

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 15, 2021 at 1:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection, due to the COVID-19 state of emergency.

PRESENT: Mr. Ned Gallaway (joined at 5:14 p.m.), Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, and Ms. Donna P. Price.

ABSENT: None.

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

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

Ms. Price said this would be the last meeting with the members elected in 2017, Mr. Ned Gallaway, Ms. Diantha McKeel, and Ms. Liz Palmer. She said that morning they held the swearing in for successive terms for Mr. Gallaway of the Rio District and Ms. McKeel of the Jack Jouett District, as well as Jim Andrews, who would take over as the supervisor for the Samuel Miller District.

Ms. Price noted that the Chair, Mr. Gallaway would be joining the meeting later.

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

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price said that Item 8.7, the Southwood Development project, would be pulled from the consent agenda. She also noted that the final comprehensive financial report was uploaded to the County website on December 13, 2021. She said that the corrected minutes for Item 17, SP2021-00012, the Education Transformation Center were also uploaded to the County website on December 13.

Ms. McKeel **moved** to adopt the final agenda as amended.

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

AYES: Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price.

NAYS: None.

ABSENT: Mr. Gallaway.

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

Ms. LaPisto-Kirtley said that she had a personal announcement. She said she would miss Ms. Palmer, who drove her to go on hikes, and she got to see so much of Albemarle County because of her. She continued that she would miss her thoughtfulness in everything she does as well as her help and her environmental standards. She said she had taught her so much. She said she welcomed Mr. Jim Andrews coming in and thought it would be a great addition. She said again that she would miss Ms. Palmer very much.

Ms. Palmer thanked Ms. LaPisto-Kirtley but said she would keep her comments until they recognized her a little later.

Ms. McKeel said she had a few announcements, but just wanted to point out that Ms. LaPisto-Kirtley and Ms. Palmer could still hike together.

Ms. LaPisto-Kirtley said she was thrilled.

Ms. McKeel said there had been social media threats against their local schools in the recent weeks, and Albemarle County Public Schools were holding a school safety community forum via Zoom tomorrow night at 6:30. She said it was being hosted by the County police, County schools, and Commonwealth Attorney's office. She said she wanted to make folks aware that was happening and if anyone would like to join, they would be welcome. She said there was more information and the link to the meeting on the Albemarle County Schools' website.

Ms. McKeel said the second announcement she had was that their area transit system, CAT, was now offering fare free rides for the next four years. She said the CARES Act provided enough funding to CAT to provide fare free funding for three initial years, but they received an initial grant from Department of Rail and Transportation that allowed for four total years.

Ms. Mallek wished them all a happy Bill of Rights Day. She said she hoped that by the end of the fare free period, the ridership would be greatly increased, and the routes would be radically changed to be where people need to go that they will accomplish what many other communities do by having free fare. She said while this was because of financial disaster, she was glad they were able to make use of it, and she hoped the outcome was what other communities had.

Ms. Mallek said this week was full of success stories for Albemarle County, a few of which she wanted to share. She said she traveled to Goochland County on Monday with Mike Culp to celebrate the announcement of the broadband award of federal and state dollars for Albemarle County through the Firefly. She said it was a mob scene in the fire station because everyone was so excited. She said Albemarle County received many kudos for the quality of the application, and for pushing to help organize everything, and also to Christine Jacobs at the Planning District and their efforts to keep all the other counties organized as well.

Ms. Mallek said it was a very big deal, and Senator Kaine, Senator Mark Warner, and Governor Northam spoke at the event. She said afterward, she interfaced with Senator Kaine to thank him for his past support of Rivanna Station and the improvements there, and said he was very aware and knew his responsibility to keep an eye on things up there for them. She said she also spoke to Senator Warner about the delivery of mail in Albemarle County, and he was rather horrified about her report of most of the western district outside of the Crozet development area was getting mail once a week. She said for people who rely on getting their bills into the system through their mailbox, but no one comes by for five days, it created an unacceptable situation. She said he had been told that everything was fine by the Charlottesville headquarters.

Ms. Mallek said the main thing she wanted to say was to give kudos to Mike Culp and his staff, and to the reorganization and creation of the IT office to begin with. She said Mr. Culp was the go-to guy for whenever a service failed over the six or eight years he had been doing this job. She said for her to have to say to a citizen that she was sorry that she could not help at all with their CenturyLink problem, but perhaps Mr. Culp had a specialist he could call, was so helpful for her over that time.

Ms. Mallek said there was an announcement yesterday at Rivanna Medical, in Ms. Price's district, showing again the partnership of the different levels of state and local effort. She said she hoped someone was recording, because Mr. Richardson made spectacular comments about the involvement of the business and locality working together, and she wanted to hear it again.

Ms. McKeel said she would love to hear those comments. She asked if they could be shared with the Board.

Ms. Price said that perhaps when the Executive's Report came up, he could briefly summarize those. She said she would pull up those comments from the other Supervisors. She said that not only did they get this VATI (Virginia Telecommunication Initiative) Award, but they were the only County that had gotten one every year. She said not only that, but the leveraged amount on the application was a fraction of the value of what they ended up getting back as a result of the way that Mr. Culp and his team worked with the Albemarle Broadband Authority (ABA) Board. She said there was only one other jurisdiction in the entire Commonwealth that had a higher leverage ratio, but their dollar amount was a fraction in comparison of the benefit they were getting in Albemarle. She said most communities were approaching a dollar-for-dollar contribution versus leverage, whereas Albemarle County's leverage was about four times their contribution.

Ms. Mallek said it was around 10:1.

Ms. Price said yes, it was a 10:1 contribution and 4:1 leverage. She said this was unmatched around the Commonwealth, and was not only because of Mr. Culp, but because of the ABA board, Mr. Henry, and a lot of people working for years to keep them at the very top of these awards. She said following up on the Rivanna Medical Award, and the benefit that would bring throughout the spectrum of medical care, and it was a core business they were keeping there. She said Mr. Johnson and the entire economic development team had done a tremendous job with Project GADGET as it was called, to keep that here.

Ms. Price said she had three more things to discuss. She said the first was that 21 months ago, almost to the day, they met and began talking about the COVID-19 pandemic. She said at that meeting, she estimated that if they were not careful, they could lose 250,000 Americans through the pandemic. She said 21 months later, they now had exceeded 800,000 deaths from the pandemic. She said virtually all of those who were dying today were those who had not been vaccinated, but in addition to the 800,000 who had died, there had been 50 million cases with 25 million of those having what is called "long COVID," which means those individuals continue to suffer for an extended period of time as a consequence of being infected. She said over 1 million today were still unable to return to work because of the impact. She said the message was clear to get vaccinated and wear a mask because they were not through this yet, and they were heading through winter, when infection rates would increase.

Ms. Price said on a more positive note, she was pleased to say that Thomas Unsworth, the town

of Scottsville's clerk, would be joining the Albemarle County staff. She said it would not normally be that she would make an announcement on a personnel hire, but when it was from Scottsville and the Scottsville district and moving into the County, she was excited to share his knowledge and expertise with more people.

Ms. Price said more lighthearted was her announcement of "17 to 13, go Navy, beat Army."

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Resolution of Appreciation for Amelia McCulley.

Ms. Mallek **moved** to adopt a Resolution of Appreciation for Amelia McCulley and read:

Resolution of Appreciation for Amelia McCulley

WHEREAS, Amelia McCulley has faithfully served the County of Albemarle for over 38 years, spending her entire professional career with the Department of Community Development starting on May 23, 1983, as a full-time data entry clerk and rising to Deputy Director of Community Development, a position she's held for over two and a half years; and

WHEREAS, Amelia is recognized for her superior leadership in her 30 years as Zoning Administrator rendering zoning determinations and completing her career without once having a determination overturned in court; and

WHEREAS, Amelia's colleagues and customers acknowledge her fairness, her wisdom and ability to make difficult decisions, her integrity, and her willingness to address challenging issues and conflicts, plus her dedication, her love of and support of staff, her courage to take on what was difficult and not just procrastinate, and her relentless pursuit of 'getting stuff done'; and

WHEREAS, Amelia championed numerous initiatives within the Department to better serve the community and staff of Albemarle County, including but not limited to the development of the Coordinated Action Response Team, joining groups together across departments to serve community members in need; career ladders for each division in support of professional development for staff; the approach regarding blighted properties and evaluating each using criteria prioritizing public safety; the creation of partnerships with departments and external agencies based on specific projects or areas of focus including Albemarle County Police Department, Fire/Rescue, the Department of Social Services, Virginia Department of Health and Virginia Department Of Transportation to name a few, and in partnership with local farm wineries, working on numerous regulatory changes which are now models for other jurisdictions; and

WHEREAS, Amelia's performance has been exemplary through her firm and fair administration of the Zoning Ordinance while reducing the variances before the Board of Zoning appeals from a high of 35 a year to between 0 and 2 annually; her creation, implementation, and enforcement of code to address an array of topics such as signs, noise, rezoning proffers, and homestays; the implementation of a change from criminal proceedings to a streamlined civil process for zoning enforcement; and

WHEREAS, Amelia exhibited bravery in serving search warrants with Albemarle County Police Department protection on properties of known criminals with drugs, guns, and dangerous dogs.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors do hereby honor and commend Amelia McCulley for her many years of exceptional service to the County of Albemarle; the Department of Community Development; the Albemarle County community in which we live; and the entire Commonwealth of Virginia, with the knowledge that Albemarle County is strengthened and distinguished by Amelia's dedication, commitment, professionalism and compassion in meeting the community's needs.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors, as a lasting, visible testament to the esteem in which this Board and previous Boards holds Amelia for her lasting legacy of community service and the tangible results from her work to make Albemarle County better for future generations.

Signed this 15 day of December, 2021.

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

AYES: Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price.

NAYS: None.

ABSENT: Mr. Gallaway.

Ms. Filardo said that Monday, May 23rd, 1983 was an auspicious day. She said that Ronald Reagan was president, the song "Flashdance" by Irene Cara was popular, and Amelia McCulley started her professional career in Albemarle County in the Community Development Department. She said that today, a 38-plus year career with one employer was rather unusual. She said that this long, with a single

department, was unbelievable, and what a career it had been.

Ms. Filardo said that Supervisor Mallek outlined a lot of the accomplishments that Ms. McCulley had delivered to the County, so she would not focus so much on those today. She said Ms. McCulley had led their department with a laser focus on deliverables, and a big, caring heart. She said she had grown and supported young professionals on their way to rewarding careers, and she leads by demanding, if not more, as much from herself as she does from her team. She said her passion for this County and their community were second to none, and her ability to get things done was legendary. She said for the last two years, Ms. McCulley had focused on preparing their department for her retirement, and as they had heard, she had led the team in building career ladders for each division, realizing that their department was only as strong as their team. She said she had taught folks how to interview and worked hard to bring staffing resources to respond to the needs of customers and the department.

Ms. Filardo said she had done so much more that she would never be able to count it all. She said through it all, Ms. McCulley had done so with integrity, doing the right work in the right way, because it was the right thing to do. She said she was grateful to have had two great years working with Ms. McCulley, and she looked forward to continuing her work in creating a sustainable and productive Community Development Department into the future. She said they appreciated her and loved her and would miss her. She said most importantly, they would remember her. She thanked Ms. McCulley for everything.

Ms. Walker said he first wanted to acknowledge that there was so much that could be said, but he would focus on the value that Ms. McCulley added to the transition. He said she became deputy director at a time that the previous director was transitioning out and had announced his retirement, and there was great concern about where the structural continuity of leadership would come from. He said that Ms. McCulley always was that continuity and that leader and making the move to put her in a position where she could gracefully transition from one directorship to another, had played itself out well, as they could have observed over the last two years. He said the contributions she made to this office of the County Executive and to her director and department with the outgoing director and bringing on the new director was incredible. He said he wanted to focus on her graceful leadership and how smooth the transition with Ms. Filardo had been.

Mr. Richardson said that last Friday was the first time that their OLT, about 18 of their senior leaders in the County, had been together as a team in 634 days. He said they had been virtually meeting since March 13th, 2020, and they met last Friday for a half-day at the 5th Street County Office Building for team building, critical dates visioning for 2022. He said they took a moment as a senior leadership team to recognize Ms. McCulley and Ms. Filardo, as well as Mr. Walker and staff for setting the table appropriately.

Mr. Richardson said that at one point in time last Friday morning, he stood up, and as updates were being made, he looked across the room, and Ms. McCulley had her head down because she was taking notes, even though she was a week and a half away from retirement. He said that was indicative of everything the Board and County needed to know about her. He said that she was taking notes because she knew she needed to get it right. He said this was the caliber of person they had at their organization, and it had been an honor to work with her.

Ms. McCulley thanked them for the high praise and kind words. She said as a planner, she planned to have her son with her today to speak if she became too emotional. She said even though she could be a tough zoning administrator, she had a pretty soft heart.

Mr. McCulley read "When I think of how important this work is to me, how much Albemarle County as an employer has done for me, and how I value my colleagues, I am very emotional. I want to mention I am also joined by other members of my family who have supported my career. I have been reflecting a lot lately on why I have stayed with the County for over 38 years. It's really unusual to have stayed with the same employer for so long, and I'd like to share why I have."

Ms. McCulley read "as a professional planner, it has been an honor to serve Boards in the community who are engaged and truly care about strategic actions. I've been fortunate to work for people who value and practice good planning principles, challenging us to reach beyond yesterday's solutions to solve today's and tomorrow's problems. Albemarle is known for the innovative, relevant, and bold planning practices we utilize, and it has been very exciting to be part of that. Other localities throughout the state and beyond copy what we're doing or seek information from us. Work for the County has provided a dynamic environment for my professional development. The County encourages, supports, and rewards staff who stretch to learn more skills and expand functionality, and I'm so proud of the many things we've accomplished as staff with the Board. Our Board cares enough about this work to participate in our ambitious work program, and we all care enough to hold ourselves accountable for results.

"Prior to deciding on planning as my degree, my early interest at UVA was environmental science and hydrology. Working for a Board and community that cares so much about environmental and sustainability values such as water quality and watershed protection has fed this passion and aligned with my values. I love the fact that the County devises their development area boundaries based on their drinking water impoundments. So, it results in a strange situation, such as the east side of Hydraulic Road being in the development area, and the west side, which drained into the watershed, in the rural areas. The water quality values were also exemplified by the fact that stream health initiatives have remained a high priority for this Board and in our work program for many years.

"In surveying for 30 years as zoning administrator, I've always had a strong partnership and great support from the County Attorney's Office, County Executive's Office, and the Board, and many other agencies, such as Police and Fire/Rescue. I've learned so much from Greg Kamptner and Andy Herrick, and together we've done the right thing, even when it's the hard thing. We've patched up the old ordinance and added new and improved regs, and I'm so glad you all are moving forward with zoning modernization. I've also been fortunate to work with customers from all walks of life and from different circumstances, trying to help them understand our regulations and our policy and to see how we can help them with their plans. We've successfully had countless junkyards cleaned up, made illegal uses comply, obtained compliance with proffers, and made sites consistent with approved plans.

"I've also enjoyed the adventure and the challenge of work as zoning administrator. I'm going to tell a couple of quick stories. I've been up in aircrafts of all types, with local and state police, including taking off on a grass runway with no doors on the side of the plane so we could take photos for use in obtaining search warrants. We've done stings posing as a customer to catch an illegal sewage handling operation that was releasing raw sewage into County streams. We've investigated and searched for property that was approved for a special use permit with a maximum seven cars on site awaiting repair in a commercial garage, and we found it had over 700 junked cars. Incidentally, this same search warrant resulted in County police and state police finding evidence of wrongdoing.

"It's been a blessing to serve with the work family of colleagues who were highly competent, caring, and work every day to bring their best work to this community. Albemarle County has some of the best of the best across the nation in their respective fields. We have people who are so dedicated, they regularly put in long hours, struggling for the elusive work-life balance. These colleagues are people who, even when they are not at work, are thinking of how to improve something, thinking of how best to get our work done. Now I'd like to thank a few key people, and this may sound a bit like the Academy Awards for a minute. Having people of this caliber in my life also contributes to why I've stayed for over 38 years.

"First, thank you to the exemplary folks in our departmental leadership team. I am always impressed by how highly competent and caring you are. Next, I want to thank Doug Walker for his time, wisdom, guidance, and support. It is through discussions with him and with other staff that we assure we can be responsive to the Board and the community, provide the most effective Planning Commission and Board meetings, improve processes, and allocate resources where they were most needed. This is a tough one.

Mr. McCulley read "Thank you to Jodie, who has been the leader we've needed. She's helped us change paradigms by looking at our work and how we do it in a key way, one that considers the result of our work and the impact on our customers. This includes aligning our culture, forging stronger relationships with our stakeholders, putting individual staff in positions utilizing their strengths, considering tools for doing our work better and differently, and not getting stuck in how we've always done things. From the day she arrived, Jodie has always been a strong partner in our work, a mentor to me and others, and a truly fearless leader. I am blessed to work beside her, and only wish I had more time working together."

Ms. McCulley read "Thank you for this recognition. Thank you for allowing me to grow, change, and develop as a person, and thank you for allowing me to serve Albemarle County, a community I deeply love."

Ms. LaPisto-Kirtley said she would tell them something that they may not know about Ms. McCulley. She asked if they knew she was a horse woman. She said she had helped her greatly, and really appreciated her knowledge and the fact that she understands their rural areas and the importance of keeping some of their large properties so that Albemarle continued to be beautiful. She said she thought the sentence Ms. McCulley used really summed up her and many others in their County, which was "to see how we could help them with their plans." She said that really resonated with her, because Ms. McCulley always strived to see what they could do, and never said they could not achieve something. She said she would miss her very much but planned on calling her because she needed her expertise.

Ms. Palmer said did not want to say goodbye and would ask if they could go kayaking together sometime soon now that they both had more time as soon as it gets a little bit warmer.

Ms. McKeel said this was one of the few recognitions where people were grabbing tissues during it. She said they were all very sad to see her go. She said when looking at the resolution, and the fact she had been there for 38 years, it appeared that Ms. McCulley had worked for them her whole life. She said she felt like the first time she had a chance to work with Ms. McCulley was when she was first elected to the Board of Supervisors, and they were discussing illegal signs. She said that Ms. McCulley's sign jail behind the County Office building. She said it was fun to take signs and throw them in the jail.

Ms. McKeel said she especially appreciated the coordinated action response team, especially for the urban ring, and they were helping her so much with blighted properties. She said those two jumped out for her and generated a lot of their phone calls. She said she thought she and Ms. McCulley were discussing only a few days ago some changes that might be possible, so she was actually taking notes much sooner than Mr. Richardson's meeting a week ago. She said that brought her to her last point, which was that if she could sing, she would take poetic licensure of the Kenny Rogers' song, "You Picked A Fine Time to Leave Me," because they were truly going to miss Ms. McCulley. She said she had led them forward in a wonderful way. She said she hoped she would not be a stranger, because she could surely use her expertise on bamboo, and maybe they could figure out a solution for the bamboo in the community in her spare time. She told Ms. McCulley to enjoy her time with her horses, kayaking, and the people she loved.

Ms. Mallek said she would save her bucket full of goofy things for another time, but thinking back to 1983 when Ms. McCulley began, she had moved back to her farm in the fall of 1982. She said having become a local government junkie in the 16 years she had been away from town, she immediately joined the audience group in the upper left-hand corner from the stage. She said she got to see many years of presentations, analyses, and responses to finding solutions for the County and for applicants, which had already been mentioned. She said Ms. McCulley was someone who could share bad news in a graceful and kind way so that people did not feel bad themselves. She said this was so important in keeping people feeling positive about interacting with their local agency. She said that the sign jail had already been mentioned, and Ms. McCulley had been a very good sport about it. She said Dennis Rooker and herself were competing to pick up the most illegal signs in one week and bring them to the sign jail. She continued that there was a time between 2008 and 2012 where they were overrun by them. She said that some people did not care about paying the fine, which was frustrating. She said there were some dangerous and scary places where their inspectors had gone, such as Fox Mountain. She said her father was a federal veterinarian in 1942 and was shot at in Blackwell's Hollow because people thought he was a revenue. She said she understood the extra dangers that came with inspections. She said they would stay in touch.

Ms. Price said that when she had read the proclamation for Ms. McCulley, it was amazing. She said she wanted to comment on Ms. McCulley's remarks. She said Ms. McCulley spoke of others, not of herself, and she spoke of the accomplishment they had achieved, but never what she herself had achieved, only what others had done. She said that was so typical of her ability to always deflect attention from herself and give credit she had earned to others. She continued that the last "whereas" of the resolution made her think of Ms. McCulley carrying a badge, and the expansiveness of the responsibilities she has had. She said the third was that this proclamation was very much like a eulogy, only she was alive. She said it was wonderful for someone to be recognized at the end of a professional career with the respect and honor she had earned, and they were very glad she got to hear it. She said her last point was that after two years now on the Board, she had the opportunity to form some pretty significant professional relationships with a lot of senior people on the staff. She emphasized that the only positive aspect of Ms. McCulley's retirement was that she hoped and looked forward to this becoming more of a personal friendship than a professional one. She thanked her on behalf of the Board, the County staff, and their community members for these many and significant 38 years.

Ms. Price said it was now time for some farewell remarks for Ms. Palmer. She said she had a significant thing taking place right now in the Scottsville Magisterial District, and without any solicitation on her part, Supervisor Palmer had reached out to help her resolve and address this significant matter. She said there was no short-timer's attitude here, and that Supervisor Palmer had served her community with honor and distinction. She said one of the sad things was that she could not come up to the podium to be together, but she would like the community to see the plaque that was engraved with sincere appreciation to Liz Palmer, for her dedicated service and leadership as a member of the Albemarle County Board of Supervisors, from January 1st, 2014, through December 31st, 2021, enhancing the quality of life through public service. She said in addition there was a clock in a case with the seal of the County. She said they would get it to her soon.

Ms. LaPisto-Kirtley said she could bring the clock to Ms. Palmer when they went hiking together. She said would miss Ms. Palmer very much.

Ms. McKeel said she remembered when they first ran for the Board of Supervisors together, and that first election was kind of fun when she looked back on it. She said she remembered taking pictures for the election together in her front yard. She continued that it had been a very interesting road they had taken in the last eight years with the County, and she would miss her questions, which she always learned something from, even though sometimes she knew it would add additional time. She said despite this she appreciated it very much, and she hoped she had a lot of opportunity to hike with Ms. LaPisto-Kirtley.

Ms. Mallek said that since working with Ms. Palmer went back 20 or more years on the Water Protection Ordinance and the League of Women Voters, and she knew Ms. Palmer would stay here and was just changing roles, she would not fall apart because they would be discussing their ongoing work together multiple times a week. She said maybe sometime soon, some of them would actually get finished. She thanked her for her phone calls to ferret out the details because there was always something she missed.

Ms. LaPisto-Kirtley said that now that she composed herself, she did not think that any other Supervisor had as much knowledge as Supervisor Palmer regarding the reservoirs and the importance of stream health. She thanked her because she had taught to her how vital it was for the economic development and health of all of their residents. She said that would not have happened had Ms. Palmer not taken her hand and led her. She said she looked forward to learning more, because of the pandemic they had not been able to do as much as they wanted to, so they now had more time to.

Ms. Palmer said she had to take a few moments to thank the community and all the people who had contacted her over the last eight years and explained issues and taught her things. She said it never ceased to amaze her what a community full of expertise they had, and how people were willing to put themselves forward and explain things. She said she probably never would have understood the trash industry without all those callers and trash people who educated her. She said there was a plethora of

other things there was not time to talk about. She said she wanted to thank the Board for all the time they had spent on all the discussions they had. She said she learned a lot from Board members, her Planning Commissioner, Karen Firehock, and staff who taught her a lot. She said she had to mention Greg Kamptner, because his patience with all the Board's questions, and her own questions, was so helpful. She said he had helped her with a problem that morning.

Ms. Palmer said the thing she wanted to live for was to see the Sugar Hollow pipeline decommissioned, which Ms. Mallek knew. She said she was not sure how long that would be. She said she wanted to take this last opportunity to speak as an advocate for a couple of things. She said she felt compelled to say that the recycling situation was changing rapidly, and if they did not have that paper sorter in place in a few years, they would not be able to keep up with the changes. She said they needed that. She said right now she knew that staff was evaluating it, and there was a possibility to put facilities on Berkmar, and she hoped they would keep that in mind, because it was not only the northern convenience center, but also the paper sorter.

Ms. Palmer said the other thing she wanted to plug was that times were changing, and they could not get enough volunteers for the fire department because it was hard to work for nothing. She said it was the same thing with politicians; it was hard to do the job politicians do without reasonable pay. She said there were all sorts of issues with that, such as the minimum wage being \$8.32 an hour, and the minimum wage of all the other employees was around \$17 an hour. She said if they were really going to get the kind of diversity that this Board had talked about, she believed they needed to address how to compensate their selves and Boards going forward.

Ms. Price said that as her neighboring magisterial district Supervisor, their districts had a great deal in common, and Supervisor Palmer and she had an opportunity to work jointly on projects in a close way that she did not have the same type of connection with the other supervisors. She said as with their other colleagues, she shared the benefit of her experience and her words. She said it was their time to honor her, and of course she was talking about things that needed to be done in the County.

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

Ms. Price read the rules for Matters Not Listed on the Agenda.

Mr. Donahue introduced himself as Ed Donahue. He said he wanted to address an item that was on their agenda for action coming up in a short period of time, matter number 21-5556. He said this was in the Scottsville District. He said they were pursuing the County's personal wireless facility policy on behalf of a client, Crown Communications, and were looking to modify the existing site in the Scottsville District. He said they needed additional height in order to address a coverage in service issues, specifically, Crown wants to be able to deploy FirstNet from the particular site in question, so the height proposed was to 70 feet. He said staff had been supportive of the replacement model pole and increased height, and the only issue was the offset antenna that was non-flush mounted, which were FirstNet.

Mr. Donahue said they tried to address staff's concerns about a couple things, such as a letter provided from AT&T, and a letter they compiled and gave a list of three or so other sites that had been approved in the County of greater height than what was proposed, and non-flush mounted FirstNet sites. He said what they were asking was for the Board to consider the many approved sites that were FirstNet in the County, which were non-flush mounted, and as the Board well knew, FirstNet was a very important service being employed by AT&T. He said it was the first of its type of interagency platform, so that first responders, EMS, fire and rescue, can communicate with each other in times of urgent need, so it was important that it be done soon at this site. He said in order to deploy the services here, they needed the Board for some discretion on their requirement for flush-mounted antennas.

Agenda Item No. 8. Consent Agenda.

Ms. Price said that Item 8.7 would be pulled from the agenda.

Ms. Palmer said she was not expecting a lot of discussion, but she had some things she wanted to point out for information only. She said she did not think it needed to be approved separately since it was for information purposes.

Ms. Price said they would pull it and then cover it in comments later.

Ms. Mallek **moved** to approve the consent agenda as amended. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price.

NAYS: None.

ABSENT: Mr. Gallaway.

Item No. 8.1. Approval of Minutes: June 17, and July 15, 2020.

Ms. Price had read the minutes of June 17, 2020 and found them to be in order.

Ms. LaPisto-Kirtley had read the minutes of July 15, 2020 and found them to be in order.

By the above-recorded vote, the Board approved the minutes of June 17, and July 15, 2020 as read.

Item No. 8.2. Authorization to Schedule a Public Hearing to Consider the Adoption of An Ordinance to Amend County Code Chapter 6, Fire Protection, Regarding Fireworks, and an Ordinance to Amend the Fire Rescue Fee Schedule.

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

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

Staff is proposing the following:

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

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

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

Staff recommends that the Board:

- 1) schedule a public hearing to consider the adoption of the proposed ordinance to amend County Code, Chapter 6, Fire Protection, to revise fireworks regulations (Attachment A); and
- 2) schedule a public hearing to consider the adoption of the proposed ordinance to amend the fee schedule(Attachment B).

By the above-recorded vote, the Board authorized staff to schedule a public hearing at a future Board meeting to consider the adoption of the proposed ordinance to amend County Code, Chapter 6, Fire Protection, to revise fireworks regulations and schedule a public hearing to consider the adoption of the proposed ordinance to amend the fee schedule.

Item No. 8.3. SE202100039 3232 Horseshoe Bend Homestay.

The Executive Summary forwarded to the Board states that the applicants are requesting one special exception for a homestay at 3232 Horseshoe Bend Road.

Reduce Required Minimum Yards. Pursuant to County Code § 18-5.1.48(i)(1)(ii), the applicants are requesting to modify County Code 18-5.1.48(j)(2)(v) to reduce the required 125-foot setbacks to 52 feet +/- from the southeastern property line for a homestay and its accompanying parking.

Please see Attachment A for full details of staff's analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception with the conditions contained therein.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment F) to approve the special exception with the conditions contained therein:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SE2021-00039 3232 HORSESHOE BEND ROAD HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE202100039 3232 Horseshoe Bend Road Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.5, the Albemarle County Board of Supervisors hereby finds that the requested special exception would cause (i) no detriment to any abutting lot and (ii) no harm to the public health, safety, or welfare.

Item No. 8.4 County Attorney's Amended Employment Agreement.

By the above-recorded vote, the Board approved the County Attorney's Amended Employment Agreement:

FIFTH ADDENDUM TO THE COUNTY ATTORNEY EMPLOYMENT AGREEMENT

This Fifth Addendum to the County Attorney Employment Agreement, is entered into by and between the **ALBEMARLE COUNTY BOARD OF SUPERVISORS** (the "Employer") and **GUSTAV GREGORY KAMPTNER** (the "Employee") this 21st day of December, 2021.

On December 1, 2021, the Employer approved a mid-year salary adjustment (increase) of six percent effective December 1, 2021 for, among others, all "County regular employees who report up through the County Executive and/or the Board of Supervisors," a group that includes the Employee.

The parties agree to the following amendment to the County Attorney Employment Agreement entered into by and between the Employer and the Employee on April 13, 2016 (the "Agreement"), as thereafter amended by the First Addendum approved by the Board on June 14, 2017, and subsequent addenda that made only salary adjustments to the County Attorney Employment Agreement:

1. The first sentence of Section Five ("Compensation"), paragraph (A) ("Salary"), is amended to state: "The Employer shall pay the Employee, and the Employee shall accept from the Employer, an annual salary of \$187,802 effective December 1, 2021, payable in installments as provided for County employees generally."

2. Except as amended above, the Agreement, as amended by the First Addendum, shall remain in full force and effect and the Employer and Employee hereby ratify and confirm all provisions, terms, and conditions set forth in the Agreement, the First Addendum, and this Addendum.

IN WITNESS THEREOF, the Albemarle County Board of Supervisors has caused this Fifth Addendum to the County Attorney Employment Agreement to be signed and executed in its behalf by its Chair and the Employee has signed and executed this Fifth Addendum, both in duplicate, the day and year first above written.

SIGNATURES ARE ON THE FOLLOWING PAGE



ALBEMARLE COUNTY BOARD OF SUPERVISORS

Ned L. Gallaway
Ned L. Gallaway, Chair
Albemarle County Board of Supervisors

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Charlottesville, to wit:

The foregoing Fourth Addendum to the County Attorney Employment Agreement was acknowledged before me this 22 day of December, 2021, by Ned L. Gallaway, Chair.

Grace Casey Tamlyn
Notary Public

My Commission expires: 4/30/2022

Registration No. 7790791

Gustav Gregory Kamptner
Gustav Gregory Kamptner, County Attorney

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Charlottesville, to wit:

The foregoing Employment Agreement was acknowledged before me this 6th day of ~~December, 2021~~, by Gustav Gregory Kamptner, County Attorney.
January 2022

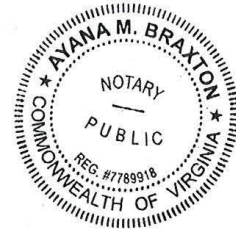
Ayana M. Braxton
Notary Public

My Commission expires: 4/30/2022

Registration No. 7789918

Approved as to form only:

Andrew H. Herrick
Andrew H. Herrick, Deputy County Attorney



Item No. 8.5 County Executive's Amended Employment Agreement

By the above-recorded vote, the Board approved the County Executive's Amended Employment Agreement:

SECOND AMENDED COUNTY EXECUTIVE
EMPLOYMENT AGREEMENT

THIS AGREEMENT is made this 12th day of December, 2021 by and between the Albemarle County Board of Supervisors, hereinafter "Employer" and Jeffrey B. Richardson, identified in prior versions of this Agreement as "Jeff Richardson," hereinafter "Employee."

RECITALS

- R-1 Employer is in need of the services of a person possessing the skills and ability required to be the County Executive; and
- R-2 Employee, through education and experience, possesses the requisite skills to perform these duties; and
- R-3 Employer desires, therefore, to engage the services of Employee as County Executive under the direction of the Employer, pursuant to the authority vested in Employer by Section 15.2-509 of the *Code of Virginia* (1950), as amended; and
- R-4 The parties acknowledge that Employee is a member of the International City/County Management Association (ICMA) and that Employee is subject to the ICMA Code of Ethics, but the provisions of that Code are in no way incorporated into this Agreement; and
- R-5 The parties entered into the County Executive Employment Agreement, dated September 8, 2017, which provided that Employee's term of employment would begin on November 6, 2017; Employee is now able to begin his term of employment on October 30, 2017 and the parties therefore desire to amend Section 2(A) of the Agreement accordingly.

TERMS AND CONDITIONS

For reasons set forth above and in consideration of the mutual promises of the parties, Employer and Employees agree as follows:

1. **Employment**

Employer employs Employee as the County Executive of Albemarle County, and Employee accepts and agrees to this employment under the terms and conditions of this Agreement.

2. **Terms of Employment**

Employee's terms of employment with Employer are as follows:

- A. *Initial Term.* Employee's term of employment pursuant to this Agreement shall begin on October 30, 2017. This Agreement shall remain in full force from the date of this Agreement until Employer terminates Employee, Employee is deemed terminated, Employee resigns, or Employee retires as provided in this Agreement.
- B. *Exclusive Employment.* At all times, Employee shall be in the exclusive employ of Employer and devote all of his working time, attention, knowledge, and skills solely to the interests of Employer. Employer shall be entitled to all of the benefits arising from or incident to all work, services, and advice of Employee. The term *working time* does not include any time while Employee is on annual leave.
- C. *Performance.* Employee shall diligently exercise his powers and perform his duties established in Section 3 in a professional manner, in good faith, and according to the ICMA Code of Ethics (although the Code of Ethics is not incorporated into this Agreement).

- D. *Right of Employer to Balance Its Needs With Employee's Professional Development.* Employer reserves the right to determine whether Employee is devoting the appropriate amount of time to professional development and may review and direct Employee to balance the amount of time deemed necessary for his professional development against the other needs of Employer.
- E. *County Residence Required.* Employee shall establish within 90 days after the date of this Agreement and thereafter maintain a permanent residence in Albemarle County. *Permanent residence* means Employee's purchase or lease of a residential dwelling unit and the occupancy of that dwelling no less than 75% of the time during an average work week while in the active employment of the County.
- F. *End of Employment by Termination or Resignation.* Employee's employment by Employer may end as follows:
1. *Right of Employer to Terminate.* The Employee acknowledges that, pursuant to Section 15.2-510 of the *Code of Virginia* (1950), as amended, he may be removed at the pleasure of Employer. The right of Employer to terminate includes the right to do so if Employee is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity, or health for a period of 12 successive weeks. Employer's action to terminate Employee shall be by the affirmative vote of a majority of those members of Employer present and voting in an open meeting.
 2. *Other Acts When Employee Deemed Terminated.* Employee is deemed terminated in the following circumstances:
 - a. *Employee's Resignation at Request of Employer.* If Employee resigns following a closed meeting of Employer at which a majority of the members present request in writing that he resign, then Employee shall be deemed terminated on the date of the Board's request for purposes of Section 8.
 - b. *Employer's Failure to Comply with Terms of Agreement; Deemed Terminated at Option of Employee.* If Employer fails to comply with any provision of this Agreement that benefits Employee, the matter is not resolved within 30 days after written notice from Employee requesting Employer to comply is received by Employer and the County Attorney, and after a closed meeting discussion between Employer and Employee the matter remains unresolved, then Employee may, at his option, be deemed terminated on the date of the closed meeting discussion for purposes of Section 8. This subsection does not apply if Employee expressly consents to Employer's noncompliance.
 - c. *Employer Reduces Compensation and Benefits; Deemed Terminated at Option of Employee.* If Employer reduces Employee's compensation or other financial benefits in a greater percentage than a corresponding reduction for all other management level employees of Employer, or for a reason not related to budget reductions caused by the adverse fiscal circumstances of the County, then Employee may, at his option, be deemed terminated on the effective date of the reduction for purposes of Section 8.
 3. *Right of Employee to Resign.* Employee may resign at any time, provided that he gives written notice to Employer at least 45 days prior to the effective date of the resignation, unless Employer and Employee agree to a different effective date.
 4. *Employee's Rights and Benefits if Employer Terminates Employee, Employee is Deemed Terminated, or Employee Resigns at the Request of Employer.* If Employer terminates Employee, Employee is deemed terminated, or Employee resigns at the request of Employer, Employee's rights to benefits and compensation shall be governed by Section 8.

- G. *End of Employment by Retirement.* Employee's employment by Employer may end by retirement as follows:
1. *Notice to Employer.* Employee must provide a minimum 120 days, with 180 days preferred, written notice to Employer before the effective date of Employee's retirement unless Employer and Employee agree to a different effective date.
 2. *Employee's Benefits Upon Retirement.* If Employee retires, Employee's rights to benefits shall be governed by Section 8.
 3. *Definitions.* The following definitions apply to this Agreement:
 - a. *Full-time* means employment where Employee is working the minimum required hours per week for a county executive, county administrator, or an equivalent position by the Employer or the locality for whom Employee is working.
 - b. *Retire* or any derivation thereof means that on and after November 1, 2025, Employee ceases to work for reasons other than those described in Sections 2(F) and 8(D), and thereafter does not work full-time for Albemarle County or for any other locality, regardless of its location.
- H. *Employee Pursuing Other Employment.* Employee may not interview for employment with another locality without the prior written permission of Employer.
- I. *Governing Law.* This Agreement and the employment of Employee shall be subject to all applicable provisions of the *Code of Virginia* (1950).

3. Powers and Duties of Employee

Employee shall exercise the following powers and perform the following duties:

- A. *Statutory Powers and Duties.* The statutory powers and duties set forth in Section 15.2-516 of the *Code of Virginia* (1950), as amended, and any other powers and duties set forth in any other sections of the *Code of Virginia* (1950), as amended.
- B. *Powers and Duties Imposed by Ordinance or Other Action of the Employer.* The powers and duties delegated or imposed: (i) by the Albemarle County Code; or (ii) a duly adopted motion, resolution, or uncodified ordinance of Employer.
- C. *Developing and Recommending Policies.* Developing and recommending personnel and other policies and revisions to the Board of Supervisors for its approval.

4. Compensation

Employer shall pay and contribute the following as compensation to Employee:

- A. *Salary.* Employer shall pay Employee, and Employee shall accept from Employer, an annual base salary of \$217,000, payable in installments as provided for County employees generally.
 1. *Increase Based on Market Adjustment for the Position.* If Employer determines that, following Employee's annual performance evaluation, Employee's performance is satisfactory, Employer may consider increasing Employee's annual base salary. Employee may submit to Employer before September 30 of each year a survey of the market for comparable positions and localities to assist Employer's decision to consider a market adjustment to Employee's annual base salary.

2. *Increase Based on Cost of Living Adjustment for All County Employees.* In addition or in the alternative to the increase provided in Section 4(A)(1), in the event that all full-time County staff receive a cost of living pay adjustment during the fiscal year, Employee shall receive the same cost of living adjustment, provided Employer determines that Employee's performance is satisfactory.
 - B. *Deferred Compensation.* Employer shall contribute annually an amount equal to 10% of the amount of the Employee's annual base salary in effect at that time, payable in installments as provided for County employees' salaries, to an eligible deferred compensation program selected by the Employee. This contribution may be applied to the County's deferred compensation program (Internal Revenue Code § 457) and as a voluntary contribution to the defined contribution component (Internal Revenue Code § 401(a)) of the Hybrid Retirement Plan under the Virginia Retirement System.
 - C. *Vehicle Allowance.* Employer agrees to provide Employee an annual motor vehicle allowance of \$6,300, payable in installments as provided for County employees' salaries, for a motor vehicle that shall be used by Employee for County-related business and may also be used by Employee for personal use.
 - D. *Life Insurance.* Employer agrees to provide an additional term life insurance policy for Employee that pays a benefit equal to one year of Employee's annual base salary, payable in installments as provided for County employees' salaries. The insurer shall be a life insurance company providing supplemental term life insurance policies to County employees through the Virginia Retirement System.
5. **Benefits**
- Employer shall provide the following benefits to Employee:
- A. *Virginia Retirement System.* Employee shall be enrolled in the Hybrid Retirement Plan under the Virginia Retirement System. The Employer will contribute the Employer's portion and the Employee will contribute the Employee's portion as provided under the Hybrid Retirement Plan.
 - B. *Leave.* Upon commencing employment:
 1. *Annual Leave.* Employee shall be credited with 20 hours of accrued annual leave and 20 hours of accrued sick leave. In addition, Employee shall accrue annual leave at the rate an employee with 25 years or more of consecutive employment with the County would accrue.
 2. *All Other Forms of Leave.* Employee shall be entitled to and accrue all other forms of leave at the rate provided to full-time permanent County employees under the County's Personnel Policy Manual.
 - C. *Long Term Disability.* Employee will receive long-term disability insurance provided by the Hybrid Retirement Plan under the Virginia Retirement System.
 - D. *Other Benefits.* Employer shall provide to Employee all other benefits that are provided to all full-time permanent County employees under the County's Personnel Policy Manual. These benefits include, but are not limited to, medical insurance and dental insurance for Employee and his eligible spouse, and the Voluntary Early Retirement Incentive Program (VERIP) when Employee meets VERIP eligibility requirements. This Agreement shall be subject to all applicable provisions of the *Code of Virginia* (1950), as amended, the Albemarle County Code, and any policies adopted from time to time by Employer, including the provisions of the County Personnel Policy Manual, relating to leave, retirement, and life insurance contributions, holidays, and other benefits not specifically addressed in and not inconsistent with this Agreement.

6. Dues, Memberships, Education, and Meetings

Employer shall budget and pay the following for Employee:

- A. *Dues and Subscriptions in Associations and Organizations.* Employer shall budget and pay for the professional dues and subscriptions of Employee necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth, and advancement, and for the good of Employer.
- B. *Travel Expenses.* Employer shall budget for and pay the travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official and other functions for Employer, including but not limited to the annual conference of national, regional, state and local government groups and committees thereof which Employee serves as a member.
- C. *Professional Development Expenses.* Employer shall budget and pay for the travel and subsistence expenses of Employee's degree courses, institutes, and seminars that are necessary for his professional development and for the good of Employer.

7. Performance Evaluations

Employer and Employee shall participate in performance evaluations as follows:

- A. *Annual Performance Evaluation.* Employer shall conduct an annual performance evaluation of Employee on or before October 31 of each year that this Agreement is in effect. The evaluation shall be in accordance with the specific criteria developed jointly by Employer and Employee. The criteria may be changed from time to time by Employer, in consultation with Employee. Employer shall provide Employee with a written summary of the Employer's evaluation of Employee's performance and provide Employee an adequate opportunity to discuss the evaluation.
- B. *Employee's Annual Goals and Objectives.* Employer shall annually establish goals and performance objectives which it determines necessary for the County's proper operation and Employee's attainment of his written policy objectives.
- C. *Interim Performance Evaluations.* Employer and Employee shall meet to discuss Employee's performance if either Employer or Employee requests to meet for that purpose.

8. Compensation and Benefits Upon Severance or Retirement

If Employer terminates Employee pursuant to Section 2(F)(1), Employee is deemed terminated pursuant to Section 2(F)(2) (collectively, "severance"), or retires pursuant to Section 2(G), the following apply:

- A. *Compensation.* If Employer terminates Employee pursuant to Section 2(F)(1), or Employee is deemed terminated pursuant to Section 2(F)(2), Employer shall pay for the continuation of all compensation provided in Sections 4(A) and (B) for the current month in which the severance occurs, and for 9 additional months, payable in installments as provided for County employees' salaries.
- B. *Health Insurance Benefits.* If Employer terminates Employee pursuant to Section 2(F)(1), Employee is deemed terminated pursuant to Section 2(F)(2), or Employee is retired as defined in Section 2(G), Employer shall pay for the continuation of all medical and dental benefits provided in Section 5(D), at Employer's expense, until which time Employee and his eligible spouse are eligible for Medicare, at which time the medical and dental insurance benefit provided in this subsection ends for that person.

- C. *Accrued Leave.* Employer shall compensate Employee for all annual leave and holiday leave earned up to the date of severance or retirement. For cash out purposes, Employee will not lose annual and holiday leave earned that is not used during Employee's last year of employment.
- D. *Exception for Termination for Cause or Voluntary Resignation.* If Employer terminates Employee for cause or if Employee voluntarily resigns, Employer shall have no obligation to compensate Employee under Sections 8(A), (B), and (C) and shall be obligated to compensate Employee for work performed and accrued unused annual leave, and provide other compensation and benefits only up to the date of termination or voluntary resignation as provided in the County's Personnel Policy Manual. If Employee was terminated because Employee is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity, or health for a period of 12 successive weeks as provided under Section 2(F)(1), Employer shall pay Employee for 25% of all unused accrued sick leave earned up to the date of termination. *Cause* exists for Employer to terminate Employee under this subsection if Employee is convicted of any illegal act involving personal gain to him or which causes damage to the reputation of the County or Employer, his conviction of a felony, an act of willful negligence, or his commission of any act which involves moral turpitude.

9. Moving and Relocation Expenses

Employer shall reimburse Employee for the following moving and relocation expenses:

- A. *Expenses for Travel for Meetings with County Officials Before Beginning Employment.* Employer shall reimburse Employee for the cost of hotels and meals, plus vehicle mileage, to travel from Shelby, North Carolina to Albemarle County prior to Employee's first day of work for Employer to meet with County officials. To obtain reimbursement for hotels and meals, Employee shall submit to Employer receipts for all hotel and meal expenses to be reimbursed. To obtain reimbursement for vehicle mileage, Employee shall submit odometer readings. Employer will reimburse Employee for vehicle mileage at the approved County rate in effect at the time of travel.
- B. *Moving Expenses.* Employer shall reimburse Employee for the cost of moving himself and his family from Shelby, North Carolina to Albemarle County. Eligible moving expenses are packing, moving, storing during the moving process, unpacking, and insuring Employee's family's personal belongings. To obtain reimbursement for moving expenses, Employee shall obtain cost quotations from 3 moving companies and submit these quotations to Employer. Employer's representative and Employee shall consult and select the moving company. The total reimbursement by Employer to Employee under this subsection shall not exceed \$10,000.
- C. *Interim Housing Supplement.* Employer shall pay Employee an interim housing supplement of \$1,500 per month, payable in monthly installments, for up to 9 months beginning November 2017 or the month in which Employee closes on the purchase of a residence, whichever occurs first. The total payment by Employer to Employee under this subsection shall not exceed \$13,500.

10. Other Terms and Conditions

The following terms and conditions apply:

- A. *Liability Insurance.* Employer shall provide full liability insurance, in an amount at least equal to that provided for the Albemarle County Board of Supervisors and its individual members, to cover Employee against any loss from tort, professional liability claim, demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as County Executive, unless the act or omission occurring in the performance of Employee's duties involved willful or wanton conduct.

- B. *Bonds.* Employer shall pay the full cost of any fidelity or other bonds required of Employee under any law, including any County ordinance.
- C. *Amendments.* Any amendment to this Agreement shall be mutually agreed upon, stated in writing, and executed by Employer and Employee.
- D. *Failure to Enforce Not a Waiver.* The failure of either Employer or Employee to enforce, or to delay in enforcing, any term or condition of this Agreement, shall not be deemed to be a waiver of that party's right to enforce the term or condition.
- E. *Severability.* The terms and conditions of this Agreement are severable. In the event any term or condition is held to be invalid by any competent court, this Agreement shall be interpreted as if the invalid term or condition was not part of the Agreement.
- F. *Notices.* Any notice required by this Agreement to be provided to Employer shall be in writing and delivered to the Clerk of the Board of Supervisors, County of Albemarle, 401 McIntire Road, Charlottesville, Virginia, 22902. Any notice required by this Agreement to be provided to Employee shall be in writing and delivered to Employee at his permanent residence.
- G. *Nonappropriation.* The financial obligations of Employer under this Agreement are subject to, and dependent upon, appropriations being made from time to time by Employer.
- H. *Entire Agreement.* This Agreement is the entire agreement between the parties and it supersedes the County Executive Employment Agreement dated September 8, 2017 and the First Amended County Executive Employment Agreement dated October 30, 2017. There are no inducements, promises, terms, conditions, or obligations made or entered into by either Employer or Employee other than those contained in this Agreement.

IN WITNESS THEREOF, the Albemarle County Board of Supervisors has caused this Agreement to be signed and executed on its behalf by its Chair and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.



ALBEMARLE COUNTY BOARD OF SUPERVISORS


Ned L. Gallaway, Chair
Albemarle County Board of Supervisors

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Charlottesville, to wit:

The foregoing Employment Agreement was acknowledged before me this 22 day of December, 2021, by Ned L. Gallaway, Chair.


Notary Public

My Commission expires: 4/30/2022

Registration No. 7790791


Jeffrey B. Richardson



COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Charlottesville, to wit:

The foregoing Employment Agreement was acknowledged before me this 22 day of December, 2021, by Jeffrey B. Richardson.


Notary Public

My Commission expires: 4/30/2022

Registration No. 7790791

Approved as to form only:


County Attorney

Item No. 8.6 CCP202100002 Southern Albemarle Convenience Center Compliance with the Comprehensive Finding by Planning Commission, **was received for information.**

The Executive Summary forwarded to the Board states that, as per Virginia Code Section 15.2-2232, public projects not specifically identified in a locality's Comprehensive Plan must be found in substantial accord with the locality's Comprehensive Plan. The Planning Commission is responsible for such reviews. The Commission's finding shall be provided to the Board of Supervisors for information; there is no further action required of the Board regarding this compliance review process.

The Planning Commission found this public facility in substantial accord with the Comprehensive Plan (see Attachment B).

This action is provided for information only. No further action is required of the Board.

Item No. 8.7. The Southwood Redevelopment Project, **this item was pulled for discussion.**

The Executive Summary forwarded to the Board states that in October 2016, Albemarle County and Habitat for Humanity of Greater Charlottesville entered into a public-private partnership for the redevelopment of the Southwood Mobile Home Village. Since that time, the County has invested \$5,025,000 in the redevelopment project, including \$1,050,000 in Community Development Block Grant

funds, \$675,000 from the Housing Fund, \$3,200,000 in county revenue and property tax rebates through the 2019 Performance Agreement, and an estimated \$100,000 of staff time.

Work on the project is progressing and staff has identified two additional project-related items in need of county support - the hiring of a full-time project manager dedicated to the Southwood project and matching funds for a Virginia Brownfields Remediation and Economic Revitalization (VBAF). Both items are outlined briefly below.

Project Manager for the Southwood Redevelopment Project - \$170,000 - Each of the funding streams above is obligated to its own scheduling, compliance, and regulatory requirements. It is vital that Habitat staff understands the nuances of the Performance Agreement as well as State and Federal grant requirements. The ability to navigate all of the compliance and reporting requirements of the funding streams will allow Habitat to succeed in reaching its milestones. Delays in reporting or inconsistencies reaching compliance measurements for both State and Federal grants could put the County at risk of not being able to apply for future grants. In addition to impacting future funding opportunities, this may also lead to delays in project deliverables.

Since committing to being a partner in this project, several different County employees have worked closely with the Habitat community. These employees have been spread out among different County departments such as the Performance & Strategic Planning (P&SP), Finance, Housing and Community Development.

While achieving great progress as partners, having multiple staff involved in the project has made it difficult to achieve a cohesive understanding of the project as a whole. The addition of one Housing Projects Manager dedicated to the Southwood project would provide the County and Habitat with a dedicated point of contact and key facilitator for the many departments, outside agencies, and Habitat process owners to ensure successful collaboration, planning, scheduling, and coordinating of all work related to the redevelopment of Southwood. The Project Manager for the Southwood Redevelopment Project will be a 2-year, temporary position in the Office of Housing.

Matching Fund for the Virginia Brownfields Remediation and Economic Revitalization (VBAF) Grant \$500,000 - In August 2021, Habitat identified a total of 75 additional heating oil Underground Storage Tanks in the existing mobile home park that must be removed before Phase II work can begin. In September 2021, Habitat identified the Virginia Brownfields Remediation and Economic Revitalization (VBAF) grant program as a potential resource to help cover the cost of the Underground Storage Tank removal and soil remediation, and requested the County submit the grant application on their behalf. The VBAF program provides up to \$500,000 for site remediation and requires a 100% local match. After discussions with Habitat, staff agreed to submit the VBAF application with the condition Habitat agree to provide the matching funds if and until such time an alternative source of funds could be identified.

After a review of potential revenue sources to support both the hiring of a Project Manager and the VBAF grant match, staff have identified the County's Housing Fund as an appropriate source for those funds and will return to the Board during future meetings with the full funding requests.

The Housing Fund has \$1,939,575 in a Housing Fund Reserve intended to support housing initiatives that are one-time costs and will support the County's strategic and housing goals. Staff believes each of the items discuss above meet the intended uses of the Housing Fund Reserve. Should the Board choose the approve both items at a future date, the Housing Reserve Fund balance will decrease by \$670,000 for a balance of \$1,269,575.

This is an informational item only. No action is needed at this time.

Item 8.8 VDOT Monthly Report (December) 2021, **was received for information.**

Item 8.9 Boards and Commissions Annual Reports: Monticello Area Community Action Agency (MACAA), **was received for information.**

Ms. Price asked Ms. Palmer to discuss item 8.7. The Southwood Redevelopment Project.

Ms. Palmer said the reason she asked for this to be pulled was because she first thought it was important to draw the public's attention to it because people often missed what was on the consent agenda, and of course, affordable housing had been such an important issue. She said it was not in any way to diminish the importance of the Southwood project, but these were process questions. She said for the public's information, the consent agenda went over what they had given to Southwood, and the memo within the consent agenda said that they had invested a little over \$5 million to the redevelopment project so far, and they had a performance agreement and they estimated about \$100,000 of staff time being put towards it. She said it went over a little more detail, and then mentioned hiring a project manager for the redevelopment project at 170,000, and also talked about a matching grant from the Virginia Brownfields Remediation and Economic Revitalization Program for \$500,000. She said it went on to say they could take that out of the housing fund reserve intended to support housing initiatives. She stated that to follow up, the grant did not go through, so the \$500,000 was moot at this point.

Ms. Palmer said she wanted to bring this up for a couple reasons. She said they had talked about

the housing policy having a process to allocate funds to housing projects. She asked if these kinds of things for Southwood be evaluated in the context of the budget next winter, or if staff was considering weighing those against other opportunities for affordable housing. She said that was her biggest concern, and under what circumstances was this whole discussion going to take place, whether it would be in the context of other affordable housing initiatives, weighed against a land trust, or if they wanted to make this decision in the budget period.

Ms. Palmer said another thing that needed a thorough explanation for the public was what the project manager would actually do. She asked if it would be a grants manager, or more for planning. She said they had a planner who was dedicated to Southwood and did a great job and had been hired by the law firm that Habitat was using to work through this process, so they were very well equipped now with a project manager that understands the County's process. She said those were the things she wanted to bring out with questions for the public, so they were aware this was going on, and to inform people under which circumstance these discussions were going to take place, like with budget or other affordable housing initiatives.

Dr. Stacy Pethia said they were planning to come back in January with projects that could all be discussed at the same time and could be weighed against each other. She said she was working on a way to evaluate those and was putting the final pieces together on that. She said in terms of what the projects manager would do, that person would be dedicated to Southwood with the CDBG grant, which was a complicated process, and needed a dedicated person who would be able to work with the Department of Housing and Community Development to ensure they were on track to meet the CDBG grant goals and objectives, coordinate communication between all project partners within and outside of the County. She said it would be someone dedicated to keeping that project on track, identifying potential issues before they arise and become emergencies, and had the time and the focus to do that.

Assistant County Executive Doug Walker said for the public that CDBG stood for "Community Development Block Grant." He said it was state and federal money that had to come to the local government, so the requirements for compliance tied to the local government. He said it was not a grant to Habitat for Southwood, but it was a grant to the County, and this was true of all Community Development Block Grant funding. He said in the past, their previous director was quite an expert on CDBG, and his focus on that work required an enormous amount of time, and then he was not available to do the policy work that they were now enjoying from Dr. Pethia and her focus. He said the need to be able to use their housing office talent to be able to do the work that was important required them to have a dedicated resource that had expertise in compliance and administration of the Community Development Block Grant, which was separate from the work that the planners were doing on the CDBG side. He said he believed the \$170,000 was a two-year estimate for the cost of that knowledgeable resource to be able to make sure they were compliant with all of the grant rules, which were significant.

Dr. Pethia said that was correct. She said the CDBG grant was active for two years in that construction phase, so that would cover that period of compliance tracking.

Mr. Walker said there would be other opportunities to apply for that CDBG funding, this person's expertise would be able to provide what would be necessary to satisfy those requirements as well.

Ms. Palmer asked if because the County got a number of these grants periodically, this person would also be handling those grants, or if they would just be associated with the Southwood-associated grants.

Dr. Pethia said at the moment they would be focused on the Southwood grant. She said they did not have any additional CDBG grants lined up at the moment. She said the County had a limit on the amount of CDBG funding they could have at any one time.

Ms. Price said she wanted to repeat she had been interested in pulling this from the consent agenda. She said she believed the County was very supportive of the Southwood redevelopment project, but there had been a few items that had come up that necessitated a very thorough review of expectations, so they handle any anticipated additional expenses. She said she knew everyone with County staff would be working on that.

Agenda Item No. 9. **Action Item** – SE202100038 Union Run Wireless Facility Special Exceptions.

The Executive Summary forwarded to the Board states that two special exception requests have been submitted by Crown Castle on behalf of AT&T, along with an associated building permit application, to replace an existing 50-foot monopole with a proposed 70-foot monopole:

Request to reduce the setback for the proposed monopole by modifying County Code § 18-5.1.40(b)(15).

Request to add a non-flush-mounted antenna array to the proposed replacement 70-foot-tall treetop monopole by modifying County Code § 18-5.1.40(b)(2)(c). The proposed antenna would project no more than five feet, eight inches from the facility. Staff analysis of the requests is provided as Attachment A.

Staff recommends:

- (A) Approval of the special exception request to reduce the required setbacks and fall zone for the replacement monopole, under the following conditions.
 - 1. The height of the monopole must not exceed the lesser of (a) 70 feet or (b) 10 feet taller than the tallest tree within 25 feet of the monopole.
 - 2. The monopole must be located in accord with the plans titled "Crown Castle Site Name: Union Run," prepared by Christopher D. Morin, last revised October 19, 2021.
- (B) Denial of the request to allow the five-foot, eight-inch antenna projection.

Ms. Rebecca Ragsdale introduced herself as Planning Manager in the Community Development Department. She said she would be joined by Bill Fritz, Development Process Manager, and the manager of the wireless facilities update they recently heard about. She said this was a request for two special exceptions that were associated with an existing wireless facility, referred to as Union Run.

Ms. Ragsdale said there were two requests associated with it. She said the first request was to reduce the setback for the tower. She said for a 70-foot tower, the setback would be 70 feet, and they were seeking a reduction. She said the second request was an increase in the antenna projection from the flush-mounted standard, which was 18 inches, to no more than 5 feet and 8 inches.

Ms. Ragsdale said the site was located along some roadways at Shadwell. She said it was in the corner of a property that was accessible off of Richmond Road. She said it was adjacent to I-64 and could be seen with a blue asterisk on the screen. She said it is part of the larger Edge Hill property but that it was separated by I-64. She noted to the east was a property off of Louisa Road that was developed as a church. She said the Luck Stone quarry was across the road, and the Shadwell Market and other commercial uses across Richmond Road.

Ms. Ragsdale said the image shown on the slide was a request for an existing facility. She said there was an existing 50-foot tower that was about 10 feet below the tree line, and one of the requests under their ordinance was to replace the wooden monopole with a metal one and increase the height of the tower relative to tree growth, which would take the tower up to 70 feet. She said the two special exception requests before them were related to the increase in the antenna projection and the setback reduction.

Ms. Ragsdale said another piece of information they included in the staff report was in terms of this site's location, the entrance corridors were noted with red stars. She said the purple line in Louisa Road, Richmond Road, and North Milton Road indicated the national scenic byway, and nearby was the Southwest Mountains rural historic district.

Ms. Ragsdale said the first special exception in the staff report that staff supported was the setback and fall zone easement. She said when this tower was approved, it was approved as a special use permit prior to the provisions they had now in section 5140, variance was approved to allow a 50-foot tower. She said their request now was for a 70-foot tower, and on the right of the screen it could be seen the distances to their property in red, and a dashed line showing where the 70-foot falls on the adjacent property. She said in this case, the adjacent property was subject to a special use permit and was developed as a church, which required a 20-foot buffer along that shared property line. She said there was nothing on the church property line that would be impacted within the 70-foot buffer. She said in addition, they provided an engineer's report that the actual design of the tower would be such that if there was some failure of some sort, the fall zone would be about 16.2 feet, which was well within the Edge Hill property, so for that reason staff supported that request.

Ms. Ragsdale said that the increased antenna projection had generated a number of emails, and their recommendation around that was still being responded to by the applicant. She said their request was up to 5 feet, 8 inches, which an increase of their flush mounted standard of 18 inches. She said it was a tier two tower, which was a tree-top tower, and flush mounting was a very important concealment element. She said in the staff report, it was mentioned that they were looking for some more technical explanations, and staff had processed several FirstNet requests for antenna projection, but this was the first where visibility had become an issue. She said they had reviewed this request under the wireless policy, which pointed them to visual impacts, so based on that policy, they felt the increase at this site would cause additional visual impacts if it was not flush mounted.

Ms. Ragsdale said as far as the request for additional information related to FirstNet, the applicant had not provided information that indicated there were any other alternatives available to them in terms of the two sets of antennae and in terms of how they must be mounted. She said Mr. Fritz was the expert if they needed to delve deeper into technical issues. She said that they brought this issue up with the applicant right away, but they did not want to defer their hearing before the Board, so that was where they left it at the time of writing the report, and the reason behind staff's recommendation. She said she would show examples of Tier II sites and go into the visibility analysis in more detail later. She said the last information they received from the applicant about the three feet was from this morning.

Ms. Ragsdale said the photograph on the left showed the existing facility. She said the total height was not limited by the ordinance, but the key was the height relative to the surrounding trees. She said some of the other examples were taller towers, but they had taller trees around them and different site contexts. She said in this case, like those other sites, the tower was currently below the tree line. She said across the road from it was another tier two tower with a flush-mounted antenna. She said Tier II in the ordinance allowed it to be up to ten feet above the tallest tree within 25 feet, so that was how they would be able to achieve that 75-foot height under the ordinance and each was analyzed on a case-by-

case basis.

Ms. Ragsdale said that they had some recommendations for the Board. She said if they chose to approve the setback reduction, they had some recommendations related to the tower height and location on the property. She said they explained their concerns in regard to the antenna projection request and recommended that be denied. She continued that if the Board wished to approve it, they recommended a condition of approval in terms of a maximum projection.

Ms. LaPisto-Kirtley asked to see slide number 9 again. She said she did not have any questions but was thankful for the photographs shown. She said she was not in favor of the extension to 5 feet 8 inches. She said it was a rural area and it would be very visible so high in the air. She said she went by that area a lot and never even noticed it. She said she was not in favor of it being widened at the top. She said she was not entirely sure about going up to 70 feet. She asked if that was allowed under the ordinance and had nothing to do with the special exception.

Ms. Ragsdale said the request to go up to 70 feet was an administrative provision.

Ms. Palmer said she was a bit confused. She said there were other FirstNet antennas around the County. She asked if the others were of the 5-foot, 8-inch measure as well.

Ms. Ragsdale said she was most familiar with the ones they had reviewed through the special exception process, which had been up to 3 feet and a few up to 5 feet. She said they had different tiers and facilities, so there were some facilities out there that were approved to have antenna that could project further, but she did not know specific numbers. She said in the past couple of years, there were four or so that had that increased projection.

Ms. Palmer asked if she was referring to an increase of 3-feet or 5-feet projection.

Ms. Ragsdale said that they had approved some that were 3 feet and maybe one other example that was 5 feet. She said they were reviewing them as a wireless facility, so they were not emphasized in their reviews if FirstNet was a factor.

Ms. Palmer said she wanted to know if there was a reason why the antenna had to be 5-feet 8-inches. She asked if they needed that to function properly.

Ms. Ragsdale said they had explained there was a dedicated spectrum 14. She said there was two different kinds of technology on the towers, some related to FirstNet, and the other commercial wireless antenna. She said in order for them to function, they need the 3-foot separation. She said she would refer to the slide that had the most recent explanation from them as to why they needed the antennae to be separated but had not been able to discuss with them if there were other alternatives for the sites that were more visible. She said there were a range of options in terms of Tiers. She continued that in order for them to get the increase of 70 feet to be approved administratively, it required that setback reduction because of the fall zone.

Ms. Palmer said she just wanted to know what their need was from a technical standpoint.

Mr. Fritz said that based on the information from the applicant, he had no reason to dispute that the two bands they were using, the FirstNet band and the commercial band, needed to have this separation. He said that separation could be achieved a variety of ways, such as the way the applicant was proposing for this tower, where they would be separated in the same plane horizontally, or they could be separated vertically, by mounting some antennas higher and some lower, and the other way of maintaining that separation would be to put the commercial part of the system on one tower, and the FirstNet part of the system on another tower. He said that since the County's policy was geared towards visibility, the towers could only accommodate a single user, and to accommodate two users on this one tower, the applicant was proposing to have them stand off.

Ms. Palmer said that answered her question. She said this was an entrance corridor, and they were reviewing their policy sometime in the future.

Mr. Fritz said they were already coordinating with the finance on the RFP to get that out there.

Ms. Palmer said she hoped they would have come back with some discussion about alternatives, so that might help with their analysis thus far.

Ms. McKeel asked what the ramifications would be if the application were denied, and the policies were soon to be updated.

Mr. Fritz said that staff wanted to gain guidance from the Board whenever they had these special exceptions so they would know how to process the next special exception that came along. He said if they denied it today, they would make the presumption that the policy that was in place right now continued, and they kept moving forward with that policy. He said if they approved it today, depending on the words the Board said today, such as if they said the FirstNet component was very important to the Board, they were going to hear that if it was for public safety, it could allow for special exceptions to be approved more frequently. He said that was an example of what they might do if they chose to approve it. He said if they chose to deny it, what would be heard was to keep processing the policy they had until they had a new policy.

Ms. McKeel said if they denied this, they could end up in a situation where all of their policies going forward would be denied, and staff would assume the Board was not looking at safety for cellular use as well as tele-med. She said she was now very concerned about setting precedent with a denial.

Mr. Fritz said they would only be precedent while the current policy was in place to keep maintaining that policy. He said they would not hear them say that they did not want the policy changed. He said until such time as the policy was changed, they would continue to process these applications with only an analysis of the visibility, not with the consideration of FirstNet or something else. He said that did not mean when they were developing a new policy that they may not say FirstNet emergency communications telemedicine should receive an extra consideration when a special exception comes on.

Ms. McKeel said that gave more clarity. She asked where that left an applicant like this one. She asked if they were hoping for two years return on the policy.

Mr. Fritz said they were hoping to get the policy back before them next year in the summer.

Ms. McKeel said that was about a year. She asked if an applicant could then come back to them, or if they were stuck.

Mr. Fritz said that while the ordinance had a provision that said substantially that a request could not come back within a year of being denied, it was in his opinion, and he would have to check with other people, that they could consider changing the regulations, and that was not substantially the same request they were coming back for. He said they may change the regulations, and they may still need a special exception, but the special exception criteria may include that if it was for FirstNet, it should be approved, and they would be in a situation of potentially recommending approval in six months to a year. He said they could theoretically deny it today, and not say that it was denied and would never be looked at again but would say it was denied under the rules that were in effect in December 2021, and they were now in August 2022, and there were new regulations, so it should be approved, even if it looked exactly the same.

Ms. McKeel said it cost money.

Mr. Fritz said yes, it cost time and money to the applicant.

Ms. McKeel said that was very helpful. She said this was really about visibility.

Mr. Fritz said the focus that Ms. Ragsdale had put in this review and using the existing policy and existing ordinances, and evaluating a special exception, does granting this special exception result in the same or better conditions as would occur by complying with the ordinance.

Ms. McKeel said they supported a cell tower on Albemarle High School's property, and the last time she talked to the School Board, it was not serving its purpose because it was not allowed to be tall enough, and there were some antenna problems. She said they needed to be careful to approve them at a point at which they were useful. She said that was more of a general comment.

Ms. Mallek asked if this was a public hearing where they would receive a full presentation from the applicant.

Ms. Price said no it was not. She explained it was an action item.

Ms. Mallek said as a general rule, their policy, whether in zoning or anything, was to use the ordinance they had adopted until it was changed, because it was risky to make decisions because they don't like the policy as opposed to upholding the law as it was written. She said the 5 feet 8 inches mentioned is only on one side, and the diameter was almost 11 feet. She said when they saw those pictures of the flush mounted ones, those were 18 inches, or 3 feet, so it was a huge increase they were proposing to put in the entrance corridor above the tree line. She said it appeared they were trying to shove this through without answering questions or providing alternatives that others had used.

Ms. Mallek said the second thing that troubled her was that they were using FirstNet as the excuse, because the County needs it, of course, but instead of sticking with the FirstNet tower, they also would double the use, and therefore needed to break the rules and create something over 11, or maybe 12, feet wide. She said she was very happy with the staff recommendation and thought it upheld their ordinance that was currently under review, which was fine, but did have good reasons for what the staff recommendation showed. She said she did not want them to be vulnerable to companies who decide they were going to do something in order to not follow the rules.

Ms. LaPisto-Kirtley asked if FirstNet was with regards to emergencies.

Mr. Fritz said yes, the band also works commercially, but was created for emergency providers.

Ms. LaPisto-Kirtley asked if they wanted to add on a commercial aspect.

Mr. Fritz said his understanding was that, in the letter they sent which Ms. Ragsdale had on the screen, they talked about the band-14, and the LTE, do not work well in proximity to one another. He said the LTE was a commercial side that AT&T was offering, and both services were on one tower.

Ms. LaPisto-Kirtley asked if commercial meant regular cell service out to everyone.

Mr. Fritz said that it was the non-FirstNet side.

Ms. LaPisto-Kirtley asked they could have established both if they followed the ordinance and had two separate towers.

Mr. Fritz said they had provided no evidence that that could not happen.

Ms. LaPisto-Kirtley asked if they had taken the time to work with Mr. Fritz to see what else could be developed.

Mr. Fritz said any specific questions about how the applicant and County worked together would best be directed to Ms. Ragsdale, who had had the only direct contact with them.

Ms. LaPisto-Kirtley said she did believe that was what she had said. She said she was concerned, and Supervisor Mallek brought it up as well, about using FirstNet to increase commercial viability. She said she was afraid that might be a way for them to get their foot in the door to do this in other locations. She said she did not have a problem with FirstNet, and even the height was not a problem if it was to assist first responders. She said she understood it was economical to combine the antennae on one pole, but it was an entrance corridor and went against their current ordinance. She said it was important to have cell service, but it was also important to not have these large towers that destroy the beauty of the landscape.

Ms. McKeel apologized for thinking she would have a chance to ask the applicant some questions. She asked for more clarity about what commercial meant as opposed to safety.

Mr. Fritz said that AT&T was awarded the contract to provide the FirstNet service, which was a separate piece of the radio spectrum, which was what they referred to as band-14. He said AT&T also operated a piece of the radio spectrum that they provided that service on, and that tower had been doing that for quite some time, and now they wanted to use it for both FirstNet and the LTE network. He said that when FirstNet was originally talked about, some people said it was a cell service provider for emergency services, so it was almost like another cell phone company. He said there were many situations where a tower was approved only for a single user, because their encouragement of treetop towers did not facilitate two providers sharing one tower. He said based on what they were doing here, based on what he had reviewed, by increasing the standoff, they were able to have two providers, FirstNet, and AT&T. He said even though AT&T is the FirstNet provider, FirstNet was its own standalone system.

Ms. McKeel said the other supervisors seem to think that what the applicant was asking would not enhance the safety part of this and would only allow commercial, which was being interpreted as being able to make more money.

Mr. Fritz said they were providing both services on this one tower. He said he had no reason to believe that they could not do flush mount and provide FirstNet from this tower, and he had no reason to doubt that they could not use a flush mount to provide both FirstNet and LTE. He said there was no evidence that they could not comply, and they could do either the LTE or the FirstNet on this new modified tower. He said that likewise, he did not have any evidence that indicated they would not be able to build another tower on this site or elsewhere in the area and provide coverage by having two sites. He said as Ms. Ragsdale noted, this site was difficult to see, which was the goal of the ordinance, and having two sites that cannot be seen was preferred over one site that could be seen. He said they had to assume that using two towers was a possibility.

Ms. McKeel said that Ms. LaPisto-Kirtley said she was concerned that the applicant had not given more information or discussed it with them.

Mr. Fritz said Ms. Ragsdale should answer those questions.

Ms. Ragsdale said there had been a couple requests for more information from the applicant, and their willingness to talk about the options, as had been pointed out during this meeting, the information they provided was that it was a critical site to serve I-64 and to serve FirstNet, but it was also serving commercial carriers. She said as far as the process, she mentioned it was 90 days for review and then working backward from their Board agendas. She said they provided the information they had to date, and if they had particular questions for the applicant, with this being a special exception, the options for action were approval, denial, or possibly deferral, unlike some of the other special exceptions, they had the shot clock, which was the federally mandated time frame for reviews, which was 90 days. She said the applicant indicated they would like action but also had the question about being brought into the meeting, which they had not set up as action items.

Ms. McKeel said that was her mistake.

Ms. Ragsdale said she should have said so in the beginning.

Ms. McKeel asked if telemedicine was considered commercial.

Ms. Ragsdale asked if there was a certain equipment on the towers or something.

Mr. Fritz said there was not a specific type of bandwidth or frequency for telemedicine. He said there were medical technologies, and they were using the commercial spectrum with different providers, such as security systems.

Ms. McKeel said she thought that was the case and it was something to consider. She said she wanted to confirm that Ms. Ragsdale had no property owners concerned about this.

Ms. Ragsdale said they sent mail notification of the request and the meeting, and because of the size of the Edge Hill property, and because the Edge Hill owners own so much of the surrounding property, they did a substantial mailing, and they did not hear from anyone.

Ms. Mallek asked if there was a count of how much of the 90-day shot clock had been used up trying to chase applicants for information.

Ms. Ragsdale said it was technically deemed complete to process in October, which started the 90-day shot clock. She said it came in at the end of August, but she deemed it incomplete and asked for more information. She said it was primarily just clarifying what their requests were and including in the plans the antenna projection or making sure the narrative addressed the two special exceptions they were asking for. She said they were technically complete, but in the limited time they had for special exceptions, it identified some more questions, and they had asked the applicant if, based on their recommendation, they would like more time. She said the deferral was up to them, and the County Attorney's office was making sure they were compliant with the shot clock and where they were on that. She said the applicant had also been in touch with staff leading up to this meeting.

Ms. Mallek asked if in their boilerplate conditions, in a situation like this, where if it were approved to be so much closer to, and overhanging the lot line so far, was there something in there where the tower owners were responsible if there was mess that fell in the neighbor's property that they would have to come clean it up.

Ms. Ragsdale said that was the purpose of the easement, and they had not obtained an easement from the abutting property owner. She said she did not believe there was anything in their ordinance that would address that. She said they did not put forth a condition of approval that addressed that.

Mr. Kamptner said that would be something between the easement holder and the landowner.

Ms. Mallek asked if any approval that was given would be contingent upon them getting the easement from the church. She said that would not be their job.

Ms. Price said she was very supportive of getting FirstNet expanded as far as possible into the County. She said that having said that, what really struck her was the bolded language in the Board materials under special exception number 2; detailed technical explanations have not been provided by the applicant to justify the standoff distance and why alternatives were not available. She said it appeared that over the last day or so, they had received the technical explanation as to why they cannot put the two different bands flush mounted on the pole, but if she understood Mr. Fritz's comments, they could be set vertically so they were an appropriate distance. She said whether that met their needs based on the height of the pole would be a different issue. She said it also appeared that two separate poles would clearly cover the situation. She said she had a procedural question, which was when County staff identified that the technical explanation had not been provided, did County staff go to the applicant to request that information, and if so, when was that done?

Ms. Ragsdale said it was towards the end of their review process. She said they needed time to do their review and come to these conclusions, and working backwards from the Board agenda deadlines, the legal deadline, it was a week or two before that that she let them know what staff's recommendation was, and that was when we had a discussion about additional information. She said there were items that were emailed to her after the staff report was already in process, and she offered to update the packet, so that resulted in an update to their application request. She said after that, they directly emailed another attachment that did not make it into the packet, and there were a couple more direct emails to the Board. She said what she was getting was very general in terms of what FirstNet was and its importance, but they had not had the discussion about the alternatives and working to define alternatives that would meet the ordinance policy and FirstNet. She said that was where it was left in terms of them wanting to move forward on an action on the request.

Ms. Price said she understood that until the review, they did not know what they did not have. She said if she understood correctly, if the Board approved Attachment F, which changed setbacks, it would allow the County staff to administratively approve both the request to change from wood to metal, and the increased height, because now the setback had been approved.

Ms. Ragsdale said that was correct.

Ms. Price said Attachment G would apply to expanding the diameter of the antennae. She said she would add that there did not seem to be sufficient explanation for alternatives, while she did understand the explanation for why they could not do the different systems flush mounted.

Ms. Price **moved** to adopt the attached Resolution (Attachment F) to approve the Special Exception, with the conditions contained therein. Ms. McKeel **seconded** the motion.

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

AYES: Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price.

NAYS: None.

ABSENT: Mr. Gallaway.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR
SP202100038 UNION RUN WIRELESS FACILITY - SETBACKS**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2021-00038 Union Run Wireless Facility application and the attachments thereto, including staff's supporting analysis, any comments received, all of the factors relevant to the special exception in County Code §§ 185.1.40(b)(15) and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby finds that the proposed special exception to reduce the required setbacks would not create a detriment to any abutting lot.

Ms. Price **moved** to adopt of the attached Resolution (Attachment G) to deny the Special Exception, with the conditions contained therein. Ms. LaPisto-Kirtley **seconded** the motion.

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

AYES: Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price.

NAYS: None.

ABSENT: Mr. Gallaway.

**RESOLUTION TO DENY REQUESTED SPECIAL EXCEPTION FOR
SE202100038 UNION RUN WIRELESS FACILITY – ANTENNA PROJECTION**

BE IT RESOLVED, that upon consideration of the Memorandum prepared in conjunction with the SE 2021-00038 Union Run Wireless Facility application and the attachments thereto, including staff's supporting analysis, any comments received, all of the factors relevant to the special exception in County Code §§ 18-5.1.40(b)(2)(c) and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby denies the special exception request to modify County Code § 18-5.1.40(b)(2)(c) to allow the proposed antenna array to project five feet, eight inches from the facility.

Agenda Item No. 10. **Presentation** – FY 21 Comprehensive Annual Financial Report.

The Executive Summary as forwarded to the Board states that each year, the Board of Supervisors is presented an audited Comprehensive Financial Report for the Board's review and acceptance, in accordance with Virginia Code §15.2-2511.

At the December 15 meeting, the Board will be presented with the recently completed FY 21 Comprehensive Annual Financial Report. As in previous years, the Comprehensive Annual Financial Report contains a detailed accounting of the County's financial operations for the 2020-2021 Fiscal Year.

Highlights of the Comprehensive Annual Financial Report include:

The Transmittal Letter to the Board of Supervisors and the Albemarle County Community that provides a summary of the County's geographic, demographic, economic, and financial features.

The Independent Auditor's Report that notes how the financial statements "present fairly, in all material respects, the respective financial position" of the County as of June 30, 2021.

The Management's Discussion and Analysis that provides a summary of the County's financial activity for the fiscal year, including tables and graphs.

A determination as to the County's FY 21 financial position's compliance with the Board's fund balance and debt policies.

Detailed information about the County's financial activity for the fiscal year, including statistical tables that provide historical economic and demographic information, as well as the auditor's Compliance Report.

The Comprehensive Annual Financial Report was presented to the Board's Audit Committee at its meeting on November 19, 2021 by Robinson, Farmer, Cox Associates, the County's external auditing firm.

There is no budget impact related to the presentation and acceptance of the FY 21 Comprehensive Annual Financial Report.

Staff recommends that the Board accept the FY 21 Comprehensive Annual Financial Report.

Ms. Nelsie Birch, Chief Financial Officer, said the next three presentations were financial topics. She said the first presentation was about the Comprehensive Annual Financial Report, and the Board would have the chance to hear from Mr. David Foley, a third-party auditor hired by the County. She said the second presentation was about the Annual Reassessment of Real-Estate Property, an indicator of the local economy. She said that the third presentation discussed the Five-Year Financial Plan.

Ms. Birch said that the audit was the second to be conducted during her tenure as Chief Financial Officer. She reported that the audit was clean, and the County continued to refine its audit processes. She said that there were challenge areas identified the year before, such as reporting on fixed assets and the County's grants process. She said that there were grant reporting needs that were not met, and the County did not have a dedicated grant reporting accountant, nor did it have the structure in the Office of Management and Budget to oversee the complete grant process. She mentioned that there were two large stimulus grants from the federal government, CAREs and ARPA, that the County was also unprepared to manage. She said that in response, the County restructured 3 already existing positions to each of the problem areas, and the County was able to report much easier through the audit process.

Ms. Birch said that the accounting team was fully staffed for the first time since her time working for the County. She introduced Shenandra Usher, the Assistant Chief Financial Officer for Operations. She said Ms. Usher hired Dennis Click as controller after the retirement of Cecilia Baber in that position. She said Mr. Click had experience working with other localities in Virginia.

Mr. David Foley said he would present the results of the FY21 Audit. He said that the audit and audit report had been reviewed with the Audit Committee in November. He said that there were 3 pieces to the County's audit. He said the first piece was an audit of the financial statements to make sure the statements followed generally accepted accounting principles. He said the second piece was an audit of the internal controls over financial reporting to ensure they operated as designed. He said the third part was the Federal Compliance Audit. He said the federal grant programs had compliance requirements, so the audit ensured the County was in compliance with the requirements.

Mr. Foley said that there were 3 different reports included in the annual report. He said the first report was the Independent Auditors' Report. He explained that the report discussed the scope, the management's responsibility for the preparation and fair presentation of financial statements, and the auditor's responsibilities. He said the report also included the auditor's opinion of the County's financial statements. He said that an unmodified opinion had been issued and explained that an unmodified opinion meant that the financial statements had been prepared in accordance with generally accepted accounting principles.

Mr. Foley said that the second report was on the County's Internal Controls over Financial Reporting. He said the report was clean and did not reveal any material weaknesses or significant deficiencies in the controls over financial reporting, and that the County had strong internal controls.

Mr. Foley said that the third report was on the County's Compliance for Major Federal Grant Programs. He said that the report was clean, and no significant deficiencies or weaknesses were noted. He said there were no other items of non-compliance noted as part of the audit. He said all three reports were clean for the County. He commended the County staff for their hard work in getting ready for the audit and noted that it was a significant undertaking.

Ms. Birch said she was open to questions from the Board.

Ms. LaPisto-Kirtley did not have any comments.

Ms. Palmer did not have any comments.

Ms. McKeel noted that the report said Albemarle County public schools had grown by 5.72% over the last decade, and that the report discussed the unemployment rate. She asked if the report included how much Albemarle County had grown over the same period of time.

Ms. Birch asked if Ms. McKeel referred to budget growth or population growth.

Ms. McKeel said she wanted to know both.

Ms. Birch said she did not know if those figures were included in the report, but the figures were produced for the budget process.

Ms. McKeel said that the school numbers related to enrollment growth. She wanted to compare the school growth to the whole County growth.

Mr. Foley said that the specific percentage may not be in the report, but the report included statistical tables and 10-year trends and a table showing population trends at the back.

Ms. Birch said that the narrative of the report did not connect to the statistics in the back of the report, so that would be taken into consideration during the drafting of the next audit report.

Ms. Price said that to her knowledge, the population of the County grew by 10,000 to 12,000 people, or 10%, over the last decade.

Ms. Mallek said the first budget process she participated in, in 2008, was less than \$200 million.

Ms. Price said that the audit was important for the community to see. She said there needed to be a culture of efficiency and public service and responsibility.

Agenda Item No. 11. **Presentation** – 2022 Reassessment Results.

The Executive Summary forwarded to the Board states that Albemarle County Code §15-700 requires all real estate in the County to be assessed annually as of January 1st each year and requires the County Assessor's Office to conduct a new reassessment. The Constitution of Virginia, Article X, Taxation and Finance, Section 2, Assessments, dictates that "all assessments of real estate and tangible personal property shall be at their fair market value, to be ascertained as prescribed by law." Virginia Code §58.1-3201 requires all real estate assessments to be made at 100% of fair market value.

The Real Estate Assessor's Office has completed the annual reassessment process for CY 22 and notices are scheduled to be mailed to property owners on or before January 14, 2022. Information traditionally provided by the County Assessor's Office includes the average overall change in assessed value and the average change for different property classes. Additional detail is provided regarding single family residential properties, which make up the vast majority of properties in the County.

Property owners who wish to request a review of their annual reassessment by the County Assessor must do so by February 28, 2022; this level of appeal is referred to as an Assessor's Review and is allowed by County Code §15-702. Appeals may also be made to the Board of Equalization if filed by March 30, 2022, or 30 days after the County Assessor has rendered his decision on a previously requested Assessor's Review, whichever is later.

Preparation of mass appraisals that result in fair and equitable assessments requires the work of competent, well-trained personnel in the Real Estate Office in its application of assessment principles and best practices, adherence to Virginia Code and Albemarle County Code, and compliance with regulations promulgated by the Virginia Department of Taxation and guidelines established by the International Association of Assessing Officers (IAAO). The focus of the Assessor's office in preparation for the 2022 reassessment was to continue the review of as many properties as possible, updating property descriptions as needed, to create more accurate assessed values. The more accurate the property data in the Assessor's records, the better the valuation model and assessment results, which reduces the chance that a change will need to be made on review. The ultimate goal is to fairly spread the tax burden across the population of the County.

The County Assessor will present the reassessment process and outcome for CY 22 as part of this agenda item. The presentation will highlight statistical information about reassessment results by magisterial districts and the change in value for the "average" homeowner, as well as other statistical information. In the past, this presentation has been made to the Board in mid-January and notices were mailed on the last Friday of January. This year, due to lingering issues with postal deliveries, staff intends to mail the notices at least two weeks earlier than usual, prompting this presentation to take place in December. A Frequently Asked Questions (FAQ) document (Attachment A) has been prepared by staff for distribution to property owners and will be included in the mailing of assessment notices.

While there is no direct budgetary impact specifically related to this information, the results of the 2022 reassessment process provide important information for the current (FY 22) Budget and the FY 23 budget development process.

Staff recommends that the Board receive the CY 2022 Real Estate Reassessment report as presented. There is no formal action required.

Ms. Birch introduced Peter Lynch, the County Assessor, and Billy Taylor, Deputy County Assessor.

Mr. Peter Lynch said he would present on the County's reassessment. He said he would give a background to how the reassessment figures were determined. He explained that his presentation typically happened a month later, after reassessment notices were sent at the end of January. He said that because of postal issues, the notices were scheduled to be mailed earlier, with a target of January 14. He said the reassessment work was not entirely complete as sales continued through the end of the year. He said he marked several figures in his presentation that were approximations or would change, but he did not expect the results to change significantly.

Mr. Lynch explained that the legal assessment date was January 1, and any information that happened in the market up to January 1 can be used to contest the assessments. He said the County wanted to ensure all the possible data was included in the assessment. He said he would follow-up with the Board prior to the notices being mailed in January with the final results of the reassessments. He said

he would also include a sample notice in the follow-up along with an updated FAQ from the County Executive.

Mr. Lynch listed the three main functions of the County Assessor's Office. He said the first was the annual reassessment, which included a review of approximately 20% of properties each year so that every property would be reviewed over a 5-year period. He said the County had not reached that goal. He continued that the Assessor validated sales in the market to ensure validity and to use the sales in the analysis. He said it gave the Assessor a chance to update data on the properties. He continued that the valuation model was updated, which was used to value single-family residential properties.

Mr. Lynch said the Assessor checked new construction permits as they were completed and added improvements to the tax rolls. He said that the Assessor was required to add properties to the tax rolls on January 1, and to add partial values for incomplete construction.

Mr. Lynch said the third function was related to land-use administration. He explained that the Assessor conducted a biannual revalidation of all parcels in the program. He said 2021 was a revalidation year, and it was difficult because of postal issues, among others. He said the Assessor reviewed the revalidation applications and field work was conducted in between applications to ensure the uses recorded were accurate and all other requirements were met. He continued that new applications for the program were reviewed annually.

Mr. Lynch stated that 8.32% was the overall increase for the assessment base for 2022. He said that this was the largest increase in the County since 2008, but there were larger increases from 2005 to 2007. He noted that the growth in the earlier time periods was due to issues that increased housing prices to unsustainable levels. He said he did not believe that was the case with the current increase, and he did not expect it to continue. He mentioned that inflation and potential mortgage rate increases could possibly slow price growth.

Mr. Lynch said that Scottsville Magisterial District had a much higher increase of 11.14%. He said he did not have information as to why the increase was larger in Scottsville. He explained that "urban residential" properties were properties with water and sewer service. He said that apartment properties had seen an increase of 11.80% in value. He said that commercial and industrial properties had nearly flat growth of 1.03%, and that it was residential properties leading the value increases.

Mr. Lynch noted that in 2021, property values decreased across the board, except for mini-storage properties and single-family residential properties. He said hotels had suffered significantly and had not recovered much. He noted that shopping centers also saw dramatic decreases and had recovered some of the losses. He said that medical offices had seen value increases, but regular offices continued to see decreases in 2022. He said apartments had increased substantially in value. He continued that warehouses had seen recovery, but mini storage had remained relatively flat in valuation because of an increase in expenses. He continued that commercial properties were also relatively flat in valuation changes.

Mr. Lynch said the chart on the slide had 8 groups of value ranges for single-family properties, including detached and attached homes, townhomes, condos, and mobile homes. He said the chart listed for each value range the number of properties, the average change in valuation, the number of sales, and the median ratio to ensure the model was working. He said that at the lower end of \$150,000, there were 59 sales, and the median ratio was nearly 1. He said the ratio worked by taking the ratio of the assessment value to the sale price, then the median of all the ratios within a price range was taken. He said that the goal was to have a ratio of 1 and a small range of ratios within each price range.

Mr. Lynch said that in 2021, the median home value was \$355,900 and had increased to \$386,900 in 2022. He explained that if the tax rate remained the same, a property that had a value of \$386,900 with the 8.6% increase would cost the taxpayer \$263.89 in taxes each year. He continued that a \$150,000 property with the 8.5% increase would cost the taxpayer an extra \$100.77 each year.

Mr. Lynch said that the County had a record number of sales in real-estate. He said the County was still working on sales figures and had at least 100 more to process. He said he would not be surprised if the figures reached 2500 total sales. He said that the median ratio was 1.0, but the variance was high. He said one reason the variance was higher was because of over-bidding on properties. He explained it had been a prior rule in the Assessor's Office that if a property was not listed for sale, then it was not validated. He said he encouraged the inclusion of non-listed sales because the sales could be market sales, they just had to be validated. He said those sales were higher and lower in ratios and would increase the overall variance. He said that the variance had decreased over time due to better data.

Mr. Lynch said that few, if any, properties would increase in value by exactly 8.32%. He said that the majority of properties increased in value from 5% to 15%. He said there was a significant number of properties increasing over 15%, as well as a significant number that had a 5% change in either direction.

Mr. Lynch said that the land-use program was not an exemption, but a deferral of taxes for the period that the landowner qualified for the program. He said that once a landowner was in the program for longer than 6 years, the program essentially became a tax exemption because there was no recovery. He explained further that when the landowner no longer qualified, the current and previous 5 years of taxes were rolled back. He noted that due to efforts to make sure the appropriate properties qualified for the land-use classification, the total number of parcels under the land-use program had decreased year-over-year. He continued that the deferred value of all the parcels had remained at a steady value, so the

deferred value per parcel was increasing.

Mr. Lynch said that in 2016, the tax deferral was \$1.9 billion, and in years past it went as high as \$2 billion. He said that the current numbers were much lower than what had previously been deferred in taxes. He said that the 4,052 parcels in the land-use program included 210,000 acres, of which approximately 200,000 acres qualified for the land-use program and around 9,000 acres were home sites or did not otherwise qualify.

Mr. Lynch said it was important for the public to know the program was operated properly, and that only the parts of the parcels that qualified received the reduced tax assessment while the home site was evaluated like other properties in the County. He added that in addition to the 4,052 parcels, there were 1,310 properties under conservation easements. He said those parcels included over 104,500 acres under reduced taxation, though not under the land-use program. He said that there were over 305,000 acres qualified for conservation, open space, agriculture, or forestry use.

Mr. Lynch said that as of September 1, the County had received 2,949 land-use revalidation applications. He said that the Board had extended the due date from September 1 to November 1, and the County was able to process an additional 602 applications. He explained that after November 1, the County received 253 applications that also included a late fee. He continued that there were still 248 parcels that had not revalidated, and it was concerning because it was higher than any other year. He said the property owners would receive a notice that explained their parcel had been removed from land-use. He said the property owners would have an opportunity to reapply for the land-use program, which would require the same \$125 application fee, matching the \$125 late fee for revalidation.

Mr. Lynch said that the County had worked to ensure that home sites and new construction, and properties that had changed use would receive the proper tax rollbacks. He said that in 2016 and 2017, there were large subdivisions that had withdrawn from land-use when the parcels were developed which created large rollbacks for 5 or 6 parcels. He noted that the number of rollbacks during 2016 and 2017 were relatively low. He said that 2020 and 2021 reflected the rollback levels that the County should be reaching. He said the higher numbers for 2020 and 2021 were partly due to efforts to make sure the proper parcels were qualified, so future years might see lower numbers.

Mr. Lynch said that the State Land Use Evaluation Advisory Council (SLEAC) set the land-use rates for the County. He said the previous two years had been unusual in regard to SLEAC rates. He said the rates had dropped significantly the previous year, and currently the rates had increased to levels past what they had been two years ago. He noted that from 2020 to 2022, there was not a significant change in the rates, but from 2021 to 2022, there was a 27% increase for agriculture and an 8% increase for forestry. He said he did not have an answer as to why the rates had decreased then increased drastically.

Mr. Lynch explained that in 2011 a state law was passed that allowed veterans to receive property tax exemptions. He said that the total number of properties to receive the exemption in 2021 was 161 properties with a total assessment value over \$67 million.

Mr. Lynch said that there were around 400 new parcels created in 2021, but the number may change as the County continued working on new applications. He said that the County had completed 964 permits, including new homes and miscellaneous building improvements, and 1,342 permits were pending, including 465 new buildings, mostly single-family homes. He said some of the incomplete projects would be finished by the end of the year. He noted that the Land Book would be created in May after the Board set the tax rate. He continued that after the Land Book was created the tax bills would be created. He said that June 25 was the due date for taxpayers to pay the tax bills.

Mr. Lynch said that the taxpayers should first contact the County Assessor's Office with questions about a tax bill. He said the staff was not in the office every day of the week, so he recommended that if a property owner wanted to talk to an appraiser, they should call the office and make an appointment instead of appearing in person. He said that at the appointment, the tax process would be explained, the property description would be confirmed, and an inspection of the property would be scheduled.

Mr. Lynch said that the result of the appointment could lead to a review request, or the owner could submit a review request. He said the request was made by completing the 2022 Real Estate Assessment Review Form, which must be submitted by February 28. He said review requests should provide a reason as to why the request was correct and must allow an inspection of the property. He said the owner would receive a response in writing from the County.

Mr. Lynch explained that the next level in the process was the Board of Equalization (BOE), which handled appeals. He said that appeals to the BOE had to be filed by March 30 or 30 days after the review result letter was issued. He said that the BOE form was only available by contacting the Assessor's Office, and the appeal also required a property inspection.

Ms. LaPisto-Kirtley did not have any comments.

Ms. Palmer asked if Mr. Lynch would include the figures about the acreage in land-use when he sent the slide presentation to the Board. She also asked Mr. Lynch to clarify how the conservation easement acreage numbers related to the rest of the acreage.

Mr. Lynch said he wanted to note that the land-use program was not the only conservation program in the County.

Ms. McKeel said that the Jack Jouett District suffered because of the bypass. She said many of the properties were just starting to recover from the economic impact of the bypass on property values. She asked if Mr. Lynch would send the individual magisterial district numbers on neighborhoods to the Board.

Mr. Lynch said he would include those numbers in his e-mail to the Board.

Ms. McKeel said that those numbers were helpful.

Mr. Lynch said that Jack Jouett and Rio had the highest number of commercial properties, and part of the reason the districts were suffering was because commercial property had not increased as much as other categories.

Ms. McKeel said her property assessment had not returned to the values it had been pre-bypass construction.

Ms. Mallek said she wanted to know more about the criteria for the assessment process and how outlier cases were handled.

Mr. Lynch said that appraisal practice required the appraiser to review sales to ensure they were appropriate. He said there were different situations where the parties were in some way related that would not be a normal market determination. He said large fluctuations in house purchase prices did not automatically cause neighboring properties to also increase in value, it just added variance.

Ms. Mallek asked if six years was the maximum recovery time allowed by law for the land-use tax rollback.

Mr. Lynch said that state law dictated that taxes for the current year and previous five years be rolled back, and no more.

Ms. Mallek said she appreciated the explanation that land-use evaluated just the dirt. She said she wanted to receive a list of Whitehall District residents who had not filed to revalidate their land-use application. She asked what the deadline was to reapply for the land-use program.

Mr. Lynch said that the initial deadline was 30 days after the notices were post-marked, so February 14, and a \$125 fee was due along with the application. He said applicants could apply 60 days after the notices were postmarked with a late fee of \$250.

Ms. Mallek said that property owners would often not request a certificate of occupancy for new construction if the property had not sold because the County would not be notified that the property was complete and not sold. She asked if the County was able to catch this kind of avoidance.

Mr. Lynch explained that since the County had to examine and review every permit under process during the reassessment, and if the property was substantially complete, then the County will validate it as 100% complete.

Ms. Price said that the notice to the landowners about the land-use program status should include a table and explanation of the current year's and five previous year's rollback tax burden along with appropriate calculations. She commended the quality of work from the Assessor's Office. She said the accuracy of the assessments increased the public's trust and decreased the amount of work for the County. She noted that the disabled veteran's property tax exemption applied to landowners, and she requested the Office of Equity and Inclusion to examine the impact on tenants because not every disabled veteran was a property owner. She said she wanted to see a mechanism to provide comparable relief to tenants.

Recess. The Board recessed its meeting at 4:05 p.m. and reconvened at 4:15 p.m.

Agenda Item No. 12. **Work Session** – Five-Year Financial Plan.

The Executive Summary forwarded to the Board states that in accordance with the budget development schedule, the Board of Supervisors holds a series of work sessions in the fall to review long-range financial planning information prior to the annual budget process.

The first work session was held on November 17. During the November 17 work session, the Board of Supervisors reviewed and discussed information on five-year revenue projections and major expenditure assumptions.

Long-range financial planning is an important component of the County's fiscal processes. It brings together the operating and capital components of the County's budget development processes and provides a venue for discussion regarding important longer-term priorities and strategies. Additionally, the Five -Year Financial Plan creates a framework within which the next fiscal year's budget development will take place.

During the December 15 work session, the Board will receive and discuss information on the Five-Year Financial Plan.

Long-range financial planning connects long-range fiscal planning with strategic priorities and provides an important context for the annual budget process.

Staff recommends that the Board of Supervisors discuss longer-term priorities and provide direction to staff that will inform the upcoming budget process.

Ms. Birch introduced Jacob Sumner, the Assistant Chief Financial Officer for Policy Partnerships, and Mr. Andy Bowman, the Chief of Budget. She said Mr. Sumner had been hired to replace Ms. Lori Allshouse, who had recently retired.

Ms. Birch explained the agenda for the presentation. She said she would first provide a recap of the November 17 meeting when the Board reviewed the five-year financial plan. She said the Board would next consider policy initiatives to undertake with regard to the FY 23 budget and with the knowledge of the 8.3% reassessment value and the \$13.2 million available in the FY21 fund balance to be used to support the County's strategic priorities. She said policy considerations should take into account tax relief and tax exemptions provided to taxpayers, as well as enabling authority that was not utilized. She said the Board was not asked to vote on any items after the presentation.

Ms. Birch said 3 meetings had been held with the Capital Improvement Projects (CIP) Advisory Committee. She explained that the advisory committee was composed of 2 Board members, 2 School Board members, a Planning Commission member, and a community representative. She said the advisory committee would eventually present its findings to the County Executive.

Ms. Birch emphasized this was not a budget process, but a planning process. She said the graph on the slide represented projections for the next five years based on several assumptions. She said the revenue assumptions that were included were revenue growth of 1.75% in calendar year 2022, but the actual was 8.3%. She said the assumption was the growth would continue at 3.8% annually from the base over 5 years. She continued that no real property tax rate increases or additional increases to the transient occupancy and meals tax were assumed either.

Ms. Birch said that it was assumed enough funding would be allocated to support the draft plan of the CIP received by the CIP advisory committee. She continued that it was assumed there would be funding for public schools based on the formula transfer, adherence to the financial policies, additional funding to support workforce stabilization, and the operating impacts from capital projects and grants.

Ms. Palmer asked if the 3.8% annual growth from FY23 to FY27 was still expected in spite of the 8.3% revenue growth.

Ms. Birch said that the base in the first year of the model had been increased to incorporate the 8.3% growth, and then the annual growth was still 3.8% from FY23 to FY27. She said that the effect of the 8.3% growth was a positive revenue picture for FY23. She said the County was still receiving information and understanding the impact to expenditures related to the Virginia Retirement System, capital construction projects, custodial services, and other expenditures. She said adjustments would be made to prepare for FY23 so that a balanced budget can be brought before the Board.

Ms. Birch said that Mr. Sumner would discuss policy considerations related to the additional revenue authority the County received from the General Assembly in 2020 in relation to admissions taxes, meals taxes, and the transient occupancy taxes. She mentioned that the Board had approved the cigarette tax and created the Cigarette Tax Board and authorized the plastic bag tax. She continued that Mr. Sumner would discuss the relief programs provided by the County for real-estate taxes and personal-property taxes and the other programs the Board could initiate. She continued that Mr. Andy Bowman, Chief of Budget, would discuss the \$13.2 million in funding available to the County.

Ms. Birch said Mr. Gallaway had asked for the property taxes figures as a percent of total County revenues. She said that in FY07, property taxes were 60% of the total revenue, and in FY22, they approached 70% of the total revenue. She said the County's financial policies stated the need to diversify its revenue away from real-estate taxes. She said that the tax base was growing faster than state and federal revenues, so the County was reliant on real-estate and personal-property taxes.

Mr. Sumner said the County wanted to consider rebalancing the tax revenues to move away from real-estate and personal-property taxes. He said counties in Virginia were given expanded local taxing authority during the 2020 General Assembly session. He said the Board had approved the cigarette tax and joined the Blue Ridge Cigarette Tax Board (BRCTB) and approved the plastic bag tax. He said the admissions tax was an option available to the Board, but it was not recommended. He explained that express statutory authority from the state would be needed to impose an admissions tax to venues.

Mr. Sumner said he would discuss the options available to address the meals tax and transient occupancy tax. He noted that there was also a 1% local sales tax option dedicated for school construction outlined in state code, but it would require General Assembly action to grant the authority to institute the additional sales tax followed by a voter referendum.

Mr. Sumner said that the meals tax rate was 4%, and the County had the authority to increase the

rate to a maximum of 6%. He explained that the transient occupancy tax rate was 5%, and the General Assembly had removed the limit on the transient occupancy tax (TOT) tax rate but still required a portion of the revenue be dedicated to tourism marketing. He said that any revenue from the transient occupancy tax above the 5% rate would go into the general fund. He noted that in the City of Charlottesville, the meals tax rate was 6%, and the transient occupancy tax was 8%.

Mr. Sumner explained the County offered 3 real-estate tax relief and exemption programs. He said the tax relief program for the elderly and disabled provided a percentage amount of relief based on a sliding scale, and eligibility was based on income and financial net worth criteria. He said the tax exemption program for disabled veterans and the tax exemption program for surviving spouses of members of the armed forces killed in action provided for full exemption of up to 10 acres of real-estate.

Mr. Sumner explained that the County had 1 personal-property tax exemption program and 1 tax relief program. He said the personal property tax exemption for disabled veterans provided for the exemption of 1 vehicle for individuals who qualified. He said the personal property tax relief program provided for all individuals in the County to receive tax relief on the first \$20,000 in personal property value. He said the 2021 personal property tax relief rate was 45%.

Mr. Sumner said that the County had the authority to modify the tax relief and exemption programs. He said the County had the option to implement a real-estate tax exemption program for surviving spouses of persons killed in the line of duty. He said individuals who qualified would receive full exemption on real-estate taxes up to the average assessed value of a single-family residence. He noted that any assessed value above the average single-family residence would be taxed at the regular real-estate tax rate.

Mr. Sumner said the Board could revisit the criteria for the real-estate tax relief program for the elderly and disabled. He explained that the thresholds to qualify included income less than \$70,000 and a financial net worth less than \$200,000, which excluded the value of the applicant's current dwelling. He said the County had the authority to set the income and financial net worth limits and could expand the criteria. He said the Board could also extend the relief program for personal property, which would involve an alternative tax rate for the individuals who qualified.

Mr. Sumner explained that the implementation of the programs would involve a legislative process, advertising, public hearings, and Board-approved ordinances. He said staff would conduct research on programs the Board wanted to pursue and determine the impacts on the five-year plan. He said staff would also explore operational and administrative impacts. He said the Board was requested to provide input and feedback about what tax exemption and relief programs the County should implement.

Ms. LaPisto-Kirtley said that she did not have an issue matching the City's meal tax rate and transient occupancy tax rate. She asked if the County raised those other tax rates, would it not also increase the real-estate tax rate in order to rebalance the revenues.

Ms. Birch said there were two different issues. She said that part of rebalancing the revenues would be to offset the real-estate tax rate by apportionment; decreasing the real-estate tax based on the revenue from the meals tax. She said that it would be part of the FY23 budget development so that each piece could be viewed in context.

Ms. LaPisto-Kirtley asked for clarification about the 1% local sales tax dedicated for school construction.

Ms. Birch said the County did not have the authority to implement the tax, so it would require General Assembly approval. She said that if it was approved by the General Assembly, then the County would have to approve it by a referendum, and the revenue could be used towards school construction costs.

Ms. LaPisto-Kirtley said she was concerned about the ability to get initiatives passed in the General Assembly.

Mr. Kamptner said that the enabling authority authorized about 10 localities to impose the 1% capital facilities tax. He explained that a bill would be introduced in the coming General Assembly session that would expand the enabling authority to all localities.

Ms. Palmer asked if there was information about what taxes the new governor would cut.

Ms. Birch said she was only aware of plans to cut the grocery tax. She said there was a portion of the grocery tax that went to local governments, but that was not part of what the state was cutting.

Ms. Palmer wanted to know what the estimated revenue from the transient occupancy tax would be. She asked if increasing the tax rates would impact tourism.

Mr. Sumner said that according to estimates, each additional 1% increase in the transient occupancy tax rate would yield \$500,000 in revenue. He said that since the County had met the state requirements for tourism funding, any additional revenue would be directed to the general fund.

Ms. Palmer asked what the estimated revenue from the meals tax would be.

Mr. Sumner said that for each 1% increase to the meals tax rate, an additional \$2.25 million would be generated.

Ms. Palmer asked if the increased taxes would impact tourism.

Mr. Sumner said the impacts to tourism could be explored. He said more information would be brought to the Board when it became available. He said the increased taxes would bring more revenue into the community.

Ms. McKeel said that it was appropriate to match the tax rates of the City. She said the rates should be the same in the County as they were in the City. She asked for clarification about the grocery tax.

Ms. Birch said there were 2 portions to the grocery tax; one went to the state, and one went to localities. She said the state was 1.5% and the County was 1%, and the state was proposing cuts to its 1.5% portion.

Ms. McKeel said that a healthy community should have 35% of its revenues coming from commerce and other taxes. She noted that 5 years ago the County was at 18% of revenues coming from commerce and other taxes. She said she was disappointed that the cigarette tax would not be the same across the region. She said she was interested in further discussions about General Assembly policy initiatives. She said she needed more information about the tax relief and exemption programs. She asked if the County was at the cap for tax relief programs for the elderly and disabled.

Mr. Sumner explained that the real-estate tax relief program for the elderly and disabled had guidelines within the program, and state code gave localities authority to set those guidelines. He said the County had not reached a cap, and if it had, the Board could increase the cap or change the guidelines.

Ms. McKeel said she would like to know what the cap for the tax programs were.

Ms. Mallek said that apartment buildings were counted as commercial property. She said she wanted to know more about the figures on commercial property and apartments. She said that before she joined in 2008, the Board had relinquished the right to collect an admissions tax through a local agreement, not by state code. She said she wanted more information about why the admissions tax was not authorized.

Ms. Mallek said she was also interested in learning more about the tax relief and exemption programs. She said that the County was not using the authorized line-of-duty death waiver program. She said other localities implemented similar programs, and it was up to the Board to implement one in the County. She said she would support such a program.

Ms. Price said she concurred with the comments from the other Supervisors. She said she anticipated the state might cut more than the grocery tax, and that could impact revenues. She noted that Virginia Beach had some of the best facilities because tourism contributed so much to the revenue. She said that the County should match the City in meals tax rates and transient occupancy tax rates. She said she supported the tax relief and exemption programs for the elderly, the disabled, the veterans, and the spouses of people killed in the line-of-duty, and she stressed the need to also have relief programs for tenants and non-property owners.

Mr. Andy Bowman, Chief of Budget, said he would discuss the proposed utilization of the \$13.2 million in the General Fund balance. He said that staff had prepared an initial proposal to allocate the funds, but the Board was not being asked to make a decision on the proposal at this meeting. He noted that the funding went beyond the County's financial policy requirements, and it had no strings attached other than it was only for a one-time use.

Mr. Bowman said of the \$13.2 million, \$4.1 million was recommended to be transferred to the CIP. He said this funding was in addition to the one-time funding to the CIP approved by the Board on December 1. He explained the funding would provide flexibility to the Board as it considered the FY23 to FY27 CIP, and the recommendation was guided by the financial policies which roughly states to contribute to the capital reserve periodically in order to provide flexibility. He noted that the CIP continued to receive revenue funding by formula throughout the five-year plan.

Mr. Bowman said that \$5.0 million was recommended to be transferred to the Economic Development Fund (EDF). He explained that the EDF existed to match specific state grant opportunities, encourage economic investment in development areas, and implement economic development initiatives. He said the funding would better position the County to implement the Economic Development Strategic Plan. He noted that in the five-year plan, there was phased-in funding for the EDF, but it would not begin in FY23.

Mr. Bowman said that \$3.1 million was recommended to be transferred to the Housing Fund, which was intended to support housing initiatives that were one-time costs and to support the County's housing goals. He said that there was an undesignated reserve in the fund of \$1.9 million, so if the recommendation were approved, the fund would have a total of \$5 million. He said the five-year plan contemplated a long-term strategy to gradually phase-in on going contributions to the Housing Fund.

Mr. Bowman said that \$1 million was recommended to be designated for workforce stabilization

initiatives. He explained that the recommended funds would not be used for ongoing costs related to workforce stabilization. He said that in the coming years, the County had to plan to take on the cost of 25 rescue positions that were currently funded by federal grants. He said the recommended funding would bridge the phase-out of the grants and provide flexibility to the Board.

Mr. Bowman said that the Board had used one-time funding previously to support climate action efforts. He said climate action efforts were not recommended because there could be other avenues to support environmental efforts, such as the plastic bag tax. He explained that the County was utilizing federal and state funding to fund broadband infrastructure, which was why staff did not recommend funds be directed to broadband projects. He said that in the five-year plan, the County would continue to fund and support the Broadband Office established in FY22. He said those two points were not included in the recommendations because there were alternative ways to fund them.

Mr. Bowman asked for feedback from the Board regarding the proposed uses of the FY21 year-end funding. He said the Board would continue to have opportunities to provide feedback throughout the budget process.

Mr. Bowman asked Ms. Price and the Board if there were any questions or comments.

Ms. LaPisto-Kirtley said she appreciated the excellent presentation. She said she did not have any questions at that time and although she knew the Board was receiving the presentation for information, she liked what had been said so far.

Ms. Palmer said that as far as climate action is concerned, she hopes it is folded into everything they do. She said she hopes it is part of capital improvements and the thought of what they do with capital improvements such as economic development, housing, etc. She said she hopes they are not simply hanging onto the plastic bag tax to fund anything for climate action, which she assumed they are not.

Ms. Palmer said that in her mind, it is the capital improvement money, and she looks at the economic development fund as helping this out. She said she thinks that there must be more money for schools, that Biscuit Run is very important and, as she mentioned before, there are large-sized capital improvements and potential for the facilities location on Berkmar that would take school buses off of the Greer campus. She said this will also hopefully help with solid waste and other things.

Ms. Palmer said she finds Biscuit Run to be very important, and the Board has talked about this many times with respect to economic development. She said she hopes that going forward, this will be kept in mind for a sports-related center in the long term. She said she recognizes that the completion of this, unless they receive private money from donors, will likely take more than the five years that this plan is for. She said she does hope that they keep this very much in mind.

Ms. Palmer said that workforce stabilization sounded fine. She said she was still not clear about the housing fund, but this was for the Board next year to ferret out, and to decide where they want to put the housing money and how to spend it. She said she did not have much to say about this.

Ms. Palmer said she hopes the Board will consider the sports center at Biscuit Run as overlapping with economic development.

Ms. McKeel said she appreciated the presentation and generally agreed with what she saw on the screen. She said the devil is always in the details, and the Board will have more discussions about this. She said she thinks they absolutely need to put one-time money into supporting CIP projects. She said she agrees with economic development because it will support ongoing revenues.

Ms. McKeel said she agreed with Ms. Palmer about the economic development portion of Biscuit Run. She said she also thinks it is important, though, when the Board talks about parks and the community through an equity lens, that there are many people in the Urban Ring who cannot get to parks. She said she would love to figure out a way to provide more pocket parks for some of the Urban Ring areas.

Ms. McKeel said regarding the housing fund, the devil is in the details, but she thinks there is a place, perhaps, for this funding to go there. She said regarding workforce stabilization, she agrees and thinks this is a great use, though she wondered if \$1 million was enough for it. She said staff came up with the amount and that she would have to trust them on this.

Ms. McKeel said regarding climate action, putting it this way (on the screen) with the plastic bag tax, she agreed with Ms. Palmer that it made it look like this is what the Board is doing with climate action. She said she did not think this was the intent, and she would hope that this is rolled into everything they are doing as it is a huge part of what the work needs to be, going forward.

Ms. McKeel said she agreed with broadband as it looked like what was happening with it was right on target and happening.

Ms. McKeel asked Mr. Bowman if she had provided what he needed.

Mr. Bowman replied affirmatively, noting that this was helpful feedback. He clarified for the public that this Board supported one-time funding for climate action, and there is currently about \$900,000 that is earmarked for this that has not yet been identified. He said it does not really show the current effort

underway. He said that just like equity, climate action is ingrained in all the County's processes and is not a stand-alone matter.

Ms. McKeel said she appreciated Mr. Bowman's remarks.

Ms. Mallek said regarding the suggested investments, she agreed 100% with the topics and would talk more about the amounts. She said a major policy issue for her, always, is prioritizing anytime there is outside matching money, as this doubles the money that taxpayers are putting in for all sorts of things. She said the link between the CIP investments, economic development, housing, climate, and broadband all support each other in every way, and so they cannot choose one over the other without getting themselves into another hole somewhere else.

Ms. Mallek said this was all that she had to contribute on the particular slide.

Ms. Price asked Ms. LaPisto-Kirtley if she had a question.

Ms. LaPisto-Kirtley asked for clarification, regarding the housing fund, if this was something that would be set in cement, or if Mr. Bowman believed this would be used for direct, low-income housing. She asked if it could also be used for developer incentives, which are yet to be developed.

Mr. Bowman replied that it would be guided by the Board-approved housing strategies. He said Ms. Stacey Pethia has been in discussion with the Board through that, and potential uses of that are to be clarified as currently, they are in a starting point to get into position where policies can move forward as they are adopted rather than having to wait for a subsequent budget process.

Ms. LaPisto-Kirtley mentioned one-time funding for 2021 and asked if something is not spent for a certain category that the Board would then put a number to, if this is something that they could then change to a different category if it is not being used after they find there is a need in another category, where they could possibly take advantage of matching grants.

Mr. Bowman replied affirmatively, adding that he thinks this is part of the intent of wading through the budget process, as they learn new information. He said this was the case with broadband last year. He said there are practices once funding is committed to housing or economic development to leave it there for that intended purpose, but the Board would always have the option, in the future, to revisit this as it is a local restriction rather than a state or federal one. He said the intent in practice is not to reshuffle that funding once it is committed to those funds.

Ms. LaPisto-Kirtley said she appreciated Mr. Bowman's remarks.

Ms. Price said with regard to the \$13.2 million one-time funding, she was very much in agreement with what Mr. Bowman showed on the slide. She said the money to the CIP can help the Board chase some of the objectives they were looking for. She said she definitely supports the economic development fund, and Mr. Johnson and his office have done great things of late, so they want to continue to do this with Project ENABLE. She said she was very pleased to see the money going into the housing fund and workforce stabilization, where she is looking forward to the comprehensive compensation review.

Ms. Price said she concurs with Ms. McKeel's comments with regard to the need to increase urban parks, which may be outside of the \$13.2 million. She said that in addition to the work at Biscuit Run, she would love to see the Rivanna Trail around Charlottesville-Albemarle, as this provides relatively easy access for most everyone in the Urban Ring and would improve the quality of life.

Ms. Price said the presentation looked good and thanked County staff for it. She asked the Supervisors if there were any other questions or comments. Hearing none, she asked Ms. Birch if the Board had answered the questions and addressed the comments she wanted them to make.

Ms. Birch replied affirmatively. She said she appreciated the conversation and the feedback the Board provided for some needy topics. She said as a follow-up, staff will be prepared to bring back the tax exemption and tax relief conversation. She said there was some support there, but the Board wanted to know more.

Ms. Birch said that as it relates to the meals and TOT and the \$13.2 million, the Board will see how this plays out in the FY 23 budget once the County Executive recommends it at the end of February. She said this is the next time they will see the impact and totality of this discussion as it relates to the FY 23 budget.

Ms. Birch said staff did receive what they needed.

Agenda Item No. 13. Closed Meeting.

At 5:20 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 (3), to discuss and consider the acquisition of real property for recreational purposes in the White Hall Magisterial District where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the

County.

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

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

Agenda Item No. 14. Certify Closed Meeting.

At 6:00 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. Price **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 15. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Mr. Gallaway asked if anyone from the public was signed up to speak.

Ms. Borgersen replied that there were no signups.

Mr. Gallaway closed public comment.

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

Item No. 16.a. Year in Review.

Mr. Richardson said they were in the second meeting of December 2021, and for that evening, the County's wonderful employees in Community and Public Engagement, led by Emily Kilroy, had worked to put together a nice 15-minute video that he hoped the Board and community would enjoy. He said this included several things they had done in 2021 in the theme of both internal work in the organization and the external collaboration and community outreach that he thinks is one thing that makes the community so special.

Mr. Richardson said that as Ms. Kilroy was preparing the video, he would go back to the beginning of the meeting that evening to Ms. Mallek's reference to the Economic Development announcement from the day prior (the Rivanna Medical announcement). He said they were fortunate enough to have Secretary of Commerce and Trade, Brian Ball, from the Governor's office there to present the chair, CEO, and co-founder of Rivanna Medical, Dr. Will Mauldin, with a VJIP (Virginia Job Investment Program) grant.

Mr. Richardson said this is a medical, biotech company, and the Board had heard the story before that this company was started in the community 11 years ago. He said Dr. Mauldin is a UVA graduate and started the business from scratch. He said he has recently had as many as 20 employees, and the VJIP grant will help enable him to expand. He said Dr. Mauldin will be doubling his footprint, going from 20 to 40 employees.

Mr. Richardson said that as Ms. McKeel, Ms. Mallek, and himself had the opportunity to be at the Police CAC meeting the morning prior, they saw a fantastic presentation from Major Sean Reeves, as he was talking to the CAC and community members present about the intentional outreach of the police department into the community to build trust and relationships so that the police department is set up and able to serve all areas of Albemarle County.

Mr. Richardson said that from that outstanding presentation, they went to the eastern end of the County for the medical announcement, and it was already 60 degrees at 10:00 a.m. He said there were state and local officials there, Mr. Roger Johnson and support team from Economic Development, and the staff from Rivanna Medical, making for a nice group of people there to celebrate it. He said there were nice remarks from Secretary Ball, who talked specifically with Economic Development. He said they have heard Mr. Walker say that Economic Development is a team support, and Secretary Ball said, "Communities that collaborate are the communities today that do well with economic development."

Mr. Richardson said this led to Chair Gallaway's comments, where he talked about the Rivanna Medical staff being in the community and with a great organization. He said he asked people who had moved there about the quality of life and talked about the fact that they are a community that is known for education, public safety, and economic development. He said Dr. Mauldin then talked about the company's mission and success, and he gave all the credit to his organization. He said it was very easy

for himself to then conclude to talk about where they had been earlier in the day, at the police department, which talked about their outreach to the community.

Mr. Richardson said he picked up where Mr. Gallaway left off to say that the County works hard every day in their organization to ensure that citizens see them working in a way to sustain the quality of life and what is special about Albemarle County, which is a good place to live, work, and for recreation. He said the County continues to work on this every day. He said he then presented Dr. Mauldin with the County's challenge coin and talked with him about the five core values: community, integrity, innovation, stewardship, and learning. He said often, when companies commit to staying and growing in the County, the County reaches out to give them challenge coins because they know that the County's work helps their work and helps give them the confidence that they are making a good decision to continue to be in the community.

Mr. Richardson asked Ms. Kilroy to tee up the video, adding that he would take the challenge coin on behalf of staff and put it in Dr. Palmer's box in her office, as it has been a pleasure to work with her. He said the Board did a good job of sending her off that afternoon, and staff would put the coin in the box. He said if they were having a holiday get-together, they would present it then, but they would not be doing that due to restrictions. He said staff wishes Dr. Palmer the best and hopes they will continue to see her on a regular basis.

Ms. Palmer thanked Mr. Richardson.

Mr. Richardson thanked Ms. Kilroy for her hard work on the video, which began to play.

The Board watched the 2021 Year in Review video, which covered many initiatives by various County departments and staff from throughout the year.

After viewing the video, Mr. Richardson said this concluded the Year in Review and thanked the Board for the opportunity for staff to present it.

Mr. Gallaway said he would give the Supervisors a chance to make comments and ask questions.

Ms. LaPisto-Kirtley said she is so proud to be a part of such a wonderful, fantastic team. She said she feels that all the staff members who work for Albemarle County are a team that gets things done. She thanked staff and asked if the supervisors could share the video, as she had some friends she would like to share it with.

Ms. Palmer said it was a great video and wonderful job that CAPE did on it. She said she would thank all County employees, adding that there were some Solid Waste Alternatives Advisory Committee (SWAAC) members on the cleanups shown in the video as well as community member volunteers.

Ms. McKeel said it was a busy year. She said when thinking about how much of the year was affected by COVID and what staff, community members, boards, and commissions were able to accomplish, it was pretty cool.

Ms. Mallek said she was awed by the fact that in the challenges of 2021, the organization was so resilient to find even better solutions than if they had not had the challenges of COVID. She said they made lemonade out of all the lemons there.

Ms. Mallek said the only thing she would add for Mr. Roger Johnson was that this is now the third economic development event she had been to where the Governor or staff person brought the blue box, which does not have an Albemarle County wine in it. She said they need to have a case of wine available so they can swap out the one being given and give the new people something from home.

Ms. Price said to echo the other comments, to Mr. Richardson and everyone on County staff, they have had an incredibly challenging year with remarkable success across the board. She said she concurred with the comment that they need to have some Albemarle County wine when those people come to town.

Mr. Gallaway said it is always impressive to watch a video like this that captures so much, yet it is just the tip of the iceberg. He said the video is only a snapshot of all of the many day-in, day-out things that he knows the staff accomplishes as their job. He said it is impressive and he appreciates the fact it was being shared.

Mr. Gallaway thanked everyone in the organization. He said their employees are the best, and he was glad they were able to take a few minutes to celebrate this at the end of the year. He thanked Mr. Richardson.

Mr. Gallaway added that the link to the video was in the chat, which could be used for sharing purposes.

MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL: 04500000031D0
LOCATION: 2001 Earlysville Rd, Earlysville, VA 22936
PROPOSAL: Request approval for private school uses in an existing building on a 3.28-acre parcel.
PETITION: Private schools are allowed by special use permit under Section 10.2.2(5) of the Zoning Ordinance. No dwelling units proposed.
ZONING: RA, Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
OVERLAY DISTRICT: AIA - Airport Impact Area; FH - Flood Hazard Overlay District
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots) within Rural Area 1 of the Comprehensive Plan.

The Executive Summary forwarded to the Board states that a public hearing for special use permit SP202100012 was conducted by the Planning Commission at its meeting on November 9, 2021. The Commission voted unanimously (7-0) to recommend approval of SP202100012 with the conditions recommended by staff in the staff report.

The Planning Commission's staff report, action letter, and meeting minutes are attached (Attachments A, B, and C, respectively).

The Planning Commission was supportive of the project and raised no issues or objections to the special use permit request. Brief discussion on the item included questions on the maximum student enrollment and the layout of the program within the existing building. The applicant explained that the requested student enrollment was informed by, and consequently limited by, the capacity of the existing water and septic systems on the subject property.

No comments were offered from members of the public during the public hearing portion of the meeting.

Following the Planning Commission meeting, staff found that Condition #3 may be written too specifically so as to only apply to the proposed program, as opposed to any private school uses that may occur on the subject property in the future. The revised condition recommended by staff below more clearly preserves the favorable findings surrounding traffic and safety matters expounded on in the staff report.

CONDITION INITIALLY RECOMMENDED BY STAFF AND THE PLANNING COMMISSION:
3. Students enrolled in the private school are not permitted to transport themselves in private vehicles.

REVISED CONDITION RECOMMENDED BY STAFF:
3. Students must be transported to and from the site via either (a) vehicles either owned or leased by a school or school district, or (b) public transportation.

Staff has discussed the aforementioned revision with the applicant, who is agreeable to the revised conditional language.

Staff recommends that the Board adopt the attached Resolution (Attachment D), subject to the conditions recommended by staff and the Planning Commission (including the above revision to Condition #3), which are attached thereto.

Senior Planner Mariah Gleason said she would be presenting the special use permit request SP202100012 Education Transformation Centre for the Board's consideration.

Ms. Gleason said the subject property for this proposal is located approximately 1 mile north of the intersection of Hydraulic Road, Rio Road West, and Earlysville Road at 2001 Earlysville Road, on Tax Map Parcel 45-31D. She said the subject property is located in a Rural Area, and parcels surrounding the parcel are similarly zoned Rural Area and generally contain residential development. She said the South Fork Rivanna Reservoir abuts the property to the south and east.

Ms. Gleason said the property itself contains an approximately 9,960-square-foot building that was constructed in the 1980s for religious assembly uses. She said the property is also surrounded by wooded areas. She said wooded areas are most dense along the northeast and south property edges. She said lightly wooded areas, in addition to Earlysville Road and topographic variations, provides separation between the property and the residential parcels to the west.

Ms. Gleason said this application is requesting to use a portion of the existing building for private school uses. She said the private school has a maximum enrollment of 24 students. She said the school operates Monday through Friday during normal school hours. She said no night or weekend activities are proposed with the use.

Ms. Gleason said that since the nature of this proposal is a supplemental education program, as explained in the applicant's narrative, students will be transported to and from the site by their home

schools or school districts by way of cars or vans. She said this encourages group travel options, limits the volume of traffic associated with the use, and reduces parking needs on the subject property.

Ms. Gleason said that during the review of the proposal, no outstanding concerns were identified by the Planning Commission, staff, or members of the public, and so she would keep the presentation brief.

Ms. Gleason said staff found a number of factors favorable to the proposal. She said no unfavorable factors were identified.

Ms. Gleason said this proposal was heard by the Planning Commission in a public hearing on November 9. She said the Commission voted unanimously to recommend approval, with the conditions recommended by staff, as shown on the screen.

Ms. Gleason said following the Planning Commission meeting, staff realized that Condition #3 may be written too specifically towards this particular program instead of the proposed use. She said as such, staff revised the condition to preserve the favorable findings more clearly. She said the applicant also indicated that they are agreeable to the revised language.

Ms. Gleason said this concluded staff's presentation. She said the staff report was included in the evening's materials, and she would be happy to hear questions about it.

Ms. Gleason said she also had a slide offering possible motions to the Board.

Mr. Gallaway asked the Supervisors if they had any questions for staff.

Ms. LaPisto-Kirtley thanked Ms. Gleason and said she had no questions.

Ms. Palmer said she was also fine, as she read through the Planning Commission's minutes, which seemed to take care of it.

Ms. McKeel said she had a question that perhaps Ms. Gleason could answer, though she may have to wait for the applicant. She said there was no mention of the age level of the students, though high school students were referred to. She asked if this was only for high school students.

Ms. Gleason replied that it is generally targeted towards high school students, but there are occasional middle school students.

Ms. McKeel said she missed this information in the report.

Ms. Gleason said it was discussed in the community meeting and was not included in the report.

Ms. McKeel said it could then be middle schoolers and high schoolers.

Ms. Gleason said it was occasional middle schoolers and mostly high schoolers.

Ms. McKeel said she would wait to ask her other questions until later.

Ms. Mallek said she may have missed in the readings any discussion about what the outdoor activities are. She said she was asking because of the proximity, such as approximately 50 feet away, of deep water at the reservoir and what kinds of activities are being discussed where there is absolutely no swimming, wading, or otherwise going into the water as it is drinking water.

Ms. Gleason replied the narrative stated that the activities taking place outdoors would be basketball, outdoor classrooms, and outdoor one-on-one counseling. She said the applicant may be able to expand on this more.

Ms. Price thanked Ms. Gleason for her succinct presentation. She said she had no questions.

Mr. Gallaway said he recalled a discussion when the Board had at one point considered a different organization here for educating children. He asked if there is fencing or if it is open to the water.

Ms. Gleason replied that it is open. She said there is some fencing to obstruct vehicles from pulling into certain areas, but there is somewhat of a boat ramp.

Mr. Gallaway said there is nothing to restrict access to the water.

Ms. Gleason said this was correct.

Mr. Gallaway asked if there were any other questions for staff and heard none. He opened the public hearing portion and asked if there was a representative for the applicant present.

Ms. Delores Carr, representative for the applicant, said she had a quick presentation and would answer the Board's questions, especially the question about having access to the water.

Ms. Carr said the Education Transformation Centre is an alternative education program for teens who are at risk of academic failure, dropping out of school, having some type of negative encounter with the justice system, and having frequent detentions and out-of-school suspensions.

Ms. Carr said the motto for the students is, "I'm not responsible for my beginning, but I am responsible for my ending." She said many times, we are born into families, environments, and situations that we have no control or authority over, so although one cannot control those things, one can control what their ending will be.

Ms. Carr said the program's mission statement is, "We endeavor to create an atmosphere of 'relaxed alertness,' where there is a combination of high challenge and high expectations in a low-threat learning environment community, and a state of mind that combines confidence, competence, and intrinsic motivation."

Ms. Carr said the ETC's objectives are to reduce high school dropout rates; eliminate or reduce referrals, detentions, and in- or out-of-school suspensions; eliminate or reduce antisocial behaviors; teach healthy decision making; provide measurable outcomes; and provide participants with education options for reaching their personal goals and passion.

Ms. Carr said the curriculum is specially designed and is called Workplace Readiness. She said the curriculum, combined with students' academics from their home-base school, makes for a successful program.

Ms. Carr said she was not saying that ETC is better than any other alternative school, but she was saying that they are an option. She said they have more time to spend with the participants on those soft skills that generally cause them to be removed from the high school, where other alternative schools may not have that option and ability to do so.

Ms. Carr presented a slide listing additional things the program offers.

Ms. Carr said the program is threefold. She said there are life skills, and there is passion identification, which was her favorite. She said she thinks everyone needs to know why they were put on Earth, and how they can find the one thing they would do for free if money was not an issue. She said when students find out what their passion is and work towards that goal, a lot of the antisocial classroom behaviors disappear. She said the program also includes group and individual counseling.

Ms. Carr said the model is an integrative program with a combination of academics and mental health, helping students understand that it is okay to have mental health issues and that the program will help them develop a coping system for those.

Ms. Carr said services at ETC provide a therapeutic environment where students participate in psychoeducational and counseling groups that supplement the traditional academic activities, a combination of academics and mental health services.

Ms. Carr said the goal outcome is that the students return back to their high schools. She said her personal belief is that this is where students should be; inside the school system, going to prom, homecomings, and different activities available to them. She said the program's goal is to get them back to the high school, giving them the coping skills that they need to participate and be successful in the traditional high school.

Ms. Carr said one thing about the program is that they want to see that their students are back where they belong, and that they are feeling comfortable on their return, with all of the coping skills they need. She said she personally would encourage the County to look at homebound students and those students that are on long-term suspensions where there is no accountability for them. She said if they are going to be out and are not allowed on the traditional school grounds, they can come to ETC's facility, where they can keep them up to date on their assignments so that when they return back to the school, they are exactly where they need to be.

Ms. Carr thanked the Supervisors for their time.

Mr. Gallaway asked the Supervisors if there were any questions for the applicant.

Ms. LaPisto-Kirtley and Ms. Palmer each said they had no questions and thanked Ms. Carr.

Ms. McKeel said she would wait to ask her questions until after the public hearing.

Ms. Mallek said she had no questions.

Ms. Price said she would follow up on the earlier questions. She said with regard to the near access of the deep water, she would ask Ms. Carr how the organization plans to make sure there is safety there. She said they are talking about teenagers whose mental capacities are not yet fully matured, and it is very easy for a group of young people to get together, horse around, and for someone to get into the water.

Ms. Carr replied that she has stated at each meeting that she will make it plain and very clear that if one goes into the water, she will not be going in to get them. She said secondly, the students will not be

outside unescorted by a teacher or some type of aide, so someone will always be with them. She said this is the best they can do.

Ms. Carr said there is some fencing around the school and enough brush where there is not a direct line to go into the water. She said one would have to go into the woods and through the orange mesh netting before getting into the water.

Ms. Price said she appreciated this and also appreciated the message that Ms. Carr may be trying to impart to the students about their responsibility. She said she does trust, however, that there will be some safety mechanism, should someone still go in the water in terms of trying to get them out safely. She said she had no further questions.

Mr. Gallaway said he did not have any questions and that this satisfied his follow-up. He opened the public comment portion of the hearing, noting that he understood there was no one signed up to speak to item.

Ms. Borgersen confirmed this was correct.

Mr. Gallaway said he would close the public comment portion and bring the matter back to the Board for a round of additional questions and comments and to see where they stand.

Ms. LaPisto-Kirtley said she wanted to say to Ms. Carr that she does applaud the fact that she wants to provide an alternative solution to help make students successful. She said having been in education herself for 34 years, there is never a one-size-fits-all solution, so anything they can do to help students be successful, she is in favor of.

Ms. LaPisto-Kirtley said she was concerned and hoped there was a way to have some safety aspects if someone accidentally does go in the water, but she thinks even if there were a fence around it, if someone wanted to go into the water, they would. She said hopefully, they have a good rapport with the students, which she thinks is what helps. She said if they communicate with the students, she thinks they will be successful. She said she is in favor of the project.

Ms. Palmer said she was fine with this. She said it sounds like a good project, and she knows Ms. Carr worked hard to have it occur at Yancey Elementary. She said she hopes this will be much more successful as it is closer to the high schools and is in a lovely spot.

Ms. Palmer said much of the area right around this hook is a sandbar; not that people cannot drown in a little bit of water, as unfortunate things like this have happened, but there is quite a sandbar in this area. She noted that Ms. Mallek was shaking her head, and perhaps Ms. Mallek has canoed this more recently than she. She said she would vote for the project.

Ms. McKeel said she had some questions for her own clarity and understanding. She said she could see that the owner of this property is the Community Bridge LLC.

Ms. Carr said this was correct.

Ms. McKeel said that Ms. Carr was not the LLC and asked if she would be renting or leasing from the LLC.

Ms. Carr replied this was correct.

Ms. McKeel asked if Ms. Carr would have a contract or lease with the owners of the LLC.

Ms. Carr replied that she would have a lease.

Ms. McKeel said as Ms. Palmer was just saying, she was wondering if this is the same program that Ms. Carr had offered at Yancey, which the Board had looked at, at one point. She said she did not think that Ms. Carr had any students enrolled there, perhaps because of the distance.

Ms. Carr replied that it is the same program, and they did have two students enrolled right before COVID. She said they were both Albemarle County high school students, and both graduated successfully.

Ms. McKeel said this was great. She said this led her to her next question, which was if Ms. Carr anticipated the students to come from local public schools, private schools, or all of the above.

Ms. Carr replied it was all of the above. She said currently, they have a private school, a home school student, and another Albemarle High School student coming in as a senior who is having some issues. She said they look at all the surrounding counties.

Ms. McKeel said of course, Albemarle is the largest public school system around. She said she supposed she was asking the questions because of her days on the School Board, and she and Ms. Carr knew each other from her days at CATEC. She said Ms. Carr is working with Albemarle County on the curriculum, and she asked what Ms. Carr's outreach and discussions are with Albemarle County around them sending students to her.

Ms. Carr replied that her curriculum is Workplace Readiness, and so the students return back to school up to date with assignments, she works with counselors and teachers from all the counties to get their assignments in. She said for the last two students, she either went to pick up assignments, or they emailed them to the students, and she made sure they were returned. She said the combination of these work out, and the goal is that the students do not return back without assignments, as they are then repeating the cycle.

Ms. Carr said the program is a combination of the students' school assignments and the Workplace Readiness curriculum that includes the soft skills of passion identification, which is the first thing they start working on, conflict resolution, anger management, and others.

Ms. McKeel asked Ms. Carr who she was working with in Albemarle County.

Ms. Carr replied that Dr. Jesse Turner is the new person they are working with. She said before, it was Mr. Nicholas King.

Ms. McKeel said this covered her questions, though she would admit she had some question marks around the water issue as well. She said she would chime in for what her fellow Board members said.

Ms. Carr added that Albemarle County just put out an RFP for mental health, and because the program is not aligned with that, and there was some confusion about the paperwork, ETC is an entity by itself. She said if the County schools have students they cannot reach through the traditional RFP mental health, they will send them to ETC. She said they have worked out something, and she spoke with the chief procurement person, so they do have contact, and there is a written document that they will use ETC for some of their therapeutic treatment services.

Ms. McKeel said there was a new procurement person, and she could not remember the name. She thanked Ms. Carr and said this was very interesting.

Ms. Mallek said her question may be for Ms. Gleason as much as for Ms. Carr, which was what role RWSA, who runs the reservoir, has in providing any guidelines. She said RWSA owns everything from the water's edge, and there was mention of a boat ramp area that is visible from the bridge, which is incredibly slippery when wet. She said this is a downhill slide, or ski if one is sliding on their feet. She said this is the kind of area that she is especially concerned about, not the brush and tree areas further around to the east.

Ms. Mallek said she would like to know what sort of condition is put in that would ensure that RWSA has the ability to provide some rules about this location. She said that a decade or more ago, this was an important element in the previous use that was considered for that spot.

Mr. Greg Kamptner, County Attorney, said the City of Charlottesville owns the reservoir, although the Authority does operate it. He said he knows they have guidelines for boat ramps and the like, but he did not know if they get into any rules with respect to adjoining properties.

Ms. Carr said she made a note of this to make sure she finds out what those expectations are and what they can faithfully do to prevent direct access to the boat ramp.

Ms. Gleason said the proposal was sent to the Virginia Health Department as well as RWSA, and those authorities' reviewers did not bring up any concerns in that aspect.

Ms. Price said she did not have any questions, but a couple of comments. She said she very much applauds the special nature of the program that Ms. Carr is engaged in. She said the value and benefit to the community, and particularly those students at risk, is almost beyond measure. She said she is very appreciative of what they offer.

Ms. Price noted that having said that, this is not what the Board is voting on, and they have to look at it as a special use permit of the school, which is one that happens to be very special. She said this being the case, she has no concerns or questions about it other than what they already addressed, which is the water safety aspect. She said she fully supports the proposal.

Mr. Gallaway said he knew that Yancey presented the distance issues, let alone what COVID presented. He asked if the distance was a factor in getting students out there.

Ms. Carr replied that this was the second factor, with the first being the expense of maintaining the space. She said the second factor that it was an issue, even for Albemarle County, to get students to Yancey to stay for an amount of time, with the shortage of bus drivers, and to get them back.

Mr. Gallaway said regarding traffic analysis, the program targets 24 students, but with the rolling nature of the six-week program and the fact that it is not a permanent solution but is trying to get them back to their home school, his guess is that they will probably never have 24 students at a time.

Ms. Carr said this was correct.

Mr. Gallaway asked if cycling through was the model.

Ms. Carr replied this was correct.

Mr. Gallaway said the impacts would then be low if they had 10 or 12 at a time, at different times.

Ms. Carr said this was correct.

Mr. Gallaway said as this was in the Rio District, he would present a motion if there were no other questions or comments from the Board.

Mr. Gallaway **moved** that the Board adopt the Resolution in Attachment D, subject to the conditions recommended by staff and the Planning Commission, including the revision to Condition #3, which are attached thereto.

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

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

Mr. Gallaway said the application was approved and wished Ms. Carr good luck with the program.

Ms. Carr thanked the Board.

Mr. Gallaway thanked Ms. Gleason.

**RESOLUTION TO APPROVE
SP202100012 EDUCATION TRANSFORMATION CENTRE**

WHEREAS, upon consideration of the staff report prepared for SP 202100012 Education Transformation Centre and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(5) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

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

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202100012 Education Transformation Centre, subject to the conditions attached hereto.

* * *

SP202100021 Education Transformation Centre Special Use Permit Conditions

1. The private school use must primarily take place indoors, except for associated outdoor activities.
2. Maximum student enrollment for the private school use cannot exceed 24 students.
3. Students must be transported to and from the site via either (a) vehicles either owned or leased by a school or school district, or (b) public transportation.
4. Normal hours of operation for the private school use are limited to 7:30am to 4:00pm, Monday through Friday. No weekend or evening events associated with this use are permitted.

Agenda Item No. 18. Public Hearing - ZMA201900008 Rio Point (formerly Parkway Place) Zoning Map Amendment.

PROJECT: ZMA201900008 Rio Point (formerly known as Parkway Place)

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 06100000016700, 061000000167C0

LOCATION: 878 E. Rio Road

PROPOSAL: Proposal to rezone two properties for up to 328 residential dwelling units

PETITION: Rezone a total of approximately 27.31 acres from the R4 Zoning District, which allows residential uses at densities up to 4 units/acre to Planned Residential Development (PRD), which allows residential (3 – 34 units/acre) with limited commercial uses. A maximum of 328 multifamily

residential units are proposed along with approximately 13 acres of both public and private open space at a net density of 16.17 units/acre, and a gross density of 12.01 units/acre. Request for a substitution of recreation facilities in accordance with 18-4.16.2. ZONING: R-4 Residential - 4 units/acre

OVERLAY DISTRICT(S): AIA – Airport Impact Area Overlay, EC – Entrance Corridor, FH – Flood Hazard Overlay, Managed and Preserved Steep Slopes Steep Slopes
PROFFERS: Yes

COMPREHENSIVE PLAN: Neighborhood Service Center – commercial, retail, and employment uses with supporting residential (3-20 units/acre); Urban Mixed Use (in Centers) – retail, residential, commercial, employment, office, institutional, and open space; Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses; Public Open Space – recreation and open space uses; and Privately Owned Open Space, Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features in Neighborhood 2 of the Places29 Comprehensive Plan Area.

The Executive Summary forwarded to the Board states that at its meeting on March 10, 2020, the Planning Commission voted 5:2 to recommend approval of ZMA201900008, based on the factors favorable listed in the staff report. Commissioners Dotson and Randolph, who voted to oppose recommending approval, cited concerns about the effects on transportation infrastructure and traffic congestion, and the proposed density as being too high.

The Board first considered this application at a public hearing held on June 3, 2020. At the request of the applicant, the Board deferred action on the application. Links to the application materials and revised staff report from the June 3, 2020 Board of Supervisors public hearing are provided below.

In late 2020, the original developer, Kotarides Developers LLC, terminated its contract to purchase the subject properties. In January 2021, the properties were purchased by Rio Point, LLC. Paperwork was filed by Rio Point LLC to continue pursuing the rezoning proposal (Attachment E1).

To address concerns and comments from the previous public hearings, Rio Point, LLC revised the Application Plan (Attachment E3) and proffers (Attachment E4). Changes made are primarily related to transportation improvements. Minor changes to the internal layout of buildings and greenspace were also made. The applicant discusses these changes in Attachment E2. A summary and staff analysis of the revised application is included in Attachment F.

Public input received from members of the public between March 3, 2020 and July 28, 2021 is contained in Attachment G.

Staff recommends that the Board adopt the attached Ordinance to approve ZMA201900008 Rio Point (Attachment H).

Mr. Cameron Langille, Principal Planner, said he would be presenting the Zoning Map Amendment ZMA2019-08, Rio Point, formerly known as Parkway Place. He said before beginning his presentation, he wanted to make the Board aware that he had some staff members with him that evening who could help answer certain questions about different topics after he concludes his presentation, including Mr. Kevin McDermott, Transportation Planning Manager, and Dr. Stacy Pethia, Housing Policy Manager.

Mr. Langille noted that at the top-right corner of all of his slides was a slide number, so once he is finished with his presentation, if anyone wanted to go back to a previous slide, they could make a note of which slide it was so he could do so easily.

Mr. Langille said regarding the timeline for this project, ZMA2019-08 was originally submitted for review by the County by Kotarides Developers, LLC. He said at that time, the application was titled "Parkway Place," was reviewed by staff in 2019 and 2020, and went to public hearing with the Planning Commission on March 10 of 2020. He said it was then forwarded to the Board of Supervisors for a public hearing on June 3, 2020 and at the request of Kotarides Developers, the Board deferred their action at that meeting.

Mr. Langille said the properties that are subject to this rezoning were actually sold by the original owners to a new owner named Rio Point LLC in January 2021. He said those owners decided to reactivate the application, and they retitled it to "Rio Point." He said Rio Point has been under review with staff in the spring and summer of 2021, and they have requested to go back to a public hearing.

Mr. Langille presented an aerial view of the properties and where they are located in the County, outlined in yellow, with a star noting which properties they are. He said to the northeast is the Dunlora subdivision, and to the southeast is the Dunlora Forest neighborhood. He said the property is bounded to the north by John Warner Parkway, and across John Warner Parkway is the CATEC site. He said to the east is land that is within the City of Charlottesville municipal boundaries, and to the south of the property is some undeveloped land as well as the Waldorf School. He said the John Warner Parkway greenway system is located to the southwest.

Mr. Langille presented a more zoomed-in view to show what currently occupies the properties. He said there is one house near the intersection of John Warner Parkway and Rio Road. He said there are

some outbuildings which used to be used for farming purposes behind there. He said there is a greenway trail system, which is part of the John Warner Parkway Greenway Trail, that crosses this property on the west and north side, adjacent to where it touches John Warner Parkway. He said Meadow Creek is to the southwest and is called out on the map with a label, but the rest of the property remains undeveloped. He said there are some mature existing trees on the south.

Mr. Langille said the current zoning of these two properties is R4 Residential and under this zoning, they could be developed for residential purposes up to 109 units or, if they did a bonus-level cluster development, they could get 163 units. He said the property is within four of the County's overlay zoning districts, listed on the slide. He said for adjacent parcels, all of the adjoining land that touches the site is zoned R4, but this said, further way, there is some land zoned as R6 is the Riverrun neighborhood, as noted in the orange on the righthand side of the image.

Mr. Langille said further to the north, along Rio Road, there are some parcels that are zoned Commercial Office, shown in pink on the map. He said a little further south, about a half mile or three quarters of a mile, there are some parcels that are zoned Planned Residential Development in a Neighborhood Model District, shown in teal and green color with the labels pointing to them at the bottom of the image.

Mr. Langille said the Comprehensive Plan recommends the land use classifications for this property if it were ever subject to a rezoning or a special use permit. He said the Rio Point properties were circled on the map in black, and the plan actually has four different future land use designations on it.

Mr. Langille said the pink color seen with the white diagonal stripes is the classification called Urban Mixed Use, which calls for commercial and retail uses with supporting residential uses at densities between 3 and 20 units per acre. He said the orange color represents Urban Density Residential, which allows for any type of residential dwelling unit at densities from 6.01 units per acre up to 34 units per acre.

Mr. Langille said the light green color seen on the north of the properties is Public Open Space, which represents open space which is supposed to be used for public purposes, such as County parks and public greenway trails. He said at the bottom left, there is a small area in dark green representing Privately Owned Open Space, which is land that may have some sensitive environmental features like a stream buffer or floodplain on it. He said the reason it applies there is because Meadow Creek crosses this area to the south, so some of the wetland area and stream buffer does get into that corner of the property.

Mr. Langille said when the County evaluates rezoning proposals, they look at what the density recommendations are for the parcels in question. He said as shown on the screen, there are 20.28 acres of land on these properties that are either in the Urban Density Residential classification or the Urban Mixed-Use classification. He said the County's Comprehensive Plan says areas that are either parks or open space should be excluded from determining the acreage that can be used to figure out what the density recommendations are, which is why it shows 5.89, 0.95, and 0.19 area. He said these are not included in the 20.28-acre availability for density.

Mr. Langille said the net density that this project could be developed at is between 104 units minimum and 614 units maximum. He said these are the areas that are in pink and white stripes and the orange color on the image.

Mr. Langille said the Rio Point application requests to rezone the properties to the PRD, or Planned Residential Development, zoning district. He said that as part of the PRD district, there has to be an application plan that gets approved with the rezoning. He said the application plan is the conceptual layout that shows the types of uses and their locations that are proposed with the project.

Mr. Langille said the image on the screen was one of the sheets from the application plan. He said the application plan for Rio Point is Attachment E3. He said the blue colors represent building envelopes, and this is where the dwelling units would be located in this project. He said the developer is proposing 328 units maximum. He said there are some proposed open space areas as well and overall, about 13 acres total. He said 1.1 acres of that open space is located closest to the intersection of John Warner Parkway and Rio Road East. He said this applicant is proposing to dedicate that to public use to establish a County park that would be connected to the existing greenway system.

Mr. Langille said the density for this project is 12.01 units per acre for gross density, where gross density is the overall acreage of the site that includes the Greenspace and Open Space future land use classifications. He said the net density, which excludes those areas, is 16.17 units per acre. He said there are no retail or commercial uses proposed, nor any office or institutional uses proposed.

Mr. Langille said sheet 3 of the application plan includes all notes that specify certain development and performance standards that this project would be held to if it were approved by the Board. He said he listed some of this information on the left-hand side of the screen. He said these were not all of the notes on that sheet, but he felt that these were the relevant things to talk about.

Mr. Langille said the maximum building height for those buildings are three stories, or 45 feet maximum. He noted that the building seen furthest south on the image along Rio Road is proposed to have a maximum of two stories, and the reason is that some of the neighbors during the review process expressed concerns about the building being three stories in height, so Rio Point is proposing to have this

just be two stories. He said other notes refer to architecture and different styles of the building materials that the County would enforce when this goes to site plan review.

Mr. Langille said the notes do include notes on affordable housing that are proposed by the developer, which is that 15% of the overall units would be rented at 80% AMI, meaning 49 of the 328 units would be affordable.

Mr. Langille noted that there are some green areas on the north side of the image that are adjacent to John Warner Parkway. He said these are in varying widths and represent landscaping buffers that would be installed to screen the buildings in the developed portion of the site from adjacent properties to the north. He said those buffers are between 30 and 50 feet in width and, as the slide notes, are meant to be a visual buffer.

Mr. Langille said the last page of the application plan shows the proposed road improvements that the Rio Point developer would do related to this project. He said the first thing to note is that Rio Point did provide an updated Traffic Impact Analysis (TIA) when they submitted the proposal to the County, so it is a different and updated TIA from what Kotarides originally proposed for Parkway Place. He said the TIA informed some of the decisions about what would be the most appropriate improvements and designs of the entrances to Rio Point.

Mr. Langille said shown on the slide was the left entrance, closest to the Rio Road and John Warner Parkway intersection, which is proposed to be a right-in-only access entrance. He said there is another entrance that is further south, closer to the righthand side of the screen, which is a full access entrance. He said one would be able to make a right out and a left out as well as a right in and left in from Rio Road into this project.

Mr. Langille said the developer is also proposing to dedicate 0.82 acres of the land to public right-of-way in order to make some frontage improvements, which includes right-turn taper lanes that would allow cars to pull out of the main straight travel way and turn into this project, so it does not cause traffic backup and congestion.

Mr. Langille said there is a 10-foot-wide trail that is proposed along the Rio Road frontage that could be used by bicyclists and pedestrians. He said he would talk more about this last point later when they discuss the proffers, but the applicant is proposing to do a transit stop somewhere along the frontage of Rio Road and this property.

Mr. Langille said there was one thing important to note as a major difference between when Parkway Place was under review and when Rio Point has gotten to its public hearings. He said in June of 2021, the County received approval through the VDOT Smart Scale program for a roundabout project to be constructed at the intersection of John Warner Parkway and Rio Road East. He said shown on the screen was a conceptual design for the roundabout, dated August 2020, and not the final design that would be built through the Smart Scale program, and this was to give an idea of what the roundabout would look like. He said some refer to these as "traffic circles." He said it would get rid of the signalized intersection currently at John Warner Parkway and Rio Road East and would be a roundabout to allow traffic flow to move in any of the directions it currently does.

Mr. Langille said that with the roundabout project, survey work is already being done by VDOT. He said the engineering work for the design of this roundabout will begin in early to mid-2022. He said this is a significant change to the transportation considerations that were considered when Parkway Place was originally under review with the County.

Mr. Langille said next, he would talk about the impacts to schools. He said these properties are located in the Agnor Hurt Elementary district, Burley Middle district, and Albemarle High School district. He said the school system's Long-Range Advisory Committee released an updated capacity report in September of 2021 and shown on the slide was the current enrollment capacity of each of the three schools and their projected capacity in the school year 2030-2031. He said those projections account for anticipated growth or population decline in each of those school districts and how many students would be attending a school based on its capacity.

Mr. Langille said currently, both Agnor Hurt and Burley are under capacity, and they are projected to remain under capacity in 2030-2031. He said the Rio Point project would generate, at the elementary level, 26 students and at the middle school level, it would generate nine students. He said even with that new student generation, both the elementary and middle schools would remain under capacity 10 years from now.

Mr. Langille said Albemarle High School is currently 81 students over capacity and is projected to reach 472 students over capacity by 2030-2031. He said Rio Point is anticipated to generate 19 students at the high school level, and the result is that Albemarle High School would still be over capacity.

Mr. Langille said Rio Point did an updated proffers statement from what Parkway Place originally proposed. He said he would not read all of the text on the screen, but he would run through some of it. He said Proffer #1 is broken into three parts, 1a, 1b, and 1c, and is all related to transportation improvements. He said it talks about the right-of-way dedication, and it also offers a \$750,000 cash proffer that would go toward construction of the roundabout at Rio Road East and John Warner Parkway. He said Proffer 1c deals with the Rio Road improvements for the turn lanes he had mentioned.

Mr. Langille said Proffer #2 relates to the trailhead park, and it talks about the acreage that would be dedicated as well as how the park would be designed.

Mr. Langille said Proffer #3 deals with the transit stop. He said Proffer 3a commits to the construction design of the transit stop somewhere along the frontage of Rio Road East, and 3b is an option where if the County determines that a transit stop is warranted somewhere near this project, but not right along the frontage, it allows for the County to request a \$20,000 cash contribution from the developer to go toward funding the design and construction of that stop elsewhere.

Mr. Langille said Attachment F in the agenda materials is an updated analysis of this project, and one thing to note is that it contains a list that goes through the consistencies between the Parkway Place and Rio Point applications. He said he would not read everything there, but the consistencies include the request for the same zoning district that Parkway Place proposed; the same dwelling unit count type and density; building heights and architecture; inclusion of buffers along John Warner Parkway; affordable housing; inter-parcel vehicular connections; transit; and multiuse paths. He said this was not everything, but these were the most important things to note.

Mr. Langille said there are some key differences that he would talk about. He said Parkway Place proposed 10 buildings within the site, while Rio Point has reduced this to nine. He said one of the central buildings in the middle of the development was consolidated from two buildings into one, which is why this number is reduced. He said the internal open space and areas of recreation had been 5.5 acres at Parkway Place, but this has been increased to 8.5 acres with Rio Point.

Mr. Langille said likely the biggest item relates to the transportation improvements that were proposed. He said Parkway Place was looking to offset the traffic impacts from this development by constructing "green T" intersections within the right-of-way of Rio Road East. He said Rio Point is not proposing those "green T" intersections and instead are offering a \$750,000 cash proffer to go toward the Smart Scale roundabout.

Mr. Langille said the Parkway Place project was also doing some improvements to serve the entrances into the development, and the acreage that was needed to accommodate those was 1.1 acres. He said with the improvements Rio Point is proposing, they do not need to dedicate as much right-of-way, so it is 0.82 acres.

Mr. Langille said finally, he would talk about the factors favorable and unfavorable for this proposal. He presented the factors favorable on the screen, noting that he would not read through all of them. He said Factors 1 through 5 are the same factors noted as being favorable when Parkway Place went through the public hearing process.

Mr. Langille said Factors 6 and 7, bolded on the slide, are new factors that staff noted. He said originally, there was a Factor 6 that talked about the "green T" intersections being a somewhat favorable factor for the Parkway Place proposal, but those are no longer proposed, so the factor has been revised to say that the turn lanes and road widening will expand the street infrastructure and enhance traffic flow and safety along Rio Road East.

Mr. Langille said Factor 7 is an entirely new factor favorable, which states that the Rio Road Corridor Transportation Study has been initiated by Albemarle County and is currently underway. He said Phase 1 is complete, and Phase 2 is currently in process. He said that as part of the study, the roundabout at John Warner Parkway and Rio Road East was identified as the appropriate solution to the traffic concerns at that intersection. He said furthermore, as previously noted, the County has been awarded funding through the Smart Scale program to construct that roundabout.

Mr. Langille presented the factors unfavorable. He said Factors 1 through 5 are noted as the unfavorable factors when Parkway Place was originally going through the process.

Mr. Langille said the most significant things that were noted in the staff report and during the public hearings, when Parkway Place was under review, were Factors 2 through 4, which all relate to transportation. He said there were still some concerns among County staff, VDOT, and members of the public that there was not a solid answer as to whether the "green T" improvements would adequately address the existing traffic concerns and the anticipated vehicular trips that would be generated by Parkway Place. He said the County had not yet started the corridor transportation study and had not worked with VDOT at all to look at Smart Scale project options to deal with the traffic concerns.

Mr. Langille said that even with the TIA that the Parkway Place developer provided, it still indicated that delay times for certain movements at nearby intersections, particularly John Warner Parkway and Rio Road East, as well as the Dunlora Forest Drive intersection with Rio Road East, would increase slightly, which was definitely an unfavorable factor that was noted.

Mr. Langille said the reason that those three factors have been crossed out is because the County has initiated the corridor study and received the Smart Scale funding and based on the new TIA the applicant has provided and staff's review of the Rio Point proposal, they feel that transportation concerns have been adequately addressed. He said Factors 1 through 5 still apply, and one of those is that the master plan notes that the Urban Mixed Use land use classification should include some nonresidential uses, and Rio Point is entirely residential.

Mr. Langille said finally, the land that these projects is proposed on is located outside of a priority area, as defined by the Places29 Master Plan. He said there are two priority areas that are located in different parts of Places29, but ultimately, this leads him to what he wanted to talk about with regard to staff recommendation.

Mr. Langille said that at the March 10, 2020 public hearing, the Planning Commission voted 5-2 to recommend approval of ZMA2019-08. He said based on the remaining favorable and unfavorable factors, County staff feels they have been able to evaluate this application and, in particular the larger transportation network in the vicinity of this project. He said solutions have been identified for the traffic concerns, and staff feels that at this point, the favorable factors outweigh the remaining unfavorable factors. He said staff recommends approval of the Rio Point Zoning Map Amendment application.

Mr. Langille concluded the staff presentation and offered to answer questions, look at the previous slides, or have Mr. McDermott assist with transportation related questions or Ms. Pethia assist with affordable housing questions.

Mr. Gallaway asked the Supervisors if they had questions for staff.

Ms. LaPisto-Kirtley thanked Mr. Langille, noting that she did not have questions at that time and would wait until after the public hearing.

Ms. Palmer said there were 160 by-right development units and that one could get 163 with bonus factors. She asked what the bonus factors are that would get the property up to 163 units.

Mr. Langille replied that by-right with no bonus factors is 109 units, and 163 units with bonus factors. He said this means one would have to set aside a minimum of 25% of the parcel to open space, and the space could not be used for things like streets or residential lots. He said this clusters the residential uses in a smaller area, which is why it is called a cluster development. He said there are certain other things the developers could do, such as providing streets with street trees, which would result in a certain density percentage increase. He said another density factor is to do affordable housing as well. He said he did not have a full list of all the different bonus densities but basically, it is a development type where they have to do certain things and meet certain performance standards in order to get an increase in units under the R4 Zoning District.

Ms. Palmer said she thought this was good for the public to hear, also. She asked how big the recreational space is that has a pool, clubhouse, and active recreational amenity space.

Mr. Langille replied that he did not have an exact acreage figure on that, but the applicant might be able to provide what the anticipated square footage is for the surface area of the pool and building for the clubhouse. He said this is the central area shown on Attachment E3, which is the application plan. He said it is adjacent and behind one of the residential building envelopes.

Ms. Palmer said that perhaps when the applicant speaks, they could answer that. She said this was all her questions for now.

Ms. McKeel said she was okay at that time but may have questions later for Mr. Langille.

Ms. Mallek said she had no questions for staff.

Ms. Price thanked Mr. Langille for his excellent presentation, noting that he covered a lot of ground and expressed the changes. She said she had one question at the moment and wanted to make sure her notes were correct. She said of the four sections within the overall property, the two largest are currently zoned Urban Density and Urban Mixed Use, and the total density of development would be anywhere between 100 and 600 cumulatively, between those two. She asked if this was correct.

Mr. Langille replied affirmatively. He said the two largest areas of these properties' future land use classifications are the Urban Mixed Use, which is 5.33 acres, and the Urban Density Residential classification, which is 14.95 acres of the parcels. He said when combining those together and looking at the recommended density ranges from the master plan, cumulatively, this results in a recommendation of a minimum of 104 units and up to a maximum of 614.

Ms. Price said she had just rounded those. She said without any zoning change, then, it could be anywhere from 104 to 614 units right now. She said she had no further questions at the moment but may have questions or comments later.

Mr. Gallaway said he would reserve most of his questions for later, but he had a couple to keep his memory on track. He asked if of the two buildings facing East Rio, the one closest to Dunlora Forest would be two stories.

Mr. Langille replied affirmatively. He said the building that is closest to Dunlora Forest is the one that would be two stories, and the one further north of there would still be three stories.

Mr. Gallaway asked if this was consistent with what the previous application plan was.

Mr. Langille replied this was correct.

Mr. Gallaway said he knew he asked the question when this was first in front of the Board. He asked Mr. Langille to remind him of how the \$750,000 proffer amount was determined.

Mr. Langille replied that determining the dollar figure is ultimately up to the applicant to offer a certain amount to the County. He said the original Parkway Place proposal had a \$750,000 proffer that was an optional proffer, so if that developer did not build the "green T" intersections because the County had identified something better, they could have requested the \$750,000. He said the Rio Point developer, however, will outright offer the \$750,000 proffer to go as cash to go toward the Smart Scale roundabout that has since been funded through the VDOT program.

Mr. Gallaway said he would have to go back and check the minutes, but he would ask Mr. Langille if he could recall if the amount was related somehow to the acreage that was being given up for the roadway if they did not actually use it.

Mr. Langille replied that he did not think it had any relation to the acreage. He said County staff cannot direct an applicant to give them a certain amount of dollars, as it is up to the developer to propose something to the County. He said this was the dollar figure the developer settled on.

Mr. Gallaway said he sometimes gets confused and wanted to clarify about the changing of ownership. He asked if Kotarides was only going to purchase the property from the original property owner if the project were to move forward, or if they outright purchased it.

Mr. Langille replied that the original property owner was the Wetzel Family. He said many may know these properties as the Wetzel properties. He said Kotarides was a contract purchaser of these parcels, contingent upon the rezoning being approved, so they never owned these parcels outright.

Mr. Gallaway asked if Rio Point was a contract or if they outright purchased the property.

Mr. Langille replied that Rio Point outright purchased the properties.

Mr. Gallaway said he would ask his other questions at a later point. He asked Ms. Palmer if she had a follow-up question.

Ms. Palmer said she got confused when Mr. Langille was answering Ms. Price's question. She asked what the maximum amount is that can be built on this by-right.

Mr. Langille replied that in terms of dwelling units, the maximum number by-right is 109 units, and if they did a cluster development, it could go up to 163 units. He said the figure they are at is 104 and then up to 614, which is the recommendation of the master plan, which are the future land use recommended densities.

Ms. Palmer said this is what she had thought but must have heard it incorrectly.

Mr. Gallaway opened the public hearing and invited the applicant to speak for 10 minutes.

Mr. Chris Henry, President of Stony Point Development Group, said he would be presenting the Rio Point project. He said the project team put together for Rio Point consists of his business, Stony Point Development Group, which has been operating locally in Charlottesville since 2013 and some of their projects that folks may be familiar with are Riverside Village on Pantops and Dairy Central in Downtown Charlottesville, which is now finishing up. He said they are the owner and operator of their projects so rather than building and selling, they build and hold, and they plan to be the owners of this property for a long time. He said the group's mission statement is "creating great places and enhancing lives through the built environment."

Mr. Henry said his team present that evening included Mr. Craig Kotarski, civil engineer of Timmons, who will be doing their engineering and landscape architecture; Mr. Steve Blaine of Woods Rogers, representing the group on the legal side and locally based in Charlottesville since 2010; and Cline Design, which is not a local architecture firm, but has designed several thousand apartments in 12 states over 35 years and has offices in Raleigh and Charlotte, North Carolina. He said Stony Point has done work with Cline Design on some projects in those areas, and they think the design Cline will bring to the Rio Point project will be extremely strong and make a statement on this location while complementing the existing massing and designs of the other high-quality projects in the area.

Mr. Henry said they are very proud of the quality of projects that they build, and they plan to put their best foot forward at Rio Point, if the Board chooses to approve the project.

Mr. Henry said Mr. Langille did a wonderful job presenting the project, so he would keep his presentation of the application relatively brief. He said the highlights they want to make is that this application has been moving through the public process since 2019, beginning with meetings with the Places29 Rio CAC, the Planning Commission, which recommended approval of the application, the Board of Supervisors in June of 2020, and another meeting with the Places29 Rio CAC on June 24, 2021.

Mr. Henry said they plan to build up to 328 apartment homes on 27.3 acres. He said 57% of this land will be dedicated as public space and not built. He said they will be clustering the buildings at a human scale, so two- and three-story buildings with 45-foot maximum heights and a high-quality internal

landscaping plan and site work that will provide a walkable, aesthetically appealing neighborhood of multifamily rental.

Mr. Henry said parking will be onsite and relegated behind the buildings in accordance with the County's neighborhood model principles. He said this will have a Class A amenity package associated with it to include a clubhouse, pool, walking paths, open space, and several outdoor seating areas.

Mr. Henry said some of the public benefits they will be providing are the road improvements along Rio Road, where they are including a right-turn taper at the northern entrance of the site, one at the southern entrance, and a left-turn taper going north on Rio Road at the southern entrance of the site. He said these road improvements, as the traffic study shows, are sufficient to handle the volume of residences that will be built on this site. He said they had Ramey Kemp there as the traffic engineer and could answer any questions related to the study that was done and reviewed by VDOT and the County and how they came to the conclusion that this will be sufficient.

Mr. Henry said they are also making significant contributions to the roundabout that has been funded by VDOT. He said the \$750,000 proffer that is included in the application package was actually derived by the previous applicant, Kotarides, as Mr. Langille mentioned. He said his understanding is that this number came from Kotarides' cost estimate of the "green T" intersections that are now being removed from the application. He said as the Board may remember, there was an option in the previous proffer package to have the "green T's" built elect for the cash contribution to public infrastructure. He said that in collaboration with County planners, everyone has agreed that it is in the County's best interest to accept the cash contribution to cover any funding need for construction, and he was excited to hear that evening that surveying was underway for that project.

Mr. Henry said that in addition to the road improvements, they will be providing a 1.1-acre public park. He said this is located on the Neighborhood Service Center section of the site, at the corner of John Warner Parkway and Rio. He said the applicant thinks this is a very appropriate use for this section of the property as it not only keeps large buildings away from the primary corner that is up on a significant hill, which would add a towering presence to the viewshed, but it is also a nice public amenity for people to be able to park and get onto the John Warner Greenway and public trail system. He said access can be tricky, as those who ride the greenway know, as does he himself.

Mr. Henry said that as part of the dedication of the park, the applicant will be providing public parking spaces, public art, and landscaping, as well as public access easements so that the property can be accessed through their private property in perpetuity.

Mr. Henry said the applicant is also providing a potential location and construction, or funding, for a public bus stop, at the County's election. He said that as mentioned in the staff report, they are proffering 15% of the units in this project to be rented at 80% AMI, which is consistent with the County's affordable housing policy. He said they will be making aesthetic improvements throughout the site, including landscape buffers along John Warner Parkway and Rio Road, in addition to the public trails.

Mr. Henry said the applicant believes that the application is consistent with the County's Comprehensive Plan and Neighborhood Model Principles. He said they are very familiar with these from other projects that they have done in Albemarle County, they believe in them, and they think that adhering to these principles create a high-quality design. He said those include a mixture of uses, so they have the residential and the public park component that they think is an appropriate mix of uses there versus a commercial neighborhood center.

Mr. Henry said they also have a mixture of housing types and affordability, so while there is not a mixture of different housing types on this property itself, it complements a number of housing types that exist in the larger Rio Road Corridor to include mid- and high-rise multifamily, low-rise single family, townhomes, and other adjacent uses such as churches, schools, and even commercial further along Rio Road, north towards Fashion Square.

Mr. Henry said they are relegating parking behind the buildings so that it is not visible from Rio Road or John Warner Parkway. He said they have an interconnected street network, and they even have a connection to the adjacent property that will be developed in the future. He said multimodal transportation opportunities will be there in abundance, with the greenway and the public bus stop as well as the ability to drive a car. He said it will be a significant enhancement to the park amenities and open space, including public parking in this location.

Mr. Henry said the buildings are of human scale. He said Cline Design does excellent work, and they have an example in the package of some of the projects they have done. He said the applicant is excited to work with them and bring that quality to this site.

Mr. Henry said they believe that working with the existing terrain and grading of the site, rather than rendering the site flat and covering it with asphalt, is an aspiration of the Neighborhood Model Principles that will certainly be applied here.

Mr. Henry said that as Mr. Langille mentioned, a significant amount of transportation and infrastructure are concerns at this intersection and project location to include funding of the Smart Scale application in 2019, to provide a roundabout at John Warner Parkway and Rio Road East, and the completion of the Rio Road Corridor Study Phase 1. He said those are significant elements that were not in place the last time the Board considered this application.

Mr. Henry said this concluded his initial presentation. He said he had his team present to answer any questions and would be available at the Board's desire to answer anything to come up after public comment and prior to a vote.

Mr. Gallaway asked the Supervisors if they had any questions for the applicant.

Ms. LaPisto-Kirtley said she did not have questions at that time and would wait until after the public hearing. She said she would mention that the Riverside Village project was an outstanding one, with a mix of different types of homes. She said it is very nice, complementary, and fits into the neighborhood, so she would thank Mr. Henry for that.

Ms. Palmer asked about the size of the pool and recreational area.

Mr. Henry replied that the area labeled as "Active Recreation Amenity Space and Clubhouse" on the application plan is approximately 1 acre. He said the size of the pool has not been designed, so they cannot say, but it would be comparable to other pools found in a community of this size.

Ms. McKeel and Ms. Mallek said they did not have questions.

Ms. Price thanked Mr. Henry for the presentation, adding that she found it to be very informative. She said she did not have any questions at that time.

Mr. Gallaway thanked Mr. Henry for clarifying the \$750,000 amount regarding the "green T's." He said he would wait until after hearing from the public to ask his questions to staff and to the applicant.

Mr. Gallaway acknowledged there were members of the public signed up to speak and asked Ms. Price to read the public comment protocols.

Ms. Price read the speaker protocols aloud.

Ms. Lisa Drummond thanked the Board for the chance to speak. She said she has written several letters over the past year and a half to the Board with a lot of reasons to oppose this rezoning, and she would like to highlight two of them. She said in her opinion, doubling the allowable density for a development of this type, which is built on a two-lane road, which will always be a two-lane road and is surrounded by two-lane roads in every direction, is misguided, especially when there are other places in the County for this type of higher density, and also given the fact that the by-right with bonus still gets them within the range of what is in the master plan.

Ms. Drummond said her second point is a question that she did not understand; that the Board can decide on the zoning application when Part 2 of the Rio Corridor Study has not been completed. She said Part 2 of the study deals with the area from John Warner Parkway down to Melbourne Road on Rio Road. She said this is the frontage of half of this development, and it is the frontage that affects her neighborhood, Dunlora Forest. She said it seems like this development will have a huge impact on their section of Rio Road, and she does not know how someone can decide on that without having full information.

Ms. Drummond said she had thought originally that one of the reasons that perhaps this was being deferred about a year ago was to wait and have the Rio Road Corridor Study done so that everyone can have full information, and only part of the study is done while the rest is not. She said she appreciated the opportunity to comment.

Ms. Sandra Cohen said that she and her husband, Mr. Patrick Fowler, have lived in Albemarle County for over 40 years. She said they now reside at Dunlora Park, and they are very concerned, as are others, about the development at Rio Point. She said they are asking that the Board carefully consider the rezoning request and that they vote "no."

Ms. Cohen said the requested rezoning of R4 to Planned Residential significantly changes the neighborhood impact and the residential nature of the properties that adjoin this development. She said Rio Point is directly across from Dunlora Park, Dunlora Forest, Dunlora, and Shepherd's Ridge. She said all of them are single-family dwellings, villas, or townhouses but other than Dunlora, they are all relatively small developments.

Ms. Cohen said the by-right of 109 units, with the additional bonus factors of 54 more units, comes to 163 units. She said the developer has requested 328, which more than doubles the number of cars than the number of vehicle routes that will be on two lanes. She said the previous speaker spoke well and came up with many very pertinent points.

Ms. Cohen said they understand that growth and change are an important part of the environmental agenda for the Urban Ring; however, to many County residents, it seems that votes are taken, and decisions are made without taking in the full impact of the growth and development from all aspects and areas that feed into this or any development.

Ms. Cohen said that by many estimates, there are already over 12,000 additional apartment units that are being developed or in consideration right now in Albemarle County, and the University, within the last day or two, announced another 1,000 to 1,500, all of these coming from East Rio Road, West Rio Road, 29 North, and Berkmar. She said all of these somehow impact the traffic on Rio Road which, on the east side, is a two-lane road that developed from an original farming and residential dirt road that many who have lived in the area for a long time remember.

Ms. Cohen said that as a major east-west highway, the number of vehicular traffic routes has increased dramatically. She asked the Board to consider the growth impact of what would occur.

As Ms. Cohen's time had expired, Mr. Gallaway reminded the public that anyone who could not get in their full comments were welcome to email in the entire statement to the Board, to be included in the minutes.

Ms. Donna Lombardi, Rio District, thanked the Board for listening to public comments. She said to build on what Ms. Cohen said, UVA stated in The Daily Progress that day that they were committed to building 1,000 to 1,500 affordable housing units in the next 10 years on land both in the city and in the county. She said additionally, she understood that in the prior evening's City of Charlottesville Planning Commission meeting, the Commission recommended approval of both the Park Street Christian Church affordable housing proposal of 50 units and MACAA's 76 units. She said both of those projects will apparently go to the next level of approval. She said all of these are permanent affordable housing.

Ms. Lombardi said that as illustrated by the always-present "for lease" and "resident bonuses for referral" signs, and with the additional large apartment complexes under construction and in the pipeline, it is hard to imagine there is a shortage of apartments in the area. She said her concern is that supporters of this rezoning request feel that building 280 or so unneeded apartments that will rent for top dollar to get 49 temporarily affordable apartments is the correct thing to do. She said renting, even at affordable rates, does not help local workers settle in Charlottesville. She said it just delays the move to a less-expensive city to continue on with life because most people do want to own, and it is hard to save for a down payment when one is just making monthly rent.

Ms. Lombardi said what would be great for affordable housing would be to respect the current R4 zoning of this property and build houses that are affordable to families and middle-income workers. She said they absolutely do not need more half-million-dollar houses, but they do need more reasonably sized, reasonably priced housing. She said perhaps there is a developer who is committed to helping the community by building houses or villas that the average working person can actually afford to buy. She said perhaps there could be programs that make homeownership possible for a middle-income family. She said this seems to make more sense than building 280 unneeded apartments to get 49 temporarily affordable units.

Ms. Lombardi said she hoped the Board would reject the rezoning request, and she thanked them for their time.

Mr. Ivo Romenesko, Jack Jouett District, said to the Board members, staff, and community members who have spent a lot of time on housing issues and planning, he would thank them for their efforts.

Mr. Romenesko said he supports and is excited about the Rio Point project because his view is that it has been crafted around the Comprehensive Plan and Neighborhood Model. He said he advocates for planning according to the Comprehensive Plan and the model because it is a way to preserve Rural Areas. He said buyers, developers, and landowners want predictability, and the Comprehensive Plan actually provides that and with a view of the future.

Mr. Romenesko said the Comprehensive Plan is updated and reviewed periodically. He said the public has the right to provide opinions about the Comprehensive Plan. He said they rely on this document as it provides a view of the future. He said in his opinion, the time to reject a plan is at its creation.

Mr. Romenesko said he reviewed the plans for Rio Point, and he found that the density is in the middle of the range for an urban location. He said the TIA has obviously been considered and was made a part of this plan. He said the plan expands bike and walking systems and provides a new park trailhead and transit elements. He said it provides improvements within Rio Road and the widening of Rio Road. He said the roundabout proffer for cash to be provided is a good stimulus to get the Transportation Department to build the roundabout.

Mr. Romenesko said that when it comes to neighborhood services, he noticed that this plan does not include it, but in his opinion, not every neighborhood can support neighborhood services. He said in fact, there are neighborhood services within a short distance. He said for example, Greenberry's Coffee and Grill is in Belvedere, which is about a nine-minute walk, according to Google Maps. He said there are three convenience stores, with gasoline alley being about a 10-minute walk. He said the tennis courts at Pen Park are about 16 minutes away, and the golf and grille facilities there are about 20 minutes. He said there is a grocery store, ALDI, that is about a 33-minute walk. He said that he did not see this location being an ideal spot to add additional neighborhood commercial services.

Mr. Romenesko said traffic has increased a great deal, and he knows because the first home he purchased in Charlottesville was about 48 years ago, on Rio Road. He said he subsequently purchased another home just off of Rio Road, and he has had an office building on Rio Road.

Ms. Borgersen informed Mr. Romenesko that his speaking time had expired.

Ms. Judy Schlusel, Rio District resident and member of the Rio29 CAC, said the developer of Rio Point is requesting a rezoning from R4 to Planned Residential Development to build a 328-unit apartment complex. She said this complex will be located at the intersection of John Warner Parkway and Rio Road, which is designated as an entrance corridor.

Ms. Schlusel said that according to the Albemarle County ARB Design Guidelines, updated on February 2, 2011, "The goal of the regulation of the designed development within the designated entrance corridor is to ensure that the new development reflect the traditional architecture of the area. Where a designated corridor is substantially developed, these guidelines require striking a careful balance between harmonizing new development with the existing character of the corridor and achieving compatibility with its significant historic sites."

Ms. Schlusel said one does not need to look very far from this proposed complex to see existing single-family homes on Rio Road East and West, plus the developments of Dunlora, Dunlora Park, Shepherd's Ridge at Dunlora, Dunlora Forest, and Squire Hill, all which hit the harmony of single-family homes, duplexes, triplexes, and townhouses; in other words, established neighborhoods with yards and greenery helping the environment.

Ms. Schlusel said she previously spoke about Albemarle County's poor stream health and noted that the Board is a contributing factor to the poor stream health by continuing to approve apartment complexes that have little to no greenery, with huge concrete parking lots with impermeable surfaces. She said the developer wants to maximize his profit.

Ms. Schlusel said Rio Point is an apartment complex that appears to be contradictory to the ARB guidelines of establishing a pattern of comparable architecture characteristics in the entrance corridor; however, if the current R4 zoning was kept and built clusters of single-family, townhouses, duplexes, and triplexes, this development would be much better received, and it would fit in with the ARB guidelines of striking a balance of harmony with the existing established neighborhoods and greenery.

Ms. Schlusel said Rio Commons, the newly named proposal to be developed next door to Rio Point, will be dwarfed by the proposed 382-unit apartment complex. She said this is another example of how Rio Point development is contradictory to the County's stated ARB guidelines of harmonizing with surrounding developments. She said the ARB has been established so that citizens can have some comfort in knowing that future developments will adhere to established and printed guidelines. She said driving around, one will notice that building is going on in all parts of Southern and Eastern Albemarle, and that there are several apartment complexes currently being built in 29 North: Brookhill, RST, and Berkmar Landing.

Ms. Schlusel said to look to the future and evaluate exactly how many apartment complexes are really needed. She said COVID has changed their lives and thinking. She said people found that being outside in their own yard has enormous benefit mentally as well as physically. She urged the Board to consider the ARB stated guidelines and not approve the request for rezoning for Rio Point from R4 to Planned Residential Development.

Mr. Kent Schlusel, Rio District, said the rezoning is wrong in this location. He said it is wrong for the County, wrong for the current neighborhoods, and will be severely impacted. He said the request has major environmental, safety, and traffic issues that were not addressed.

Mr. Schlusel asked how many apartments were needed in the County. He said one could travel up 29 North, or across from the 5th Street County Office Building, along Pantops, along Rio Road, or other places and see apartments being built. He said federal studies, which he has pointed out to the Board previously, found that the County has more than sufficient apartments for the next several years, and he would ask, "Why more?"

Mr. Schlusel said when this rezoning was before the Board over 18 months ago, the Board led many to believe that until the Rio Road Corridor Study was completed, the rezoning would not be considered. He said the study is not completed, and the first part of the study has some serious flaws about the intersection as initially reported to the Board. He asked why they are even talking about rezoning now when the study is not complete. He said that even the traffic analysis dated May 24, 2021 has some serious defects that were in the package.

Mr. Schlusel said that from his observation, one reason developers request rezonings is that they know if they mention affordable housing, the Board will approve rezoning despite what the community wants, what the safety issues are, and the environmental impacts. He said of course, they do have an affordable housing issue in the County, but the developer proposed affordable housing for only a

set period of years, normally around 10. He asked what happens after 10 years, and if the Board really thinks the issue will disappear in 10 years.

Mr. Schluskel said that Mr. Erik Johnston, Director of Virginia Department of Housing, recently said, "There are way too many households that don't have access to affordable housing in the Commonwealth and so, the long-term solution is actually the production of more homeownership and multifamily units."

Mr. Schluskel said instead of building a large, over 300-unit apartment complex that does not fit into the existing neighborhood and will cause significant traffic and safety issues, he would ask why they cannot use this parcel of land to build smaller homes that are affordable and get people into the housing market. He said this could be the start of a long-term solution to affordable housing. He said that by building smaller affordable homes, it would fit into the existing neighborhoods of single, duplexes, and triplexes along this section of Rio Road.

Mr. Schluskel said this Board should be thinking strategically and not approve every rezoning request that comes before them just because of the mention of affordable housing for the short term. He said they should disapprove this rezoning request as submitted and send it back to start the whole process over with strategic development in mind, not just short-term gains.

Ms. Jennifer Mathes, Dunlora resident, admitted that she was discouraged. She said she is discouraged all the way from the federal government level that only seems to cater to special interest groups, down to this Board of Supervisors that does not seem to care about the residents that actually live there. She said she has listened to numerous Planning Commission and Supervisor meetings in both the City and County and heard residents all but begging their elected officials to heed their traffic and greenspace concerns, only to be ignored in favor of developers and special interest groups.

Ms. Mathes said that at some point, the Board has to decide if the residents want to be Northern Virginia. She said they do not. She said that from her perspective, it appears that the Board has a Comprehensive Plan, and they want to race as fast as possible to allow every square inch of the Urban Ring to be developed. She said the Comprehensive Plan was meant to offer guidance, not a mandate. She said the Comprehensive Plan is currently in the process of being updated and will no longer be "the" Comprehensive Plan shortly.

Ms. Mathes asked the Board if they have counted the number of apartment complexes going up along Berkmar, Route 29, and Rio. She asked if the engineer doing the Rio Corridor Study has considered that the 2019 VDOT numbers that he is using may be exponentially different in two years. She asked if the engineer has considered that easing the flow along Rio Road does nothing but move the gridlock down both Rio and John Warner Parkway. She said both of these roads are single lanes and cannot, or will not, be widened. She said John Warner Parkway often backs up from the 250 interchange to Charlottesville High School.

Ms. Mathes asked the Board if they have considered that in 10 years, the affordable housing they are so happy about will be no more. She asked if they have considered that if this were developed by-right, it is likely that affordable homes would be included to increase density; homes that would be owned and not rented.

Ms. Mathes asked the Board if she had any legitimate hope that they would not side with developers and special interest groups, and she said that sadly, she does not, but she at least wanted them to hear that the residents see what is happening.

Mr. Brent French said the Rio District has been his home for more than 20 years. He said the arguments that evening against Rio Point fall into two major categories: what is legal, and what is reasonable. He said the arguments for why this application is not legal are now public record, but this may be an issue for the courts to decide later.

Mr. French said for now, he would like to focus instead on what is reasonable and fair. He said first, the high-density Rio Point apartment complex will be three stories tall and will have a footprint bigger than Scott Stadium. He said it is totally out of character with the surrounding R4 community, and the existing infrastructure simply cannot support it. He said VDOT estimates that this high-density complex will add an additional 1,800 cars per day near an intersection that is already one of the worst in the County. He said the number of apartment units in Rio Point is nearly as large as all the housing units in the nearby Dunlora subdivision.

Mr. French said the planned Smart Scale roundabout was intended to address the existing issues of traffic safety and congestion. He said it did not envision the additional load imposed by Rio Point. He said that near the end of Attachment E9 for this meeting, County planners themselves concluded that traffic on John Warner Parkway will be worse as a result of Rio Point, even after the roundabout is built.

Mr. French said the application does not provide for a mixed-use neighborhood center as called for by the Places29 Master Plan; case in point, it would take a person 33 minutes to walk from Rio Point to the nearest grocery store.

Mr. French said with regard to housing needs, the County already has 12,000 apartment units that are newly built or in the pipeline, largely enough to meet the projected needs for the next 40 years.

Mr. French said finally, one key point being swept under the rug is that the Rio Point application totally shortchanges affordable housing. He said the totals provide for only 15% affordable housing and then, only for 10 years. He said this is far short of the Board's stated goal of 20% affordable housing for 30 years.

Mr. French said in conclusion, he urges the Board to deny this application and ask the developer to come back with an offer that meets the minimum standards set by the Board itself, the Places29 Plan, and the Comprehensive Plan. He noted that the only person who spoke that evening in support of Rio Point is himself a real estate developer.

Mr. French thanked the Board for their time.

Mr. Michael Orloff said it was clear to him that the vast majority of the Board's constituents living in the area of the proposed development do not want the land rezoned and are looking to the Board for help. He said his belief is that the Board's office should be used to bring the community together. He said County Government is in a unique position to have a positive influence on its residents.

Mr. Orloff said he hears quite often about the Comprehensive Plan and the designated of high-density zoning. He said the master plan is a guide for land use for the future and the next 20 years. He said the master plan is not a binding, legal document. He said the plan contains a future land use plan and map. He said this is often mistaken for zoning. He said a future land use map does not mean that a property is rezoned or will be rezoned. He said it is a planning tool only.

Mr. Orloff said high density can be applied to the Route 29 large area. He said it does not have to be applied to a single piece of property in that area. He asked if the Wetzel property, in and of itself, the best type of property to be rezoned for high density. He said he did not think so. He said if there was no mistake made when the neighborhood and Wetzel property were originally zoned, and there is sufficient land elsewhere for high-density residential use, the fact that the applicant wants to develop a specific piece of property might not be enough to justify a zone change since there is no need to rezone the neighborhood.

Mr. Orloff said the Board's constituents need their help. He asked the Board to vote "no" and to not develop this monstrosity.

Ms. Judy English, Rio District Dunlora resident, thanked the Board for their time and consideration. She said she would start with a significant procedural and legal issue, then move on to three points.

Ms. English said there is no rezoning application properly before the Board and therefore, the Board has nothing to act on. She said as stated, Kotarides Developers is the entity that filed the application for a zoning map amendment relating to this property. She said that in late 2020, Kotarides terminated his option to purchase the property and abandoned its application.

Ms. English said that later, when Mr. Henry became interested in the property, he filed a paper stating, "This application serves to amend the existing application to replace the name of the applicant." However, Mr. Henry and Rio Point LLC are not related in any way to Kotarides, and Mr. Henry was not amending to change a name. She said he was a new applicant trying to take control of an application filed by another that was already in process.

Ms. English said in other words, Mr. Henry was trying to truncate the process as it applies to him, his application, and Rio Point LLC. She said that by including the statement in his application, even though he should have filed a new application, he was expressly asking that his application be treated as if he were not a new applicant. She said he wanted a process other than that applying to all others.

Ms. English said there is no proper application for Rio Point LLC, and there is only an attempt to amend the application of an unrelated entity; a paper not recognized by the code. She said therefore, there is nothing before the Board to act on.

Ms. English said even if the Board wanted to be lenient, it would not be prudent, and the code does not permit it. She said the purpose of the process established by the code is to create procedural safeguards and to make certain that all applicants follow the same process and the same requirements. She said in fact, the individual sections of the code expressly apply to each applicant and each application. She said therefore, Mr. Henry was required to follow the same procedure that other applicants follow, which was not done.

Ms. English said that within the code itself, there are ways to shorten the process when deemed appropriate, but the code does not recognize taking control of an abandoned application as a way of doing so, nor should it. She said that to be fair to other applicants, the process, and the public, the Board must require that Mr. Henry file an application and follow the process as set out in the code to properly bring his request to the Board.

Ms. English said she had several quick points to make. She said first of all, the development that is proposed by Mr. Henry does not look anything like the renderings contained in the Comprehensive Plan or in the Places29 Master Plan. She said it makes those renderings basically a misrepresentation to the public of what is actually going to be constructed.

Ms. English said secondly, the comments from affordable housing dwellers in print, on radio, and previously before this Board are overwhelmingly that they want affordable homes. She said that according to existing zoning and the County's own housing study, this parcel is better suited for affordable homes than affordable apartments.

Ms. Borgersen informed Ms. English that her speaking time had expired.

Mr. Gallaway reminded the public that if anyone wished their full statement to be included in the minutes, they need to send a copy to bos@albemarle.org.

Mr. Rory Stolzenberg thanked the Board for the opportunity to speak and congratulated them on almost making it through another year. He also thanked Ms. Palmer for her service.

Mr. Stolzenberg said that evening, the Board was considering whether to allow the creation of 328 new homes, 50 of which will be affordable. He said the Board heard that evening about the need to protect the residential character of the area. He said he had good news for them: the project before them proposes one land use - homes. He said every one of these 328 new apartments will be a home for a future resident. He asked the Board to think about those residents as they consider the decision that evening. He said there are few better places to allow people to live which is just steps from a safe path directly to the jobs, services, and amenities of Downtown.

Mr. Stolzenberg said the Board also heard that evening that these homes are unneeded, in part because UVA has committed land to affordable housing, and the City Planning Commission recommended zoning approval for 128 new affordable homes the prior evening. He said that all three of those proposals are unfunded, and in the proposal before the Board, all of those new affordable homes come to them at zero cost to the County.

Mr. Stolzenberg said people can have homes they can afford without spending a dime of taxpayer money and while allowing people to live in a more environmentally friendly, dense, pleasant place to live, close to services and amenities, in conformance with the Comprehensive Plan and while preserving quite a bit of open space.

Mr. Stolzenberg urged the Board to think about the people who will live there in the future if they allow this. He thanked the Board for the opportunity to speak.

Mr. Gallaway asked if this was the last speaker.

Ms. Borgersen confirmed this was correct.

Mr. Gallaway closed the public comment section and gave Mr. Henry five minutes to rebut anything he heard during public comment, if he wished to take it.

Mr. Henry said he would give the time back to the Board and make himself available to answer any questions.

Mr. Gallaway brought the matter back to the Board and asked if there were any questions for the first round, while a second round would be for making comments.

Ms. LaPisto-Kirtley said she had one question for Mr. Henry. She asked Mr. Henry why he had proffered 15% affordable housing for 10 years as opposed to the Board's new recommendation of 20%.

Mr. Henry replied that when the applicant purchased this property and inherited this application, and the application package was assigned to Rio Point LLC, it had already been in process with the County since 2019, and the County updated the affordable housing policy in 2021.

Mr. Henry said the short answer from the applicant, from a financial perspective, is that they underwrote the entire project according to the application that had been processed through the County, and to make a major change like what is being proposed with the new affordable housing policy, which they support in concept, was not applicable to this application as it would not be possible for the applicant to achieve those thresholds in this project for the price that they paid for the land. He said they would have either negotiated differently there or proposed additional density to compensate for the additional affordable housing units, and as the Board heard that evening, the additional density is something that is very problematic for the surrounding community.

Ms. LaPisto-Kirtley said that basically, the applicant followed the ordinances and rules as they were in effect at that time.

Mr. Henry said this was correct, and the staff report supports that.

Ms. LaPisto-Kirtley said her next question was for Mr. Kamptner. She asked him if a new application was necessary because as someone stated, it was not a proper application.

Mr. Kamptner replied that this is a proper application before the Board.

Ms. LaPisto-Kirtley thanked Mr. Kamptner and said she did not have any other questions.

Ms. Palmer said she was going to ask the Board's attorney, Mr. Kamptner, to comment on something. She asked Mr. Kamptner if he could not comment any further other than the application was proper.

Mr. Kamptner asked Ms. Palmer if she was referring to the multiple questions that were responded to in writing.

Ms. Palmer replied affirmatively and mentioned putting those out publicly, since it is now being said in this public hearing.

Mr. Kamptner said the best way to summarize what happened was that the original applicant was a contract purchaser, and they decided to not proceed with the project. He said Rio Point LLC became a contract purchaser and shortly thereafter, filed an amendment to add their name to the application. He said shortly after that, they acquired the property. He said that under state law, either a contract purchaser, with the owner's consent, or the owner of the property, or the owner's agent, are all proper applicants for a rezoning. He said Rio Point is clearly a proper applicant. He said the Board has an application that has been processed, public hearings have been noticed, and it was before the Board that evening.

Ms. Palmer thanked Mr. Kamptner and said she did not have any other questions.

Ms. McKeel said she would add one more question about that, as the Board was hearing a lot via email that the zoning application was not properly advertised in terms of the signage that was put up. She said the assertion is that the signage was not done properly by County staff and asked Mr. Kamptner to address this.

Mr. Kamptner said that when the County first added the signage provision years ago, they anticipated that people who oppose projects might remove signs and therefore jeopardize the validity of the notice that was being provided. He said there is a provision in the sign posting regulations that provides that any zoning decisions are not invalidated by the fact that the signs are not posted for the required period. He added for the public that the signage requirement is something above and beyond what is required by state law. He said it is an additional notice that effectively provides notice to the community, but it is something that is above and beyond the minimum that is required by state law.

Ms. McKeel thanked Mr. Kamptner for the clarity. She said she could see that Ms. Pethia was present. She said the Board keeps hearing that they do not need any more affordable housing because it is in the pipeline. She said without a doubt, the market is demanding rental, and the County needs more rental, which is what this provides.

Ms. McKeel said she knew it was hard to address everything she had been hearing, but she would ask Ms. Pethia to give the Board a couple of quick thoughts about what she is hearing regarding not needing this type of housing in the County.

Ms. Pethia said she would specifically address the affordable housing component of this discussion. She said the Board would recall that in 2018 and 2019, there was a regional housing needs assessment study completed. She said that at that time, the study identified a current need, and what they need today is 5,642 affordable rental units, specifically rental units. She said the study projects that by 2040, that need will increase to 7,670 rental units.

Ms. Pethia said looking at what is in the pipeline today, which is currently not 12,000 units, as the 12,000 number represents all types of housing units, including multifamily, single-family, and townhomes. She said the multifamily units are approximately 1,900 that are in the pipeline. She said if all of those were to include 15% affordable housing, which they do not, this would create 348 affordable housing units for rentals.

Ms. Pethia said there is a significant need for affordable rental housing. She said they also need affordable homeownership opportunities, but this is a far lower number and is approximately 2,400 by the year 2040.

Ms. McKeel said Ms. Pethia did a great job explaining. She said she had one more question, and she was not sure if it was for Mr. McDermott or others. She said there was discussion about how the County was supposed to complete Part 2 of its Rio Corridor Study, and she would ask Mr. McDermott to talk about that.

Mr. McDermott said for clarity, although the concepts have been presented to the Board, the actual document is still in review, so staff has not approved the Phase 1 report right now. He said Phase 2 is just getting underway, and a meeting would be held on that this week to kick it off.

Mr. McDermott said he did not think there was ever any timeline presented for when they were going to require the study to be completed in relation to this application that is before them, but he would say that at this point, he thinks they are far enough along with the evaluation of the corridor that they can make fairly confident decisions about the operations of the roadway that are occurring and what they need to continue to address any issues out there. He said they are at the point of the study where they have already seen and reviewed the background data, they know what improvements are necessary and now, they are just finalizing those. He said he does not think that anything would come out in moving further along in the study that staff is not already aware of that would inform a decision on this process.

Ms. McKeel asked Mr. McDermott if he was comfortable at that point with the road improvements that have been recommended and planned for already.

Mr. McDermott replied affirmatively, pointing out that in the TIA that was submitted by the applicant, they did do a more thorough evaluation of future development in the region by looking at some additional developments that were not evaluated during the first TIA and included this in their summary as well as in evaluation of operations with the proposed roundabout. He said the TIA does show that operations at Rio and John Warner Parkway will be significantly improved from current conditions, even with the proposed development.

Mr. McDermott said for example, they did an analysis of the overall operations of the intersection. He said if the current conditions show a level of service of D in the morning and E in the evening, and that is on a scale of A through F, with the building of this development and the future traffic conditions all combined, in 2023 staff expects that this be improved to a B level of service in the morning and a C level of service in the evening. He said this is peak hour level of service, and he does not think they could expect anything better from that.

Ms. McKeel said she looks forward to this and it sounds great. She thanked Mr. McDermott, Ms. Pethia, and Mr. Kamptner for the information.

Ms. Mallek said she had been taking notes and wanted to get some clarification, probably mostly from the applicant although others were welcome to pitch in as well. She said that in the past, there have been projects where they were designed so that people who moved into a small unit, as their family or means grew as their jobs got better, they could move in the same neighborhood to a slightly larger place. She said she wonders if that were something that would happen in the situation the way the application is designed.

Mr. Henry thanked Ms. Mallek for the question, noting it was a good one. He said the applicant has done neighborhoods like this, such as Riverside Village on Pantops. He said that in their business analysis of this project, there is enough demand for multifamily apartments here, considering the pipeline coming in Albemarle County, that they are confident these units will supply a portion of that need.

Mr. Henry said it is financially infeasible to have the staff that they need to lease and manage these apartments onsite with a much lower number of apartments, which is why one sees apartment communities designed as larger apartment communities or larger single-family and townhome communities. He said there are not many examples where they mix in and at Riverside Village, there is limited rental product. He said this was mostly a for-sale neighborhood by virtue of the zoning they were working with there. He said he hoped this answered Ms. Mallek's question.

Ms. Mallek said that it did, and she was keying in on what Mr. Henry just said about having staff onsite, as she is familiar with some 50-unit complexes in the district that she represents where management is the biggest problem, and they cannot afford to have someone there to take care of things all of the time. She said she does understand this.

Ms. Mallek asked Mr. Henry if he could provide more information about the improvements that she thought were all designed along Old Rio, the section between John Warner Parkway and Cochran's Mill, that is going to anticipate perhaps a future widening in that area, or if whomever could answer could take that question.

Mr. Henry said he was happy to provide an additional response and then, perhaps Mr. McDermott or Mr. Charles Rapp could opine if he left anything out. He said the road frontage improvements along Rio Road East will consist of widening onto the applicant's property for the turn lanes, and this is where the dedication to the public right-of-way calculation that is made in the application plan comes in. He said the difference between what the previous applicant had as dedication of public right-of-way and what is included in the applicant's plan is, from an acreage perspective, due to the "green T's," which take up more space. He said for the turn lanes the applicant is widening, it takes approximately 0.81 acres.

Mr. Henry said in addition to that, further into the site beyond the turn lanes, there will be a 10-foot public greenway trail, which is 10 feet wide, paved with asphalt 2 inches thick, gravel underneath, and compacted subgrade. He said there is a cross section the County uses as a standard that is included in the application plan.

Mr. Henry said there will be a number of feet for a green buffer between the greenway and the buildings, so the applicant thinks that between the edge of Rio Road and building frontage, it will be between 20 and 30 feet. He said they have flexibility to move the locations of the turn lanes and the greenway trail to respond to the results of the Smart Scale project, and they will be collaborating with VDOT and the County to make sure they get this in the right place. He said he believed they have

flexibility built into their plan with the language to allow some changes to occur there to respond to the design.

Ms. Mallek said she looked around at all the new buildings everywhere and wondered, "Where are these people coming from?" She asked Mr. Henry if he could talk about the vacancy rate across the region, as she has heard all sorts of different stories about how there is really very little vacancy, much less than one would expect in an area of the County's size. She said this is the math that she did not quite understand.

Mr. Henry replied that when the applicant considers looking at a project of this size with this amount of investment they are bringing to this location, they do a thorough market study leading up to the project proposal. He said it is hundreds of pages, so they hire a third-party expert that helps them understand what the demand is, how many units could be absorbed in different years, and what the pipeline looks like. He said they have data on every project that is coming in the County for the next 10 years, and this data is built into the applicant's models.

Mr. Henry said today, the vacancy rate for apartments in Albemarle County is 1%. He said what is considered a healthy vacancy rate in any market is something like 5%, and he does not think that Charlottesville has had north of a 5% vacancy rate for a decade, at least. He said this is because of the tightness in the market.

Mr. Henry said what the applicant's studies also show that was very surprising to him is that 30,000 commuters enter this market every day for work from counties outside of Albemarle or Charlottesville. He said those are people who are living in other areas and commuting into Charlottesville and Albemarle, using that infrastructure to get to their job. He said the applicant thinks if they can capture a portion of those commuters that want to live on their site, they will be closer to employment opportunities and other amenities in Albemarle County where they are already working, which will lower vehicle miles traveled.

Ms. Mallek said she appreciated the increases in the greenspace overall, and also the way the buildings are arranged compared to the earlier application. She asked what the three-story buildings height would be at the peak.

Mr. Henry replied that those buildings had not been fully designed, but there is a maximum of 45 feet in the application, so in no case will they be over that. He said that in some cases, they would be under that. He said there is a section of the property furthest south along Rio Road East that will be two stories, and this is in response to the Dunlora Forest neighborhood across the street, which has two-story homes. He said it will be between 35 and 45 feet.

Ms. Mallek said a residential house's zoning limit height is 35 feet at the peak, which is what her house is. She said she thinks that this helps her balance those two. She said where the topography is where the applicant has room to put a three-story building, it may not even show as being higher than the one in front of it. She said these were all her questions and thanked the applicant.

Ms. Price thanked her fellow Supervisors for the questions they asked, as they addressed most of the concern areas that she had for questions. She said she did have somewhat of a follow-up. She addressed Mr. Langille, stating that on Attachment E5, he showed a map of the County that reflects where in the County the site is located, but if then going to Attachment E6, this is zoomed in very close to this particular application. She said the first page of E5 zooms out a little bit, and the back page of E5 a little more. She asked Mr. Langille had any slides or representations of the Development Area for this part of the County so that she could get a broader picture of where this fits in.

Mr. Langille replied that he actually had several images, so he would share his screen again and flip through those. He said if there was one that Ms. Price would like to see in extent, to let him know.

Ms. Price said she appreciated this as it helps her to put it into the context.

Mr. Langille presented Attachment E6. He then presented Attachment E5, which shows the existing zoning map and Comprehensive Plan map, with the properties subject to the rezoning being circled in black.

Mr. Langille presented a map from the adopted Comprehensive Plan that shows the entire boundary of the County and each of the Development Area boundaries. He said the Development Area boundaries are those seen in different colors. He said green is the Village of Rivanna, yellow is Pantops, orange is Places29, purple is the Southern and Western Neighborhoods, and light blue is Crozet on the left-hand side of the image. He said everything seen in white represents the Rural Areas of the Comprehensive Plan, so the only areas that are in the Development Areas are those colored sections.

Ms. Price asked Mr. Langille to zoom in a little more so she knew exactly where in Rio the property shows up in the Development Area.

Mr. Langille presented an image showing the Places29 Development Area and said that within Places29, there are different neighborhoods. He said the properties that are part of Rio Point are near the bottom of the image and are outlined in a thick black line.

Ms. Price thanked Mr. Langille and said this was very helpful to put this into a County perspective. She said she had no further questions at the time but that she would have comments later.

Mr. Gallaway said it was his understanding that they did have an additional speaker that was signed up during the public hearing time but was not given the opportunity to speak. He said he would allow that speaker to speak during his questions section.

Mr. Rex Linville said he lives in the Samuel Miller District of Albemarle County and was speaking on behalf of the Piedmont Environmental Council (PEC). He said back in 2020, when Rio Point was before the Board for the first time as Parkway Place, his colleague Mr. Peter Krebs commented that the project in its proposed location made sense from a regional planning perspective because it is close to jobs, schools, and the important and popular greenway along John Warner Parkway, and it is on a significant transit route. He said these factors remained unchanged, as does PEC's general support.

Mr. Linville said in fact, the good progress the County has been making on neighborhood transportation enhancements during the intervening year, such as the sidewalks on East Rio and the successful Smart Scale proposal, make the site arguably even more sensible for this type of dense, urban development.

Mr. Linville said although the location is generally walkable, there is no denying that the proposed project will generate additional vehicle trips along the adjoining roads. He said this site, though, is about as central to Charlottesville as is possible while still being in Albemarle County, and having these trips originate adjacent to the urban core is preferable to having them originate further out along Rio Road, the 29 Corridor, or beyond.

Mr. Linville said simply put, development that is in close proximity to the community's urban core is likely to have a smaller environmental impact in comparison to housing developments that are located further out.

Mr. Linville said further, this type of close urban development is consistent with the Transportation Land Use section of the County's Climate Action Plan, for these very reasons. He said he applauds the work that has been done to improve the traffic concerns related to this project over the past year, and he appreciates the time and attention that this body and the County staff have put into this analysis. He thanked Ms. Borgersen and Mr. Gallaway for accommodating him and letting him speak late.

Mr. Gallaway said he had a slew of questions and would beg everyone's patience as he works through them. He said he would start with transportation and ask to go to the entrance of the project that shows the improvements being made. He said there had been an up-close view, perhaps in Attachment E3.

Mr. Langille presented the image on the screen.

Mr. Gallaway asked if Mr. Langille could move his mouse cursor as if it were a car coming up John Warner Parkway and turning right onto Rio Road East, to show him how the car travels. He said he presumed the gray line that looks like a road is the actual path and asked if this was correct.

Mr. Langille replied this was correct. He asked Mr. Gallaway if he could see the red laser pointer dot.

Mr. Gallaway replied affirmatively.

Mr. Langille indicated to a gray line, explaining that it represents the 10-foot multiuse path. He said beyond that, there is a white line that represents the travel way where the vehicle is heading south. He moved the red dot and said if the car is continuing past Rio Point's entrances, they would move as such. He said if they wanted to turn into the first right-in-only entrance, there is what is labeled as a 12-foot lane, which will be a right-turn taper lane. He moved the red dot along an arrow to show how they would turn into the development.

Mr. Langille said the same is true for the full access entrance, where there is a smaller right-turn taper lane that branches off from the through lane that would allow a vehicle to turn in.

Mr. Gallaway asked regarding the small area that dips down on the second entrance, what separates the turn lane from the walking path.

Mr. Langille replied that there will be curb-and-gutter, which is the County's standard and VDOT's standard.

Mr. Gallaway said Factor Favorable #6 said that this improves the traffic along this route. He asked how it does this.

Mr. Langille replied that this is part of what the TIA showed when looking at these proposed entrance improvements, in conjunction with the roundabout. He said as Mr. McDermott mentioned, this was factored into the wait times and traffic generation figures for this. He said overall, what the outcome shows is that with these entrance designs, the right-in-only and the full access entrance further south, these would be what is appropriate to have safe traffic flow into and out of this development.

Mr. Langille said it still maintains the north through lane and the southbound through lane, and it has separated turn lanes that will allow vehicles to get out of the way of cars that are trying to continue straight. He said there would not be a safety risk of cars hitting their brakes when trying to make a right turn into the development and if cars are trying to go straight, having a conflict with that. He said the taper lanes allow adequate area for vehicles to get out of the way and access the project.

Mr. Langille asked Mr. McDermott if he had anything he wanted to add beyond what he said.

Mr. McDermott said he believed Mr. Langille covered it. He said the entrances, as are proposed, are not going to impact existing traffic. He said they are just allowing the new traffic to be able to access the development without any impacts to the existing traffic. He said it is not necessarily that those turn lanes improve traffic on Rio, it is just that they allow the development without impacting existing traffic.

Mr. Gallaway said their favorite movement all along the Rio Road Corridor is any left turn out of the development. He said with the left turn here, they are going over the walkway, then there is a turn lane, and they are going over the two lanes. He said he assumed there was not a median there, and he did not know what the diagonal lines represented on the image.

Mr. McDermott said there would be no median there. He said making a left out of the development from that full access intersection would have to cross the traffic coming from the left and the right. He said the TIA does show that there will be some delay for vehicles coming out of that entrance, but of course, that is a delay for the development traffic and not for existing traffic. He said he thinks it is almost a minute at peak hour to get out of there, which is bothersome but not something that he would consider as a safety risk in any way.

Mr. Gallaway said if he were turning left out of it, he was now going across two lanes coming from his left. He said the traffic traveling west does not stop, and he could have cars waiting to turn to come in while he is turning left out of there. He asked Mr. McDermott to talk about how this works design-wise, adding that left turns are dangerous everywhere and that left turns on Rio Road are problematic further east on the road. He said they are contending with one lane going east and one lane going west. He said this will introduce some turning lanes into the project from both directions and a major walking path. He asked what they are doing to protect this left turn out of the development.

Mr. McDermott replied that there is nothing with the proposal that would protect that left turn. He said the previous application did have the protected left turn, the "green T" at that location, but they removed that in this case, for one reason because this would prevent the homes across the street from being able to make a left out or into their driveway. He said this is the reason why the applicant thought this was not the best idea. He said it will be a difficult turn. He said he thinks that for people leaving in the morning during that period, if it does not work for them, they will find other ways to get in and out of their development.

Mr. Gallaway said they are not going to find another way to get out of this development.

Mr. McDermott clarified that if they wanted to go to the City, they could make a right versus a left and take John Warner Parkway.

Mr. Gallaway said he understood. He said Mr. McDermott mentioned they had learned enough in the Phase 2 of the Corridor Study, and he asked Mr. McDermott what the corridor study says about this particular intersection, as he had not seen that yet.

Mr. McDermott replied that he has not seen an analysis of the corridor study for this entrance.

Mr. Gallaway asked if Phase 2 does not get to this, and if Phase 1 was just the parkway up to the first right turn in.

Mr. McDermott said this was correct.

Mr. Gallaway said Mr. McDermott mentioned something in his earlier comments about how additional developments were thought of in the traffic analysis. He said there are not too many developments left in this area. He asked Mr. McDermott what developments he was speaking of that were not there previously in the consideration.

Mr. McDermott replied that in the initial TIA that was done with the first application, they did not specifically analyze the traffic from the SOCA facility, nor the traffic from The Senior Center. He said this was a point that was raised during the review of that application. He said this one did come up with estimates for those two developments and included them.

Mr. Gallaway said he was trying to go through his notes and asked to be excused while he went through them. He thanked Mr. McDermott for his comments.

Mr. Gallaway then addressed Mr. Henry regarding the cost. He said this helps him understand when talking about character and who will be living somewhere based on the rents and the mix of bedrooms. He asked Mr. Henry if he could give an idea of the rents, and if they were rents like those at the Reserve at Belvedere, or like those at Treesdale, or like The Lofts at Meadowcreek. He asked what one will pay to live at Rio Point.

Mr. Henry replied that when the applicant does a market study for a project like this, they look at the most comparable buildings they can find, and they assume that they will be able to charge comparable rents to what they are charging. He said in this case, they looked at Arden Place, which is next to Fashion Square Mall, and the Reserve at Belvedere. He said he could get those estimates momentarily.

Mr. Gallaway said one-bedrooms are \$1,200 to \$1,400 at The Reserve, and then they go up from there. He asked Mr. Henry what he thought the affordable units would actually cost, such as \$1,000 or \$1,100 for a one-bedroom.

Mr. Henry replied that it would probably be in that range, north of \$1,000 and less than the \$1,400 market rate for a one-bedroom.

Mr. Gallaway asked about the timing. He said when the project was first before the Board, he did not vote for the application, and a big part of the reason was transportation planning in conjunction with all of the density that has already occurred in this area. He said there are a lot of things initiated and underway, and regarding the entrance, there is a corridor study that they have not had the chance to review to see related to Mr. Henry's suggestion here. He said they are almost there, and these things will be in front of them in a matter of months.

Mr. Gallaway prefaced by saying this was no judgment, but in terms of a project timeline, he would ask Mr. Henry why they need to get all of this rushed through or done quickly, from the applicant's perspective, before the corridor study is complete.

Mr. Henry replied that from the applicant's perspective, respectfully, the application has been considered by the County since 2019. He said they are well into year two of consideration, so from that perspective, he thinks it is time to have a decision made on whether this is an appropriate project in this location. He said the applicant thinks that significant progress has been made on the transportation concerns and the funding is in place now. He said for the corridor study, the applicant has been in close collaboration with Mr. Rapp and his team in the Planning Department to make sure their application aligns with where staff would like to see improvements on Rio Road and with what they have already uncovered as part of that corridor study.

Mr. Henry said the applicant thinks that if they are approved for the zoning case tonight, it is at least another 12 months to go through the site plan process with the County, and then it would probably be 18-24 months of construction before the buildings would open. He said they think this times out very well with the VDOT improvements that have already commenced. He said they were doing field surveying that day, and he believed Mr. McDermott and staff could speak more to the VDOT timeline.

Mr. Henry said that in a matter of three years, the project and infrastructure improvements would be complete, and the applicant thinks the traffic situation would be significantly enhanced by having the roundabout in place.

Mr. Gallaway said there was mention of it being 12 to 24 months if approved. He asked if by 24 months, the applicant would have the project done.

Mr. Henry replied that this was after site plan approval, so it would be 36 total months.

Mr. Gallaway said there had been a major transportation piece that was going to be done with the previous application regarding the "green T's," and the previous applicant had talked about the timing of doing that work before doing everything else. He asked if timing-wise, from the current applicant's construction, they would not be having that kind of impact on the roadway, though there would be some impact based on the turn lanes. He asked how this phases in. He said this is a community that he feels is unique because it is his district, but over the last 10 years, they have seen a lot of development and work around them, including major road projects that are now going to be redone by VDOT. He asked what kind of the timeline the community would be expecting or seeing from this project. He asked if the applicant would build the front first, then the back, for instance.

Mr. Henry replied that from a construction phasing standpoint, it was hard to say exactly when in the project they would address the Rio Road frontage improvements. He said he thinks there is some flexibility there, so they could work with staff to make that as preferable as possible. He said the application plan does commit them to completing the Rio Road frontage improvements before the first certificates of occupancy are issued, so there would be no traffic entering or leaving the site from a residential perspective until all of those infrastructure improvements along Rio Road are in place and certified by VDOT.

Mr. Gallaway said regarding the one building that will be two stories, he understood that this was obviously from community input, but there is a Phase 2 for Dunlora Park that is not yet built that would be right across from the second building that faces Rio Road. He asked if any consideration was given to making both those buildings two stories, or if that did not pencil well.

Mr. Henry replied that he believed the last phase of Dunlora Park is three-story townhomes, so he thinks the building heights would be very similar.

Mr. Gallaway said it has actually changed, and he does not think they are doing townhomes anymore. He said it will be a lower building.

Mr. Henry said this was new information, as he knew that townhomes were approved in that location. He said it would be difficult for the applicant to commit at this point to reducing building height further from where they already have. He said he thinks it is helpful to point out that there is significant single-family construction in this area and existing homes, but there are also multifamily higher building heights, even along Rio Road East, with the Lofts at Meadowcreek, which are six stories, and another multifamily project directly across from that. He said it is not inconsistent with the surrounding land use patterns.

Mr. Gallaway asked if any element of this, such as the park or trailhead, comes under ARB approval. He said he knew that because this was residential, it would not be ARB along the entrance corridor.

Mr. Langille replied that he could take this question. He said that although this project is residential, since it is apartments, this is subject to ARB review, which includes the residential buildings in addition to the park. He said the park would have to get a site plan approval through the County and given that these projects are in the entrance corridor, it would go through ARB as well. He said the notes on the application plan actually specify that in addition to CD staff, staff from Parks and Recreation will have a review on the proposed design and different facilities that are in the park at the corner of the project.

Mr. Gallaway said he would finish with affordable housing. He said he understood Mr. Henry's rationale for everything that he answered earlier but given the fact that the Board did pass Housing Albemarle, and even though the incentive portion is still being worked out, they did say that if anyone wanted to bring forward ideas to have incentives considered or suggested for a project, the Board would certainly be open to considering that. He said he did not mean to sound judgmental but doing it under the old policy allows an easy, quick efficiency to happen. He said to inspire to the new Housing Albemarle plan would require something different. He asked if this was considered and if any thoughts were given to if they could have done this. He said he was curious as to why they were not trying to reach or aspire to the new plan that was passed in June.

Mr. Henry replied that this was a great question that he appreciated Mr. Gallaway bringing up. He said it was perhaps illustrative for the Board to understand how the applicant thought about it. He said the initial application proposed by the previous developer was north of 400 units in this location, and they had lowered that over time to make it more palatable to the community. He said the major lever in the analysis of how many affordable units the applicant can provide onsite has to do with the density they get on the site. He said there is always the tradeoff between more density and more affordability because obviously, the project is supported by the revenue that is being generated from those units. He said if the revenue is lowered, they have to have more units to get to the same result.

Mr. Henry said that from the applicant's perspective, they considered if they had to meet the County's new requirement that was enacted after the project application was completed, and they would have wanted to have significantly more units onsite to offset the additional units at lower rent that are now being requested by the County's affordable housing policy. He said this was in addition to the time it would take to get the application processed, which would put them all the way back to public notice and a new application. He said the cost of carrying land and soft costs grow exponentially the longer this takes.

Mr. Gallaway thanked Mr. Henry for his reply. He said he believed all his questions were answered. He said if he had other questions, he would bring them up as he looks through his notes. He said the Board would typically go through to make comments, so he would see if there were any additional questions and/or comments that Board members wished to make.

Ms. LaPisto-Kirtley said she understood that Mr. Henry was in a Catch-22; that if he did go with more affordable units, which some residents are asking for, this causes him to have to have a new application and delays the project by potentially two more years on top of what they are already doing. She asked if this was correct.

Mr. Henry replied this was correct, and he added that as previously stated, the applicant does own the land today, so the interest cost goes up which, on that size property, is significant.

Ms. LaPisto-Kirtley said she understood. She said she likes the fact that there is the transition from two stories closest to Rio East to three stories, unlike some other developments that have five stories. She said she appreciated the fact that the applicant was not going more than three stories. She said there is also a clubhouse and swimming pool, so it sounds like there is a real sense of community there.

Ms. LaPisto-Kirtley said what she thinks is important for people to realize is this that is a Development Area. She said the County has specific Development Areas as they look at the map of the entire County. She said there is Rio29, some in Crozet, Pantops, and 5th Street Extended. She said those areas are where the homes and apartments are going to be built. She said not everyone can afford a home, and not everyone wants a home. She said some people want to live in apartments and do not want to have the hassle of maintaining a home.

Ms. LaPisto-Kirtley said she knows the TIA shows improvements for ingress and egress also along Rio East. She said she believed it was Mr. McDermott who talked about the LOS (Level of Service)

that would go to B and C, from D and E. She said where she lived before, it was F even after significant improvements. She said the fact that there can be an LOS go to B and C is actually quite commendable.

Ms. LaPisto-Kirtley said this is a project that she supported before, and it is a project that she continues to support. She said she thinks it will be a project that they can be proud of. She said no one wants density, but in a Development Area, that is what one gets. She said from what she has seen the applicant build, they build some beautiful buildings and apartments. She said this is very much appreciated.

Ms. LaPisto-Kirtley said this is something she supported before and will continue to support.

Ms. Palmer said she did not have any more questions but would make a couple of comments. She said she wanted to thank everyone who came to speak that evening, adding that she feels their pain. She said again, however, as with Ms. LaPisto-Kirtley, she voted for this the first time around, and she did so because it is in the Development Area and is so close to the center of Charlottesville. She said it has a pathway and everything the Board has spoken about. She said she thinks the majority of the objections that night have been covered well by staff, although not every single one, as to what to expect of the roads, greenspace, amenities, pathways, etc.

Ms. Palmer said she would continue to vote for the project again this time, but she wanted to thank everyone for speaking. She said she knows that she really listens, as well as everyone on the Board. She said they do not always agree, but they definitely all pay very close attention and read everything that the community sends to them.

Ms. McKeel thanked Mr. Henry for answering the questions, as well as staff. She thanked the public for asking the questions. She said she thinks they did try that night to at least hit most of the questions they heard from the public repeatedly. She said she has a lot of comfort at this point with this project, so she would be supporting it, as she did in the past as well. She said she thinks the applicant has worked hard to accommodate what they need with greenspaces and connections. She thanked the applicant for the public parking area and trails as she thinks it is outstanding.

Ms. McKeel said she would not go through all of the notes again, as people had been talking about them, but the infrastructure for the roads is great. She said it had not been mentioned, but while she recognizes that Albemarle High School is over capacity, this project is not swinging that at all. She said the School Board is working, and they have lots of plans between the County and the school system to look at the Lambs Lane campus and see what they can do to make it larger to add more students to it.

Ms. McKeel said she heard Mr. Henry talk about the number of cars coming into the community, and the number 30,000 was in her head. She said thinking about this, many of those people should be living in the community and not driving cars into the community. She said if they talk about climate change in dealing with their carbon footprint, she encourages getting these people living in the community where they can take transit, as the Board is working on transit as well. She said this was a good and appreciated point about trying to get these people to come home and not have to leave all the time to live in another community, where they often spend money in other communities.

Ms. Mallek said she only came up with one more question; if the shared use path that is described in gray along the Old Rio section will be constructed as part of the applicant's project, or will the right-of-way will just be donated. She said she could not tell from looking at the plan.

Mr. Henry replied that it will be constructed as part of the project.

Ms. Mallek said this was great news. She said she did not think they actually came to a solution about how to protect the left-turn driver coming out, so that is something they may have to work on with real engineers, rather people like herself coming up with those ideas.

Ms. Mallek said this has been such a journey, and it has been hard for her because of all the changes that they have seen in the community for over 20 years. She said for someone who has seen a lot of changes since 1950, when she was born, one has to be understanding of all of these things in different ways. She said she did have huge concerns with the earlier application because of the unaddressed transportation issues that were there, flattening the hilltop, and making all the buildings jump out of the ground instead of nestling down into the ground. She said she has seen a lot of transformation from the former project to this new one that makes her much more supportive.

Ms. Mallek said she understands completely the transfer of the application from one person to another, as this is exactly what happened with the J.B. Barnes project in Crozet, where the owner and another developer began the process. She said they ran into a rigamarole and sold the project to another, who picked up the application in the same place and kept marching along.

Ms. Mallek said she is glad that the transportation amenities have researched a significant level where they can actually be effective. She said they must remember that \$15 million was spent on the John Warner Parkway. She said it took 40 years to save up enough money to do that. She said while it occasionally backs up at the light, it does carry a lot of people and takes many cars off of Rio Road, as well as cars off of 29. She said for that, she thinks it has been very successful.

Ms. Mallek said she sees lots of people walking and biking on the John Warner Parkway trail and having this middle connection possible on this application will improve the ability for people with strollers or who don't want to go bike riding to be able to use that beautiful linear park.

Ms. Mallek said the millions of dollars that have already now been funded for the roundabout makes her heart happy, as that has been in the plan since 2002. She said here they are, and it has only been 20 years, but they will get there. She said this was great news.

Ms. Mallek said because of the reduced environmental impact, and because it is a central location to where the real population core is in the County, this is what has sprung her to be able to support the project.

Mr. Gallaway said he did find another question that he wanted to ask. He asked if regarding the transit stop, there was any consideration given at some point to making the transit stop internal to the site and not just along Rio Road. He asked why the stop couldn't be inside of the development.

Mr. Henry replied that the short answer was no; that it had not come up as a consideration. He said it was not because the applicant was opposed to it, but it seemed that the logical place for a public transit stop would be in the public right-of-way. He said there is a significant amount of flexibility in the proffer for that transit stop. He said the applicant will build it and pay for it on their site, in the right-of-way, or provide cash to the County to build it elsewhere or across the street. He said he believed there is an existing bus stop there that needs improvement.

Mr. Henry said the reason for the flexibility is that there are changes being considered in the Regional Transit Plan that may impact this route, as far as he understood. He said the applicant is reacting to that, and they do not have enough information today to decide where it should be.

Mr. Gallaway said his thought was about the school buses going in. He said right now, school buses are stopping on Rio Road, and they are bringing kids up to Rio Road to get onto the bus. He said they are stopping the traffic to load them in front of another apartment complex, whereas if the school bus got off of the site and internal to the spot, they are not stopping traffic, and he thinks it is safer for kids to enter a bus.

Mr. Gallaway said if they put a transit stop out there, he would imagine this becomes a very convenient place for the school bus to also stop. He said it does not have to be, but it could be. He said regarding the fact it is covered, he does not think he has a covered bus stop anywhere in Rio. He said he has poles next to Rio Road, and one is lit. He said he is thrilled there will be a transit stop, but coming right off of the roundabout, when they just talked about the thousands of cars that traverse there, even with the turn lanes, he wonders if more thought should be given to the fact that this transit stop and/or buses to get into the site might be more prudent. He said he would leave this to the applicant to discuss based on people's comments about support for the project.

Mr. Henry said this was a good point.

Mr. Gallaway said it was worthy of a conversation. He asked if there was not going to be a problem with buses being able to get in and out of there by the way this was being conceived.

Mr. Henry replied no. He said the point he wanted to make was that the site is being reviewed by Fire and Rescue and because of the height of the buildings, they will have a 26-foot-wide travel lane for Fire and Rescue so they can get a hook-and-ladder truck in there. He said if they can do that, then a school bus will fit.

Mr. Gallaway thanked Mr. Henry for that point. He said this is a very frustrating project from so many different angles. He noted Ms. Price raised her hand.

Ms. Price asked if she could also make comments.

Mr. Gallaway asked if he had skipped her.

Ms. Price answered yes.

Mr. Gallaway thanked Ms. Price for raising her hand and alerting him. He apologized.

Ms. Price addressed Mr. Henry. She said fully appreciating the cost of carrying a pending application on him or any other developer, this is not a consideration that the County needs to take into account when they reach their decision on appropriate land use. She said she did not mean to be callous as she did appreciate and respect that, but she wanted to point out that the Board has to make their decision based on other considerations as the applicant makes theirs based on part on that.

Ms. Price said when this came up last year in June, she was the third Supervisor to indicate lack of support, which brought it into a 3-3 tie and the deferral. She said she stated that because of her concerns over transportation, traffic infrastructure, and safety. She said she would also publicly say that of all of the votes that she has had as a Supervisor in two years, that one has been on her mind more than any others, as she questions whether this was the right decision or not. She said sometimes, it is better to be lucky than good, and she feels like they have a better application in front of them today than they did then.

Ms. Price said she appreciates the changes that were made, such as reducing the number of buildings from 10 to nine and increasing the open space from 5.5 to 8.5 acres. She said she does not believe that the topography of the land was suitable for commercial on John Warner Parkway and if it were to open up onto Rio, she thinks it would add even more complexity to the traffic situation there.

Ms. Price said her understanding is that based upon what Mr. Langille had provided, up to 104 to 614 maximum density based on the existing master plan, the 328 applied-for maximum density would only be 53% of that. She said she was impressed that 57% of the land within the development will be greenspace. She said she is impressed that parks were included.

Ms. Price said to all of the community members who corresponded with the Board and called in that night, she read every one of their emails and has seen the significant number of local community members who have expressed their strong opposition to this plan, which raises the significance of the whole question of governance, where there is a Comprehensive Plan, a master plan, and the whole concept of the Development Area and Rural Area. She said the Supervisors have to balance these overall community needs, sometimes in contrast, though not always, with a local community that may be opposed to it, but governance comes down to making those decisions.

Ms. Price said one of the comments received from several people was to turn the land into park land, and as she looks at a satellite view and map view of the area, where McIntire Park and Pen Park are in close proximity, and where there is the greenway along John Warner Parkway, it strikes her that there is more greenspace in this particular area of the County than in any other area at least north of Route 250. She said she sees that this particular section of the County has a substantial amount of greenspace that is within close proximity.

Ms. Price said she would ask Mr. Kamptner if the emails he provided in response to the questions from the community be made a part of the record of this, as she thinks it is important, they be able to document that all of the questions that were raised to the County and to the Board with regard to the legality of this application have been addressed and responded to by Mr. Kamptner.

Ms. Price said if they want to increase affordability, they have to increase supply, as this is just basic supply and demand.

Ms. Price said the 30,000 commuters is a figure she has heard from a number of sources and in a number of hearings. She said that as several of the Supervisors mentioned, if they want to work on their Climate Action Plan, one of the ways to do that is to have those residents living within Albemarle County and not commuting from outside of the County.

Ms. Price said one of the things that troubled her when she voted against this application the last time was its close proximity to alternative modes of transportation into Charlottesville, and when looking at this location within the Development Area, basically right next to Charlottesville, it is the ideal location for this. She said she is concerned if all they do is put all of their apartments on a single corridor, for example 29 North, as she has seen this in other communities where her parents live in Atlanta. She said Peachtree Industrial Boulevard is a major artery, and it is nothing but apartments on either side of it.

Ms. Price said she believes that the community is better served within the Comprehensive Plan, and the other constraints that we impose, by finding a mixture of housing which allows individuals to start, for example, in an apartment, move to a townhouse or smaller home, move to a larger home and then, when they no longer need the larger home, move back into smaller ones, which allows them to stay within the community and not move to an entirely different section of the County.

Ms. Price said she believes that more density should be right on the major roads as opposed to in the middle of neighborhoods because then they keep more of the traffic towards the major roads rather than have people drive through the neighborhoods.

Ms. Price said she was very appreciative of Mr. Linville's comments about the benefits that this development would bring to the community. She said she understood for two reasons why the applicant was proposing 15% affordable housing, as this was the standard when the application begun and while the County has recently moved to 20%, they have not yet adopted the incentive packages that would go along with that. She said as they all know, if one increases the affordable housing, then one must increase the cost of the units that are not affordable housing.

Ms. Price said she sees this overall to be a very good blend and mix. She said she does share the angst that many of the members of the local area have expressed in their opposition to this, but she does believe upon balance that this is the right project, in the right location, and is the best thing for the County. She said she does support it.

Mr. Gallaway said the hard part for him was that he felt like they got so close, based on where his mind was on this application when it was first in front of the Board. He said he did not believe he made any arguments against the density. He said there are going to be those who just do not like density and do not want any development, which he understands. He said he understands where they come from, but the main piece was planning and infrastructure when the application was first there, and he feels like timing wise, they almost got there.

Mr. Gallaway said they are not quite there yet. He said they have a corridor study that is confirmed that the roundabout is the right solution. He said they have a theoretical idea that could help the Belvedere intersection, and those are two critical pieces that then determine how the flow of the entire corridor works, especially along East Rio. He said this adds to that.

Mr. Gallaway said to him, regarding the intersection for the entrance and exit lane, if he could have his perfect world, the corridor study would be complete, and this process and application would go back before the Planning Commission so that they can consider this project with the input and information from the corridor study. He said it did not go back to the Planning Commission, and this is perfectly right and proper. He said the Board can make their decisions without that advice.

Mr. Gallaway said this was something the Planning Commission specifically called out that had not been initiated or even funded, and the fact that they almost got it fully complete, and it will be complete in a matter of months, it would have been nice to have this project go back to get the Commission's input based on the finished corridor study. He said this is not about looking at individual intersections and figuring out what is best for a particular entrance, exit, or roundabout intersection, but rather it was supposed to help the Board conceptualize and plan the entire corridor so that it all works together in a proper fashion.

Mr. Gallaway said he was frustrated that the application came before the Board before the corridor study was done, and he was equally frustrated that some comments were made that they have learned enough already from the corridor study to be able to make some of those decisions, as he does not feel like he has had some of that information, especially in the Phase 2 portion. He said Phase 1 still has things to be considered, such as the lighting of the exit or "green T" from Belvedere.

Mr. Gallaway said he was also equally frustrated that this does not aspire to the Housing Albemarle plan that the Board put forward. He said with an out-of-area developer who perhaps does not know or have their finger on the pulse of what is going on in the community, he would maybe expect that. He said that in this situation, however, he would have hoped that this could have aspired to that plan, perhaps even suggesting what incentives could have come forward to help them achieve a higher level of actual affordable units.

Mr. Gallaway said frankly, the 15% mark, as has been well-said in affordable housing conversations, has not worked for this community. He said the 15% with density bonus has not been a tool that has worked for them. He said they have all said it, or at least shook heads when other people have said it, so the fact that they are now going to allow another large development to go forward and claim that this is in the name of affordable housing, as an affordable housing component, he does not think that it goes far enough.

Mr. Gallaway said this is one of the last big areas in the Rio District that can be developed. He said when they look at this, they ask what they are getting for allowing that development and frankly, he would have liked more to happen for affordable housing based on what the Board passed in the past year.

Mr. Gallaway said in terms of things he likes about the project; he does appreciate the trailhead and the fact that the trail is there. He said from the get-go, from the previous application, this will be an amenity that people will enjoy, and he hopes they can have good conversation, once this is turned over to the County, about how this will be kept up along with the roundabout area, based on other median conversations that have been had regarding roadways throughout the County.

Mr. Gallaway said he wishes the second building would have been two stories. He said with the height there along that road, it would have been nice to have the two three-story buildings be two stories. He said he does hope that the conversations with both the transit stop and the left exit out occur, as they have so many left-turn issues along Rio Road. He said he hopes it will be well-thought to make sure that the left turn out for the people living on the project will be feasible as safely as possible versus hitting the gas and going for it, which is the current approach with many left turns onto Rio Road.

Mr. Gallaway said his hope when he initially voted against this project was that the project is not approved until such time a corridor plan was completed and considered, then the application considered after that. He said he would not be supporting the project for those reasons.

Mr. Gallaway said he would say, as a final comment, that many of these projects have come down to either being for them because one wants the density or affordable housing, or against it, and those people often get classified as NIMBYs. He said he thinks it is more complex than that, especially in this situation over the last 10 years, outside of Dunlora specifically, that Belvedere get built. He said they have had Dunlora Gates, Dunlora Forest, the Reserve at Belvedere, Dunlora Park Phase 1 (with Phase 2 to come), Dunlora Ridge, The Center, SOCA is now up and running, 999 Rio Road is yet to be built with small homes and another small commercial building, Treesdale Apartments, Treesdale Way, Penfield Lane, the Lofts at Meadowcreek, and the huge Lochlin Hill development, which is both in the City and the County.

Mr. Gallaway said that over the last 10-plus years, this community has seen a ton of development and density come up around them. He said one will notice that much of the input from two years ago has changed to not just being against density, while some of those still exist, to the mixture of the housing types and having a mind open to what could go in to fill that density, which he appreciates. He said he thinks this helps them attack the middle density.

Mr. Gallaway said this community is looking at another 5 to 10-plus years of construction happening. He said they have a sidewalk project happening right now, which he knows they will appreciate. He said they will see this project's construction happen, the other by-right developments that still remain, and another major VDOT project happening within 10 years of the last one. He said this community has dealt with a lot of development activity in and around them, and he hopes for their sake that once it is done, it all works. He said he certainly voted how he thinks it should go, but after 20 years of development and density building up around them, they need a break. He said he is looking forward to when that time comes, for their sake.

Mr. Gallaway said everyone had voiced their comments. He asked if any additional questions or comments needed to be made. He heard none.

Mr. Gallaway said that as he would not be supporting the project, he would ask another Supervisor if they wished to make the motion.

Ms. Price **moved** that the Board adopt the Ordinance (Attachment H) to approve ZMA201900008 Rio Point.

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

AYES: Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Ms. Price.

NAYS: Mr. Gallaway.

Mr. Gallaway congratulated Mr. Henry and wished him luck on his project.

Mr. Henry thanked Mr. Gallaway.

Mr. Gallaway thanked Mr. Langille.

Mr. Langille thanked Mr. Gallaway.

ORDINANCE NO. 21-A(11)
ZMA 2019-00008

AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX PARCELS 06100-00-00-16700 AND 06100-00-00-167C0

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2019-00008 and their attachments, including the application plan last revised on June 4, 2021 and the proffers dated August 3, 2021, the information presented at the public hearing, any comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-19.1, 18-33.4, and 18-33.6, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2019-00008 with the application plan last revised on June 4, 2021 and the proffers dated August 3, 2021.

* * *

REZONING APPLICATION PLAN FOR
RIO POINT DEVELOPMENT
 COUNTY OF ALBEMARLE, VIRGINIA
 ZMA 2019-00008
 04/02/2021

NOTES

TAX MAP PARCEL AND OWNER INFO: 06100-00-00-16700
 TOTAL ACRES: 1.58 AC
 06100-00-00-167C0
 TOTAL ACRES: 25.73 AC
 123 EAST MAIN ST 5TH FLOOR
 CHARLOTTEVILLE, VA 22902

TOTAL ACRES (BOTH PARCELS): 27.31 AC

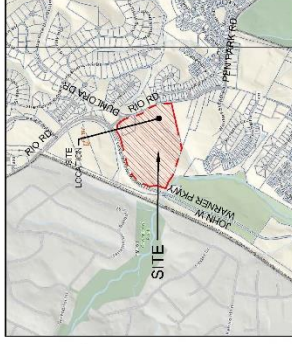
EXISTING ZONING: R-4 RESIDENTIAL

PROPOSED ZONING: PLANNED RESIDENTIAL DEVELOPMENT (PRD)

MAGISTERIAL DISTRICT: RIO

SOURCE OF SURVEY, BOUNDARY, AND TOPOGRAPHY: TIMMONS GROUP
 DATED 12/11/2020

WATER AND SEWER: ALBEMARLE COUNTY SERVICE AUTHORITY



VICINITY MAP
 1"=2000'

DEVELOPER:
 RIO POINT LLC
 123 EAST MAIN STREET
 CHARLOTTEVILLE, VA 22902

ENGINEER OF RECORD:
 TIMMONS GROUP
 608 PRESTON AVE. SUITE 200
 CHARLOTTEVILLE, VA 22903
 CONTACT: CRAIG KOTARSKI, P.E.
 TELEPHONE: (434) 327-1688

Sheet List Table

Sheet Number	Sheet Title
SHEET 0	COVER SHEET
SHEET 1	SITE LAYOUT PLAN
SHEET 2	NOTES
SHEET 3	GRADING PLAN
SHEET 4	FRONTAGE IMPROVEMENTS

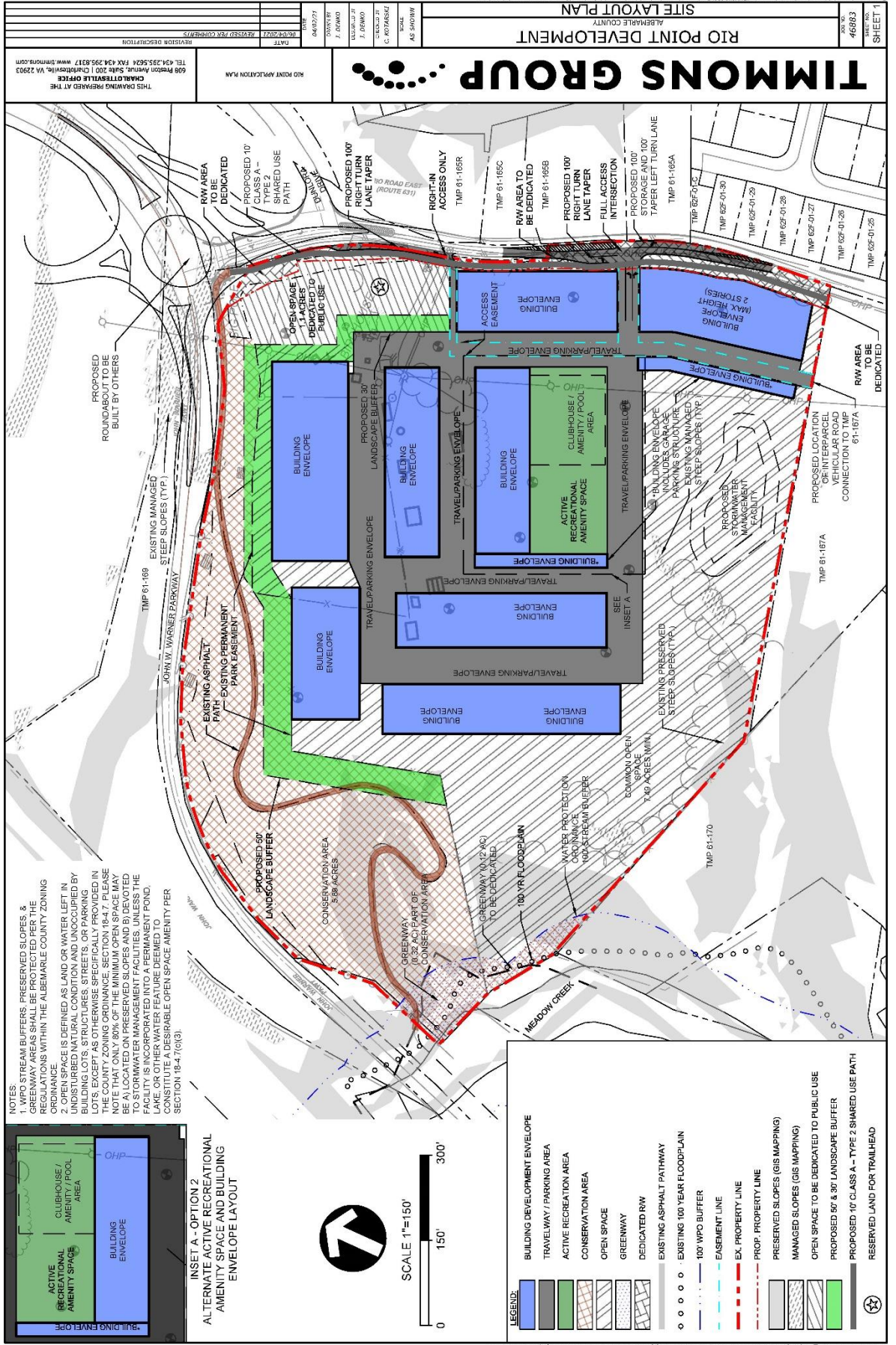
NUMBER OF SHEETS = 5

THIS DRAWING PREPARED AT THE
 CHARLOTTEVILLE OFFICE
 608 PRESTON AVENUE, SUITE 200 | CHARLOTTEVILLE, VA 22903
 TEL: 434.325.5624 FAX: 434.325.8317 WWW.TIMMONS.COM

TIMMONS GROUP

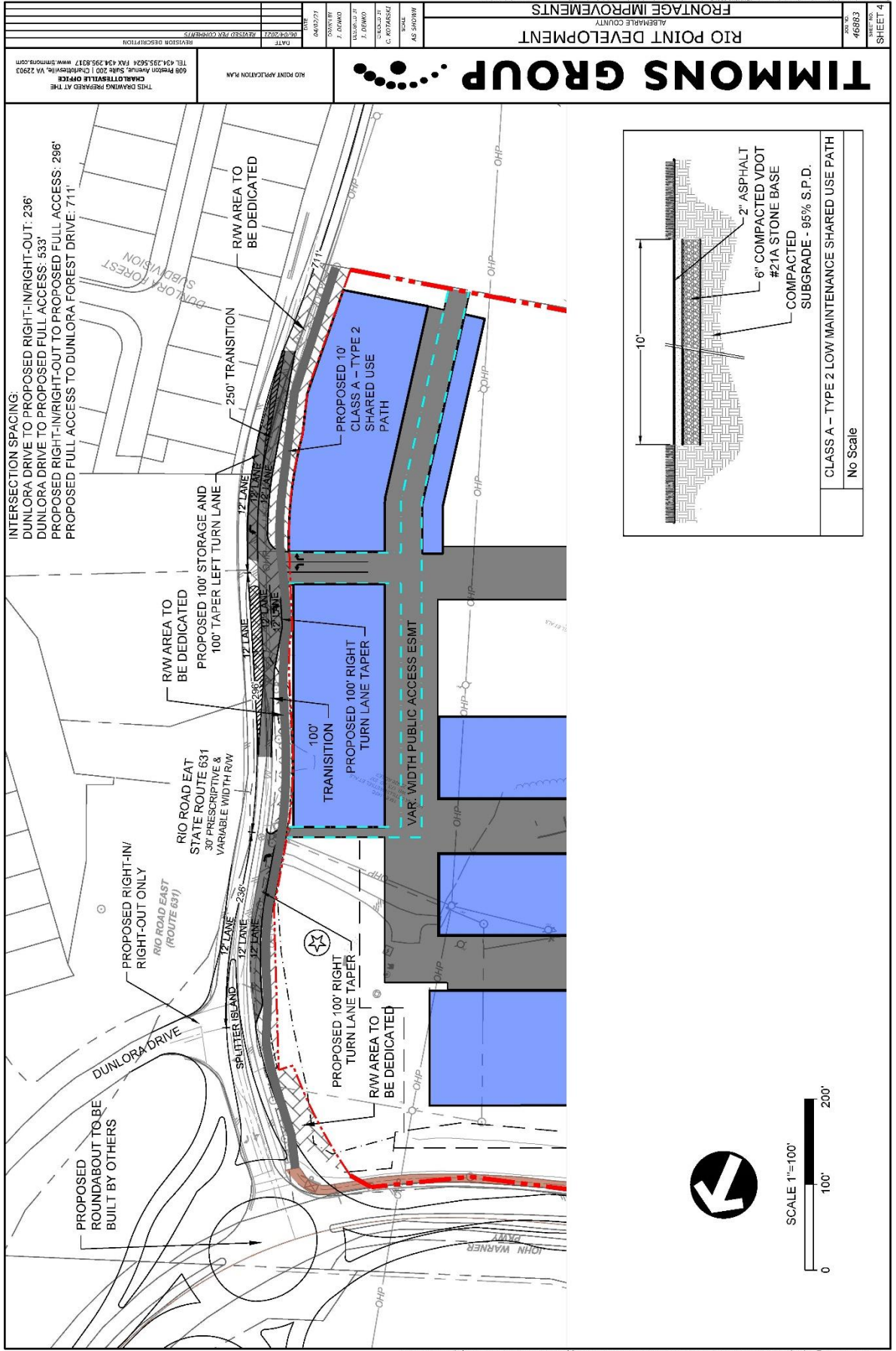
RIO POINT DEVELOPMENT
 ALBEMARLE COUNTY
 COVER SHEET

DATE	04/02/21
DRAWN BY	J. BOWMAN
CHECKED BY	J. BOWMAN
DESIGNED BY	C. KOTARSKI
SCALE	N/A
SHEET NO.	46883
SHEET TOTAL	5





S:\10346893\W\B\B\ Property\DWG\SH\DC\46883_C3_01.GRDING.dwg | Plotted on 07/20/21 12:19 PM | by Jessica Davis



INTERSECTION SPACING:
 DUNLORA DRIVE TO PROPOSED RIGHT-IN/RIGHT-OUT: 236'
 DUNLORA DRIVE TO PROPOSED FULL ACCESS: 533'
 PROPOSED RIGHT-IN/RIGHT-OUT TO PROPOSED FULL ACCESS: 296'
 PROPOSED FULL ACCESS TO DUNLORA FOREST DRIVE: 711'

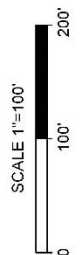
THIS DRAWING PREPARED AT THE
 608 PIMMONT AVENUE, SUITE 200 | CHARLOTTE, VA 22903
 CHARLOTTE TRAFFIC ENGINEERS
 TEL: 434.255.5624 FAX: 434.295.8317 WWW.TIMMONS.COM

DATE	6/8/2021
DESIGNED BY	J. BUNARD
CHECKED BY	J. BUNARD
IN CHARGE	C. KOTRASSI
SPECIAL	AS SHOWN

TIMMONS GROUP

RIO POINT DEVELOPMENT
 ALBERMARLE COUNTY
FRONTAGE IMPROVEMENTS

JOB NO. 46803
 SHEET NO. 8



CLASS A - TYPE 2 LOW MAINTENANCE SHARED USE PATH
No Scale

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA 2019-00008

Project Name: Rio Point (formerly, **Parkway Place**)

Tax Map and Parcel Number(s): **06100-00-00-167C0 and 06100-00-00-16700**

Owner(s) of Record: **Rio Point, LLC**, a Virginia limited liability company

Date: August 3, 2021

Approximately 27.31 acres to be rezoned from **R-4 Residential** to **PRD – Planned Residential Development**

Rio Point, LLC is the sole owner (the “Owner”) of Tax Map and Parcel Numbers 06100-00-00-167C0 and 06100-00-00-16700 (the “Property”), which is the subject of rezoning application ZMA 2019-00008, a project known as “Rio Point ” (the “Project”). The Rezoning Application Plan for Rio Point Development, prepared by The Timmons Group, comprised of a cover sheet (Sheet 0), the Site Layout Plan (Sheet 1), Notes (Sheet 2), Grading Plan (Sheet 3), and Frontage Improvements (Sheet 4), dated April 2, 2021, last revised June 4, 2021 is referred to herein as the “Application Plan”.

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. The Owner and applicant specifically deem the following proffers reasonable and appropriate, as conclusively evidenced by the signature below.

1. Road Improvements:

(a) Upon written request by Albemarle County, Owner shall dedicate approximately 0.82 acres of land (“Dedicated Area”) for the future John Warner Parkway and Rio Road Roundabout, road frontage improvements, and shared use pathways, as shown on the Application Plan. The Dedicated Area shall be dedicated within ninety (90) days of the request by Albemarle County. The Owner shall bear the costs of preparing the subdivision plat necessary for the dedication of the Dedicated Area to Albemarle County. The Owner shall provide a general warranty of title in the deed conveying the Dedicated Area.

(b) Upon written request of Albemarle County, but no later than five (5) years following the approval of ZMA 2019-00008, the Owner shall make a cash contribution toward the future John Warner Parkway and Rio Road Roundabout

improvements. Within ninety (90) days of receipt of the County's request, the Owner shall contribute to the County's Capital Improvement Program (CIP) fund Seven Hundred and Fifty Thousand Dollars (\$750,000.00) as a cash contribution toward such improvements.

(c) Owner shall design and construct certain road improvements along Rio Road, including turn lanes, as shown on Sheet 4 of the Application Plan (the "Proposed Road Improvements"). The Proposed Road Improvements are conceptual and are subject to change based on County and VDOT recommendations. The Owner shall substantially complete the construction of the road improvements along Rio Road in accordance with final road plans approved by County (the "Rio Road Improvements") prior to issuance of the first certificate of occupancy for the Project. The Rio Road Improvements shall be deemed "substantially complete" by one or more of the following methods, whichever occurs first: (i) the Albemarle County Engineer or its designee determines them to be complete; (ii) they are constructed and inspected and the VDOT construction bond is released, or (iii) a VDOT official otherwise confirms that they are substantially complete.

2. Trailhead Park.

(a) The Owner shall construct amenities in the trailhead park within the "Open Space, +/- 1.1 Acres," as noted on sheet 1 of the Application Plan and as approved by the County Parks and Recreation Department (the "Trailhead Park"). The Owner shall substantially complete the Trailhead Park amenities, (to consist of a minimum of 12 parking spaces, benches, trail connections, landscaping, public art and a gazebo or other small structure), prior to issuance of the first certificate of occupancy.

(b) Upon written request by the County, the Owner shall dedicate to the County by special warranty deed of fee simple title or grant of perpetual easement, whichever is preferred by the County, for no consideration, the approximately 1.1-acre Trailhead Park, as shown on the Application Plan. Upon dedication, maintenance of the Trailhead Park will be the responsibility of the County (unless the County conveys its interest in the Trailhead Park to the City of Charlottesville, in which case the City shall maintain it). The Owner shall provide and maintain the public access easement to the Trailhead Park as shown on the Application Plan. The Owner must make the necessary subdivision application for dedication within ninety (90) days of receipt of the County's request and shall complete the dedication within thirty (30) days of receipt of final subdivision approval.

3. Transit Stop.

(a) The Owner shall construct a public transit stop (the "Transit Stop") on the Property along the frontage of Rio Road East. The Transit Stop shall be designed and constructed in coordination with, and shall be approved by, the appropriate County

authority and shall incorporate a shelter, a rest bench, pedestrian access, and signage all in accordance with minimum standards consistent with similar existing public transit stops located within the County. The Transit Stop shall be installed and completed concurrently with the Rio Road Improvements. If any portion of the Transit Stop is located on the Property, the Owner shall dedicate it to public use or grant an easement as necessary to allow for the public access and usage of the Transit Stop.


(b) Notwithstanding the provisions of subparagraph (a), following approval of ZMA 2019-00008, should the County prefer that a transit stop be constructed in the location of the current bus stop on City-owned property (Tax Map 06100-00-00-16900) on the north side of Rio Road East, or (b) should the County elect to receive funds for constructing the Transit Stop in lieu of the Owner's construction of the Transit Stop, the County shall notify the Owner in writing of the election to receive a cash contribution in lieu of the Transit Stop, and the Owner shall contribute Twenty Thousand Dollars (\$20,000.00) to the County's Capital Improvement Program (CIP) as a cash contribution for construction of the Transit Stop in either location. The Owner shall make the cash contribution within sixty (60) days from written request of the County.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.]

Signature Page for Proffer Statement for Rio Point, ZMA 2019-00008
TMPs 06100-00-00-167C0 and 06100-00-00-16700

OWNER:

RIO POINT, LLC,
A Virginia limited liability company

By: 

Manager
Chris Henry

{2864483-1, 121567-00004-03}

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Agenda Item No. 19. From the Board: Committee Reports and Matters Not Listed on the Agenda

Ms. Mallek said one thing she had forgotten to mention earlier that day was how successful she thinks the presentation was on the community read that was online last week. She said the panel discussion and reading materials were certainly very effective. She said while she was out in the garden a year ago, she listened when the previous panel with the Monacans was on, and she is grateful that this effort is happening and was well done.

Ms. Price said as Ms. LaPisto-Kirtley started off the Supervisor comments earlier that day, she would also thank Ms. Palmer and wish her a farewell. She said she would like to end the meeting with that appreciation and tone. She thanked Ms. Palmer for her public service, adding that she knows her public service will continue because she had already let her know the things that she would keep working on for the benefit of the County and community members. She said it has been a pleasure serving with her.

Ms. Palmer thanked Ms. Price.

Mr. Gallaway said he regretted that he had some personal business and was unable to attend the beginning of the meeting that day, for two reasons. He said one was to wish Ms. Amelia McCulley well, as he knows she was recognized at the beginning of the meeting. He said Ms. McCulley has been an

educator for him, and he loves her approach. He said she does it with humor, directly, and is not afraid to speak truth to everyone. He said Ms. McCulley does this in such a matter that it makes one want to learn from her rather than feeling chastised. He said he appreciates her approach and commends her for her many years of service in the County. He said he wishes he could have said that while Ms. McCulley was present.

Mr. Gallaway said the second reason was for Ms. Palmer. He said the thing that strikes him the most about serving with everyone are the types of questions that are asked by other Supervisors, which are not usually the ones that he thinks to ask. He said this makes working as a Board so wonderful because they will get everyone's input. He said to Ms. Palmer that frankly, the questions she asks many times are very much appreciated by him to get at the angle at which she considers topics. He said this has been much appreciated.

Mr. Gallaway said he would be remiss, if it was not mentioned earlier, not to mention Ms. Palmer's mantra of "death, taxes, and trash" as the givens that do not ever go away, as he knows she has mentioned it so many times. He said her membership on the Board will be missed, and he thanked her for everything that she has allowed him to learn from her over the years. He said as Ms. Price mentioned, he looks forward to Ms. Palmer's continued involvement.

Ms. Palmer thanked Mr. Gallaway. She said she appreciated everything she has learned and taken from the Board.

Agenda Item No. 20. Adjourn to December 22, 2021, 1:00 p.m., 2055 Abbey Road, Charlottesville Virginia.

At 9:37 p.m., Mr. Gallaway adjourned the Board meeting to December 22, 2021, 1:00 p.m., at 2055 Abbey Road, Charlottesville Virginia.

Chair

Approved by Board
Date 3/16/2022
Initials CKB