of banning tractor-trailers, the largest of the trucks on the road.

Mr. Karina-Plun stated that the next steps were for the Board to approve resolutions requesting the Commonwealth Transportation Board (CTB) to establish a through-truck restriction on Plank Road. He explained that if the CTB determined restrictions based on other criteria were appropriate, staff would come back at the next possible meeting with a resolution on the consent agenda.

Mr. Karina-Plun said the request was made through the Charlottesville resident engineer. He said VDOT had 9 months to respond, and they conducted their own study and held their own public hearing and reached out to the trucking industry as well. He said that for secondary roads like Plank Road, the CTB had designated the VDOT Commissioner to make these decisions on through-truck restrictions. He said that if it went through, signage would be developed and installed, and enforcement would take place.

Mr. Gallaway clarified that it would go to the CTB and then be decided by the Commissioner.

Mr. Karina-Plun stated that was accurate.

Mr. Andrews asked if the alternatives that were mentioned would be decided by the Commissioner or if they were based on the Board's actions. He stated that he was inquiring about the restriction options mentioned in the document. He noted the restrictions would be implemented by the VDOT.

Mr. McDermott, acting Planning Director, said that the Board could make a recommendation for a particular type of through-truck restriction, and said that they had done that in the past. He added that the Board of Supervisors had recommended length restrictions in the past which had been approved. He explained that the Board could make any of these decisions, but ultimately, it would go back to the CTB if they want to change that recommendation.

Ms. Mallek clarified that they could impose all of the restrictions.

Mr. McDermott stated that the recommendation was for a thorough truck restriction, which included all tractor-trailers and trucks of any size or weight, except for panel and pickup trucks, which they were not able to restrict.

Ms. Mallek clarified whether they were restricting long trailers. She said that the road was very curvy, so she could not imagine a 65-foot trailer doing well on it at any weight.

Mr. McDermott stated that those would be included in the through-truck restriction that they were recommending.

Ms. Price stated that she was generally supportive of the restriction but had one concern. She explained that her worry was about trucks that needed to reach someone who lived on the restricted roadway. She mentioned that there must be some reasonable size of truck for delivering appliances or moving them, not necessarily the big 18-wheel tractor-trailers.

Mr. Karina-Plun stated that the recommended through-truck restriction was the most comprehensive and included all weights and sizes except for pickup and panel trucks. He said the restriction was meant to prevent trucks from using Plank Road as a cut-through to get from North Garden to Afton. He said if the destination was only accessible via Plank Road, they were allowed to use it. He said that this included moving trucks, FedEx, Amazon, and any other delivery services.

Ms. Price noted that VDOT had nine months to respond. She asked what would happen if VDOT did not respond within nine months.

Mr. McDermott stated that he would need to get back on that matter as it was something that they had not encountered before. He noted VDOT was already working on the request.

Ms. Price opened the hearing for public comment.

Mr. Holmes Brown, Samuel Miller District, said he had been a longtime resident of Albemarle County. He said he attended graduate school at UVA in 1964 and both of his twin daughters went to Virginia universities. He said he had been a County property holder and taxpayer since 1979. He said he had driven on Plank Road for over 65 years, beginning in 1958. He said that at the time, Albemarle County and the Batesville area were very different, and there were far fewer people, and many of those were involved in agriculture. He said that in the late 50s and early 60s, traffic on Plank Road was largely local residents, passenger cars, pickup trucks, and an occasional tractor. He noted that Route 250 and Route 29 were two-lane highways, and there were no interstates.

Mr. Brown stated that as the frequency, speed, and nature of traffic changed, the County

responded by improving Route 250 and Route 29 to accommodate the new traffic patterns. He said Route 250 had lanes added, and Route 29 was now a four-lane highway. He said Plank Road remained virtually unchanged over the past seven decades. He said it was not designed to handle the volume, speed, or nature of current travel, and that was what improvements on Route 250 and Route 29 were designed for. He said Plank Road was defined by VDOT as a collector road, while Route 250 and Route 29 were defined as arterial roads. He said that the resolution currently before the Board perfectly reflected the way in which traffic should utilize the two categories of roadways.

Mr. Brown stated that it was unreasonable and unsafe for large trucks to continue using a windy, narrow road. He said the road had little change from its origins as a two-lane ox cart thoroughfare connecting the Shenandoah Valley with Scottsville. Along with many others in the Batesville community, he urged the Board to adopt the truck restriction.

Mr. Stew Pollock, Batesville, Samuel Miller District, said he had some comments regarding the history of the name of Plank Road. He said The Plank Road was a pre-colonial road. He said it was built for ox carts, horses, wagons, not trucks. He said they would have constructed it to go around big trees, chestnut trees, or oak trees, or rocks, and it was full of twists and turns. He said it followed the contour of the land, and it was not cut through like a modern road. He said it was an old road built for horses and wagons, and no one envisioned the trucks that were on there now. He said that as a consequence, it did not handle the trucks.

Mr. Pollock stated that the turns on the road were tight and narrow in places. He explained the road went right through the little town of Batesville, where it got compressed, making it dangerous for two trucks to pass each other. He said the historical nature of the road did not allow for enough space for vehicles to pass safely. He noted that it was not only unsafe for vehicles, but also for bicycles throughout its entire length. He stated that the road was not safe for children. He said his two grandchildren lived there. He mentioned how it was not safe for trucks to be traveling through Batesville.

Mr. Alex Struminger, Batesville, Samuel Miller District, explained that he resided on the corner of Miller School Road and Plank Road, which provided him with a front row seat to the trucks that frequently got stuck and jackknifed at the intersection. He said that five years ago, they had gone through a process to address this issue, but it persisted. He said that the trucks continued to use Plank Road despite the restriction for tractor-trailers because they were following consumer GPS, and there were no warning signs before entering the road. He stated that the sign they would see was actually about 100 yards before the turn. He said the resolution would take care of both of those things because they would not be going there and would not be trying to do that.

Mr. Struminger said that while the alternative route looked reasonable on the map provided, he suggested that it was calculated based on the speed limit and the miles. He noted that west of Batesville, it was difficult to go 45 mph, and the entire road was covered in speed caution signs. He suggested that the difference was not 15 minutes versus 23 minutes, but actually a difference of 2 or 3 minutes.

Mr. Struminger stated that there were probably some commercial trucking interests that would not like to open the door to through-truck restrictions altogether. He noted that he had not talked to a single truck driver on Plank Road who was happy about it. He said it was not a safe course of action for them or for residents. He said that if anybody knew what they were going to get into, they would not go down the road, especially the tractor-trailers. He mentioned that one of their community members had measured the road from Batesville at various places down to Route 250 and it was less than 20 feet in at least a dozen places.

Ms. Carol Allen, Samuel Miller District, said she was Batesville's newest resident. She said she and her husband lived right on Plank Road. She explained that she was there to represent the children in the area. She noted that Batesville had changed over the years, and her grandchildren often accompanied her. She said children frequently played in the field across from the Batesville Market, crossing back and forth. She noted that one unique aspect of Plank Road was the incline right before Miller School, which made it difficult for drivers to see the area where children crossed. She said that there would be no time for a tractor-trailer truck to stop if a child were trying to cross safely.

Ms. Allen stated that they cherished local truckers in Batesville, as there was a lot of commerce that used trucks. She expressed concern about the giant tractor-trailers that had been going through town. She mentioned that it was lovely when the bridge was closed and quieter. She said her main concern was pedestrian safety, especially for young children who were at risk on the dangerous road.

Mr. John Pollock, Samuel Miller District, stated that he was going to speak about the truck restriction issue in relation to historic Batesville. He said that Batesville was situated on the historic district, and he served on the Batesville Historic Society. He said that they were formed by a group of interested people back in 1998 with the sole purpose of trying to get the town listed on the National Register. He added that they used their own funds and, in typical Batesville fashion, got everyone involved, had some fundraisers, and eventually managed to get Batesville listed on the National Register.

Mr. Pollock said that Batesville was a unique crossroads community with a very small historic district. He said that of the 44 structures in the district, 33 were over 50 years old, making it one of the

finest crossroads communities in the state according to the Virginia Department of Historic Resources. He said that he loved Batesville because of its great community spirit and the idea of having trucks going through a historic district runs contrary to any type of protection that one would want for a historic district.

Mr. Pollock said that not only was it unsafe for kids and people walking on the roads, but it was also unsafe for the buildings that were right there in Batesville. He said that everyone who had driven through Batesville knew how close the houses were to the road, so it would be very appropriate to get the big trucks off of this road to help protect the historic district and the structures there, dealing with the safety as far as children and seniors go walking around and also the whole quality of life in Batesville. He said that they did not want their beautiful crossroads community destroyed by truck traffic.

Mr. Shreve Ariail, Samuel Miller District, said that he lived at 7047 Plank Road. He said that he was there representing his wife and children, who were very particular adamant about the need for through-truck restriction in Batesville. He said that his 7, 10, and 4-year-old played in the creek right there in Batesville, walked across the street to the store, and spent their Fridays and Saturdays there. He said that it was a lovely existence, but the traffic had gotten worse since they had been there. He mentioned that the speed at which people traveled on Plank Road was also an issue. He said that they lived right at the corner of Dick Woods and Plank, and that that morning, there was a pickup truck coming at about 50 miles per hour up the hill, almost broadsiding them. He said that the same issue occurred in the town, where folks came through at high speeds, disregarding regular restrictions that were already in place.

Mr. Ariail said that it was a difficult spot for the things to coexist, as there was high speed traffic, big trucks, and little children. He said that they believed that it was important to restrict whatever they can there, while recognizing local delivery trucks were essential for everyone. He agreed with the sentiment conveyed earlier that when the bridge was closed, it was quite lovely in town. He said that they would not close the bridge but asked that they do all they could to keep the community and roads safe for kids and families in the neighborhood.

Ms. Kristen Jones, Samuel Miller District, said that she resided approximately one mile away from the center of the neighborhood, the store located in Batesville. She expressed how much she enjoyed living there because it was a beautiful, historic place with an incredible community spirit. She said that everyone cared about each other and the kids who lived in the area. She said that the center field and the road were often filled with children playing soccer and riding their bikes. She said that Plank Road was not a through-truck road; it was a neighborhood road where people looked out for one another.

Ms. Jones said that Miller School was located nearby and their world-renowned cycling team used the roads frequently. She said that they saw cyclists on Plank Road, Craigs Store Road, and Miller School Road all the time, and when large trucks passed through, there was not enough room for them to maneuver around the cyclists. She said that trying to get opposing traffic was insane. She said that during a community meeting earlier in the year, several school bus drivers expressed their concerns about two buses not being able to meet on the road, and one had to go over into a ditch. She emphasized that the road was completely unsuitable for through tractor-trailers and requested assistance in keeping their historic community that way.

Mr. Jon Scheumann, North Garden, Samuel Miller District, said that he did not live in Batesville and that his house was located on Plank Road, approximately a mile from Dr. Ho's. He shared the same feelings as everyone else and fully supported the through-truck restrictions. He said that it was dangerous to pull out of his driveway with trucks coming at him over the hill, and that it was intimidating due to the speed, curves, and hills

Mr. Scheumann said that there were bicyclists on Plank Road as well, with around 12 to 15 weekend bicyclists being a common sight. He said that as the prior speaker mentioned, the Miller School team experienced this almost every other day. He said that his neighbor and his wife were tandem bicyclists who often rode on Plank Road, and they felt safer traveling toward Esmont because they were not dealing with trucks and high speeds.

Mr. Scheumann said that this issue was not just a Batesville problem but a corridor issue that stretches from Afton Mountain to North Garden, affecting everyone. He said there were many people up and down that corridor who were worried about this and had personally experienced encountering large semi-trucks on the curves, bends, and hills on Plank Road. He encouraged the Board to pass this and acknowledged and thanked the Planning staff for the work they had done on this issue.

Ms. Sally Tucker, Samuel Miller District, said that she had lived in Batesville for 32 years and lived on Plank Road. She emphasized that safety was very important as there were small, narrow roads in the area. She said that as an emergency medicine physician, she expressed her concern about accidents and injuries caused by high speeds. She said that every day when she went to the Batesville store, she worried about someone being hit by a car or a truck due to the allowed speeds through that area.

Ms. Tucker said that she felt buoyed by the fact or got the sense that the Board was behind them for this. She believed that this might only be the beginning of them trying to work on even more traffic calming for the area, which she thought they deserved for such a small, narrow-road community. She

wanted to say that they should look out for them because they were going to be back and would keep on pushing. She said that this was what they needed for their community.

Ms. Elise Leake, Samuel Miller District, stated that she lived about two miles away from Batesville, on a curve that came off of a hill down to a place where one could actually pass cars or trucks going both ways. She said that she could tell that coming out of their driveway when one of those trucks was coming, and if they did not see it, there was just no way they would ever be able to stop. She said that she could not say how lovely it was when the bridge was closed and they did not have to worry about that. She said that Batesville was just this tiny community that snuggled right up to that road. She said that she thought there would be future visits here to say to just slow it down all the way, get the trucks off and just slow everybody down since the traffic had increased so much. She said that she respectfully requested that they adopt this resolution for through-truck restrictions.

Ms. Price asked if there were any further questions of staff from the Board.

Mr. Andrews asked if there was an update on the speed study, mentioning that it was a separate issue.

Mr. McDermott said that they had heard a brief update, and it should be ready soon, within the next month. He said that he knew that VDOT had already performed the technical aspects of it and they were writing it right then.

Ms. Price closed the public hearing and brought the matter back before the Board for comments.

Mr. Gallaway stated that he understood the rationale behind why VDOT built the bridge they built, but he believed that trucks should not have been going over it in the first place. He said that although the rationale was proper, he could not imagine that VDOT would not approve this restriction, so he was supportive of the restriction. He asked if there was any experience from dealing with the temporary through-truck restriction in his district. He said that he wanted to know the timeline for implementing the restriction if it was approved by the VDOT Commissioner. He asked about the process of ordering signs, getting them approved by an engineer, and physically placing them on the road. He asked if there was a sense of a timeline would be so that people could understand what to expect if the restriction was approved.

Mr. McDermott said that he could not give specific times regarding the installation of signs and restrictions, however, the County Attorney had informed him that the nine-month timeline had some flexibility. He said that they could take longer than nine months if they had a good reason for doing so. He said that once approved, in the past, they had ordered those signs immediately, but it all depended on various factors. He said that recently, they had faced supply chain issues which delayed the receipt and installation of signs, but those sign orders went in immediately. He said that last time they had a through-truck restriction, it did not take but maybe a few months to actually get those installed. He said that there were sometimes supply chain issues that limited that.

Mr. Gallaway said that they were willing to do anything on their end to help expedite the process. He said that anytime they put something like this in place, he would call for that because the idea was that once it was approved, they expect it to go in right away. He said that that it would not happen immediately, and people should be aware of the fact that it will take some time to physically get everything in place.

Ms. LaPisto-Kirtley said that she fully supported this measure. She said that she wanted to bring in a reality check. She said that she had experienced a similar issue in her district where they had truck restrictions over 65 feet. She explained that there were signs on both sides indicating the restriction, but without enforcement, it was difficult to ensure compliance. She said that this was for a two-lane road in her district where it was challenging for police officers to stop vehicles or trucks due to lack of space to pull them over. She said that this was likely the same situation on Plank Road. She asked if there were any actions the Board could take or measures they could request.

Ms. LaPisto-Kirtley said that truckers used Google Maps instead of the truckers GPS, and Google Maps did not have restrictions, making it faster and shorter. She asked if they could reach out to Google to add truck restrictions to the maps. She said that she recommended traffic calming measures such as speed humps on streets that were flat enough.

Ms. LaPisto-Kirtley said that for a year, she had been trying to get VDOT to move a sign back 100 feet that was currently located on an I-64 off-ramp that trucks over 65 feet could not get off at that exit. She said that they had to work with VDOT as they were their partners but warned that it would take time and not to expect everything to happen immediately. She expressed her support for the restriction.

Mr. Andrews stated that he was supportive and thanked the people of Batesville for coming out to stand up today, as well as at the meeting they had several months ago in Batesville and believed it to be effective. He expressed his desire to pursue additional options as they looked into speed studies and other matters. He said that for the time being, he was content with the current plan and appreciated the warning concerning this. He assured them that they would take things one step at a time and remain supportive of the proposed measures.

Ms. Mallek stated that she was also supportive of this. She said that someone wrote to the Board suggesting that they fix the Northbound 29 to Westbound 64 transition so that so many trucks would not have to take the cut-through on a small road to get where they needed to go, so it was often part of a larger plan. She expressed her gratitude toward them for taking on the responsibility to come out and assist them in completing this task.

Ms. Price said that she was totally supportive of the proposal. She said that she appreciated the comments made by those who had spoken earlier about safety concerns, and the communications they received by those who could not make it to the meeting.

Ms. Price said that she loved Plank Road because it was a contour of the earth road, and it was not meant for speed or large trucks. She said that she knew that when VDOT built a replacement bridge over the Hardware River at Blenheim Road, it was made as a small one-lane bridge in part to try and discourage through trucks from turning Blenheim Road into a trucking route. She reiterated that she was supportive of this.

Ms. Price said that she loved Batesville and believed it was a unique crossroads community that needed protection. She commended the residents on their efforts in sustaining the community and expressed her Board's desire to help them as well.

Ms. Price, hearing no further comments from Supervisors, opened the floor for a motion.

Mr. Andrews **moved** that the Board adopted the Resolution to Request the Commonwealth Transportation Board to Restrict Through Truck Traffic on Plank Road (Attachment F).

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

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

NAYS: None.

ABSENT: Ms. McKeel.

RESOLUTION TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD RESTRICT THROUGH TRUCK TRAFFIC ON PLANK ROAD

WHEREAS, Virginia Code § 46.2-809 provides that a locality may formally request that the Commonwealth Transportation Board ("CTB") or its designee restrict through trucks on certain segments of primary and secondary routes in the limited number of cases where doing so would promote the health, safety and welfare of the public without creating an undue hardship on any transportation users; and

WHEREAS, requests have been received by residents along and near Plank Road in Albemarle County for an evaluation of possible Through-Truck Restrictions on the road; and

WHEREAS, Plank Road meets the requirements for a Through Truck Restriction as set forth in the policy adopted by the CTB on October 16, 2003, "Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways"; and

WHEREAS, the proposed through truck restriction would restrict Plank Road (Rte. 692) between its intersections with US 29 and Rockfish Gap Turnpike (US 250); and

WHEREAS, I-64 and Monacan Trail Road (US 29) together provide a reasonable alternative to trucks now traveling along Plank Road between I-64 and US 29; and

WHEREAS, this restriction would apply to any truck or truck and trailer or semi-trailer combination, except for pickup or panel trucks

NOW, THEREFORE BE IT RESOLVED that the Albemarle County Board of Supervisors, after holding a public hearing on September 6, 2023, hereby requests that the Commonwealth Transportation Board restrict through truck traffic on Plank Road between US 29 and US 250.

BE IT FURTHER RESOLVED that the Albemarle County Board of Supervisors does support this request and states its intent that it will use its good offices for enforcement of the proposed restriction by the Albemarle County Police Department and any other appropriate law enforcement agency.

Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway expressed his gratitude for the Board hearing the information presented by the MPO (Metropolitan Planning Organization) today.

Agenda Item No. 22. Adjourn to September 20, 2023, 1:00 p.m. Lane Auditorium.

At 7:02 p.m., the Board adjourned its meeting to September 20, 2023, 1:00 p.m. Lane Auditorium. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Chair

Approved by Board
Date 04/02/2025
Initials CKB